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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 34

[Docket No.: FAA-2023-2434; Amdt. No. 34-7]

RIN 2120-AL83

Control of Non-Volatile Particulate Matter From Aircraft Engines: Emission Standards and Test Procedures

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

ACTION: Final rule; confirmation of effective date and response to public comments.

SUMMARY: This action confirms the effective date of the final rule published on April 24, 2024, and responds to the comments received on that final rule. The FAA published a correction on May 7, 2024, to the final rule that established a compliance date of 90 days after the effective date. The rule adopts standards for measuring non-volatile particulate matter (nvPM) exhaust emissions from aircraft engines. With this rulemaking, the FAA implemented the nvPM emissions standards adopted by the Environmental Protection Agency (EPA), allowing manufacturers to certificate engines to the new nvPM emissions standards in the United States, and fulfilling the statutory obligations of the FAA under the Clean Air Act.

DATES: The effective date of the final rule published on April 24, 2024 (89 FR 31078), is confirmed as May 24, 2024. Compliance was required by August 22, 2024.

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

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Ralph Iovinelli, Office of Environment and Energy (AEE-300), Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591; telephone (202) 267-3566; email Ralph.Iovinelli@faa.gov.

For legal questions concerning this action, contact Jacob Keohane, Office of the Chief Counsel (AGC-200), Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591; telephone (202) 355-5491; email jacob.w.keohane@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

Non-volatile Particulate Matter (nvPM) is a standard for measuring the amount of solid particles (*e.g.* soot, *etc.*) emitted by an aircraft. The Environmental Protection Agency (EPA) has adopted nvPM-based standards for aircraft engine emissions and certification test procedures to replace the old “Smoke Number” (SN) standard.¹ On May 24, 2024, the Federal Aviation Administration (FAA) implemented EPA’s nvPM standard in *Control of Non-Volatile Particulate Matter From Aircraft Engines: Emission Standards and Test Procedures* (89 FR 31078).

The FAA was statutorily required (*see* 42 U.S.C. 7572; Clean Air Act sec. 232) to incorporate the EPA’s nvPM emissions standards into its own regulations and apply the regulatory requirements that will allow applicants to demonstrate compliance with the emissions standards at the time of engine airworthiness certification. Because the FAA does not have authority to make changes to the standards or procedures adopted by the EPA, and because the EPA issued its proposed rule for notice and sought public comment on these standards and test procedures prior to promulgating them on November 23, 2022, the FAA published the standards as a final rule with request for comment instead of seeking comment beforehand (*see* 5 U.S.C. 533(b)(3)(B), outlining the requirements under the Administrative Procedure Act for waiving prior notice and comment in informal rulemaking).

¹ 87 FR 72312 (Nov. 23, 2022), *Control of Air Pollution From Aircraft Engines: Emission Standards and Test Procedures*.

In its final rule, the FAA requested comment from interested parties regarding the parts of that rulemaking that adopted the certification regulations in 14 CFR part 34 and implemented them at the time of aircraft engine certification. This document is a response to those comments.

Discussion of Comments

The FAA received six comments on the rule, addressing several issues. The FAA received comments from five organizations and an individual.

Many comments raised the issue of compliance dates. The rule was originally published without a compliance date, but a compliance date of 90 days after the effective date of May 24, 2024, was added to the rule when the FAA published a correction to the final rule on May 7, 2024.² A trade association wrote a comment in support of the standard. One commenter raised issues of environmental justice that are out of scope regarding this FAA rulemaking, as the FAA lacks authority to change EPA emissions standards.

The FAA has determined that no changes to the final rule are necessary based on the comments received.

A. Ultrafine Particles and Environmental Justice Issues

One commenter suggested that the FAA’s Aviation Environmental Design Tool (AEDT) model include all particulate matter including ultrafine particulates (UFP) for mass and made additional comments on other various subjects including: EPA addressing environmental justice, EPA certification of engines, EPA technology following regulations, EPA regulation of UFP, limiting engines that may operate at a single location, health analysis for airports, and data input to models.

The nvPM standards adopted by the FAA include UFP, which are defined as particles in the atmosphere smaller than 100 nanometers in diameter. Particulate emissions from aircraft engines covered by this rule range from approximately 5 to 40 nanometers (nm) in diameter. The EPA and FAA worked together to implement nvPM regulations per the Clean Air Act (CAA) and the United States’ responsibilities under the

² 89 FR 37971 (May 7, 2024), *Control of Non-Volatile Particulate Matter From Aircraft Engines: Emissions Standards and Test Procedures; Correction*.

International Civil Aviation Organization (ICAO) Conventions. The other subjects this commenter raised are beyond the FAA's authority and are addressed in the EPA final rule.³

B. Purported Change in Emissions Standards

One commenter stated that the FAA does not have the authority to change the emissions standards adopted by the EPA. That commenter argued that the FAA "changed the nvPM standard set by the EPA in 40 CFR 1031.140(f)" by adopting thrust (F_N) as the correlating factor instead of the combustor inlet temperature (T_3) as adopted by the International Civil Aviation Organization (ICAO). It referenced "Section 4.2.2 of ICAO ETM Doc 9501, Fifth Edition, 2023 and EPA 40 CFR 1031.140(f)" as evidence.

The EPA limits are based on thrust, not combustor inlet temperature. See 40 CFR 1031.140(f). The EPA limits for nvPM are contained in 40 CFR 1030.60(b), which sets particulate limits in terms of particulate mass per kilonewton (maximum rated thrust output). These regulations do not set T_3 as the correlating factor.

Furthermore, in ICAO Annex 16 Volume II, Section 4.2.2, all applicable limits are stated in terms of "maximum rated thrust" not " T_3 ". In 40 CFR 1031.140(f) of the EPA regulations, only the equipment and procedures of Annex 16 Volume II are incorporated by reference. The regulation states: "Use the equipment and procedures specified in ICAO Appendix 7 and ICAO Appendix 6, as applicable." There is no mention of any limits in this section.

Emissions testing using T_3 is acceptable when an approved thrust vs T_3 correlation curve is available for the engine being tested.

C. Showing of Compliance, Foreign Emissions Standards

Two commenters made the following identical statement: "Regarding the rule being effective May 24, 2024; this does not provide adequate time to compile, submit, approve, and revise the required FAA paperwork given the multiple engines in production by multiple Aircraft Engine manufacturers feeding into one FAA office." In addition, the same two commenters also stated concerns about compiling the information required by 14 CFR 34.73(e) for submittal.

Although the initial rule did lack an implementation timeframe for

manufacturers to show compliance, the FAA subsequently issued an amendment to the rule change, Amendment 7A, that added an implementation requirement time of 90 days after the effectivity date of the rule as 14 CFR 34.25(d).

The data reporting requirements shown in § 34.73(e) list the data currently needed to show compliance. This is the same data needed to determine the final approved values for ICAO Annex 16 Volume II. The FAA needs this data to verify the results and conduct appropriate oversight when reviewing submitted reports for approval. Reports showing compliance should include the data used for that showing and how it was obtained. Manufacturers that have already submitted compliance reports to a foreign authority can use data compiled for those reports to show compliance with this requirement. Therefore, the FAA concludes 90 days to be sufficient.

In response to Amendment 7A, another commenter stated, "Most engine manufactures have already shown EASA that their in-production aircraft engines meet ICAO CAEP/10 and CAEP/11 nvPM standards equivalent to the nvPM limits described in 14 CFR 34.25 at Amendment 7A." The commenter requested that the compliance deadline be extended to 240 days after the effectivity date, arguing that, since most manufacturers have already shown EASA that their engines meet ICAO Annex 16 Volume II, an even later deadline to show compliance with the FAA rule would not harm the public. The commenter also stated its perception that this rule amendment was intended to apply to in-production aircraft as well as engines.

This rule does not hold up shipment of aircraft, because part 34 applies only to engines, not aircraft. Once the engines were type certificated and shipped, they became valid engines. There is a misperception that this requirement extends to airplane manufacturing as well as engines. The applicability section in 14 CFR 34.25 only considers the manufacturer date of the engines. These requirements are only applicable to engines produced by the engine manufacturer after January 1, 2023.

Moreover, as noted above, manufacturers that have already submitted compliance reports to a foreign authority can use data compiled for those reports to show compliance with this requirement. Therefore, the FAA concludes the 90-day deadline to show compliance with this rule to be sufficient.

D. 90% Confidence Interval

A commenter asked why the FAA included a requirement for a 90% confidence interval at 14 CFR 34.73(d), since this requirement is not included in ICAO Annex 16 Volume II, Appendix 1.

The FAA concludes it is in harmony with the international community because ICAO Annex 16 Volume II, Appendix 6, "Compliance Procedure for Gaseous Emissions, Smoke, and Particulate Matter Emissions," recommends demonstrating a 90% confidence interval. The FAA concludes this recommendation should be mandatory to ensure that the data provided to the FAA is appropriately representative of the population. Under United States domestic law, all mandatory regulations must be in the CFR, not supplementary guidance documents. Therefore, the FAA has included this requirement here.

E. Standard Temperature Correction

One commentor questioned the necessity of correcting for standard temperature and pressure, as indicated in the preamble of the rule, and the commentor posed the same comment on 14 CFR 34.73.

The FAA notes that 14 CFR 34.73 correctly refers to the standard temperature and pressure (STP) corrections detailed in ICAO Annex 16 Volume II, Appendix 7. Section 3.1 of that Appendix requires the applicant to "determine nvPM at STP". Per this requirement, nvPM must be corrected to STP. The FAA also notes that corrections to standard temperature and pressure are generally automatically included in the instrumentation.

F. Typographical Errors

Some commenters pointed out several typographical errors ("typos") in the preamble of the final rule, which the FAA acknowledges. They are:

- The preamble refers to ICAO Annex 16 Volume II, Appendix 1, rather than to the correct reference of Appendix 7. (89 FR 31082)
- The end applicability date of the SN standard is given as January 1, 2023, as opposed to January 1, 2020. (89 FR 31087)
- The FAA preamble reads "manufactures" in a line of text that should read manufacturers." (89 FR 31083)

A commenter also observed that the definition for "reference day condition" includes the phrase ". . . the measured smoke, nvPM, and gaseous emissions must be corrected." 14 CFR. 34.1 ("Reference day condition"). The FAA

³ 87 FR 72312 (Nov. 23, 2022), *Control of Air Pollution From Aircraft Engines: Emission Standards and Test Procedures*.

acknowledges that “smoke” was erroneously included in this definition, as there are no corrections to reference day conditions required for smoke measurements. However, regarding nvPM emissions, the FAA notes that corrections to reference day conditions are required, and that the measurement instrumentation corrects to reference day corrections.

For clarity, a commenter suggested that the internal references in § 34.73(c)(1) include a greater level of detail, specifically:

- Paragraph (c)(1)(i)(B), when referencing “paragraph (c)(1),” should reference “paragraph (c)(1)(i)(A).”
- Paragraph (c)(1)(ii)(B), when referencing “paragraph (c)(1),” should reference “paragraph (c)(1)(ii)(A).”
- Paragraph (c)(1)(ii)(C), when referencing “paragraph (c)(1),” should reference “paragraph (c)(1)(ii)(B).”
- Paragraph (c)(1)(iii)(B), when referencing “paragraph (c)(1),” should reference “paragraph (c)(1)(iii)(A).”

The FAA thanks this commenter for its detailed and accurate suggestions. The FAA is declining to make these suggestions at this time, as such changes are not necessary.

G. Average of One

A commenter noted that 14 CFR 37.73(c)(1)(iii)(D) requires an “average” of engines tested, but “[w]hat is missing is saying that this average has to be done if several engines have been tested.”

The FAA concludes that adding additional text to § 34.73(c)(1)(iii)(D) is not necessary as taking the average of a single engine does not change the results of the calculations.

H. Comments in Support

Finally, the FAA received positive feedback from multiple organizations.

Conclusion

After consideration of the comments submitted in response to the final rule with request for comment, the FAA has determined that no further rulemaking action is necessary. Therefore, amendment 34–7 remains in effect.

How To Obtain Additional Information

A. Rulemaking Documents

An electronic copy of a rulemaking document may be obtained by using the internet—

1. Search the Federal eRulemaking Portal (www.regulations.gov);
2. Visit the FAA’s Regulations and Policies web page at www.faa.gov/regulations_policies/ or
3. Access the Government Printing Office’s web page at www.gpo.gov/fdsys/.

Copies may also be obtained by sending a request (identified by notice, amendment, or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9680.

B. Comments Submitted to the Docket

Comments received may be viewed by going to www.regulations.gov and following the online instructions to search the docket number for this action. Anyone is able to search the electronic form of all comments received into any of the FAA’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.).

C. Small Business Regulatory Enforcement Fairness Act

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

Issued under authority provided 49 U.S.C. 40101, *et seq.*, in Washington, DC, on November 18, 2024.

Brandon Roberts,

Executive Director, Office of Rulemaking.

[FR Doc. 2024–27390 Filed 11–22–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2537; Project Identifier MCAI–2024–00631–E; Amendment 39–22892; AD 2024–24–02]

RIN 2120–AA64

Airworthiness Directives; Safran Helicopter Engines, S.A. (Type Certificate Previously Held by Turbomeca S.A.)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Safran Helicopter Engines, S.A. (Safran) Model ARRIUS 2F engines. This AD was prompted by a report of an uncommanded in-flight shut-down (IFSD) of a Safran Model ARRIUS 2F engine, followed by an investigation that revealed the IFSD was due to a missing lubricating and balancing groove on one of the bearings of the fuel control unit (FCU) fuel pump related to a non-conforming manufacturing process. This AD requires removal of the affected fuel pump from service and replacement with a serviceable part, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 10, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 10, 2024.

The FAA must receive comments on this AD by January 9, 2025.

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 www.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 www.regulations.gov under Docket No. FAA–2024–2537; 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 final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: ADS@easa.europa.eu; website: easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu.

- You may view this material at the FAA, Operational Safety Branch, 1200

District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at *regulations.gov* under Docket No. FAA-2024-2537.

FOR FURTHER INFORMATION CONTACT:

David Bergeron, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (860) 386-1805; email: *david.j.bergeron@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2024-2537; Project Identifier MCAI-2024-00631-E” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule 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 final rule.

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 AD 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 AD, 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 AD. Submissions containing CBI should be sent to David Bergeron, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD 2024-0202-E, dated October 22, 2024 (EASA AD 2024-0202-E) (also referred to as the MCAI), to correct an unsafe condition on all Safran Model ARRIUS 2F engines. The MCAI states that an occurrence was reported of an uncommanded IFSD of an ARRIUS 2F engine, followed by a hard landing, and that the following investigation revealed that the IFSD was caused by a missing lubricating and balancing groove on one of the bearings of the FCU fuel pump due to a non-conforming manufacturing process. A subsequent quality analysis identified a population of FCUs possibly affected by the non-conforming manufacturing process. This condition, if not corrected, could result in a significant reduction of the control of a single engine helicopter.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA-2024-2537.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024-0202-E, which specifies procedures for replacement of the affected parts with serviceable parts. The MCAI also specifies prohibiting installation of affected parts on an engine. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA’s Determination

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

AD Requirements

This AD requires accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to

use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and CAAs to use this process. As a result, EASA AD 2024-0202-E will be incorporated by reference in this final rule. This AD, therefore, requires compliance with EASA AD 2024-0202-E in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2024-0202-E. Service information required by the EASA AD for compliance is available at *regulations.gov* under Docket No. FAA-2024-2537.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for “good cause,” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because missing lubricating and balancing grooves on the bearings of the FCU fuel pump, if not corrected, could result in an uncommanded IFSD, and a significant reduction of the control of a single engine helicopter. The FAA has determined that because this condition can occur without warning, these FCUs need to be removed from service within 15 flight hours or 30 days, whichever occurs first after the effective date of this AD. These compliance times are shorter than the time necessary for the public to comment and for publication

of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons

the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good

cause to adopt this rule without prior notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 5 engines installed on helicopters of U.S. registry.

The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace the FCU	1 work-hour × \$85 per hour = \$85	\$20,650	\$20,735	\$103,675

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

This AD will not have federalism implications under Executive Order 13132. This AD will 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 that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866, and

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

2024-24-02 Safran Helicopter Engines, S.A. (Type Certificate Previously Held by Turbomeca S.A.): Amendment 39-22892; Docket No. FAA-2024-2537; Project Identifier MCAI-2024-00631-E.

(a) Effective Date

This airworthiness directive (AD) is effective December 10, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Safran Helicopter Engines, S.A. (type certificate previously held by Turbomeca S.A.) Model ARRIUS 2F engines, as identified in European Union Aviation Safety Agency (EASA) Emergency AD 2024-0202-E, dated October 22, 2024 (EASA AD 2024-0202-E).

(d) Subject

Joint Aircraft System Component (JASC) Code 7314, Engine Fuel Pump.

(e) Unsafe Condition

This AD was prompted by a report of an uncommanded in-flight shut-down (IFSD) of a Safran Model ARRIUS 2F engine, followed by an investigation that revealed the IFSD was due to a missing lubricating and balancing groove on one of the bearings of the fuel control unit (FCU) fuel pump related to a non-conforming manufacturing process. The FAA is issuing this AD to detect and correct missing lubricating and balancing

grooves on the bearings of the FCU fuel pump. The unsafe condition, if not addressed, could result in an uncommanded IFSD and a significant reduction of the control of a single engine helicopter.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD: Do all required actions within the compliance times specified in, and in accordance with EASA AD 2024-0202-E.

(h) Exceptions to EASA AD 2024-0202-E

(1) Where EASA AD 2024-0202-E requires compliance from its effective date, this AD requires using the effective date of this AD.

(2) This AD does not adopt the "Remarks" section of EASA AD 2024-0202-E.

(3) Although the service information referenced in EASA AD 2024-0202-E specifies to return the FCU to a Repair Center approved by Safran Helicopter Engines, this AD requires removing those parts from service.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2024-0202-E specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

For more information about this AD, contact David Bergeron, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (860) 386-1805; email: david.j.bergeron@faa.gov.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (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) European Union Aviation Safety Agency (EASA) Emergency AD 2024-0202-E, dated October 22, 2024.

(ii) [Reserved]

(3) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: ADs@easa.europa.eu; website: easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu

(4) You may view this material at the FAA, 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 20, 2024.

Steven W. Thompson,

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

[FR Doc. 2024-27641 Filed 11-21-24; 11:15 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2024-2524; Airspace Docket No. 24-AWA-3]

RIN 2120-AA66

Amendment of Class C Airspace; Austin, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Austin-Bergstrom International Airport, TX, Class C airspace description by updating the airport reference point (ARP) geographic coordinates for the Austin-Bergstrom International Airport to match the FAA's National Airspace System Resource (NASR) database. Additionally, minor editorial changes are made to the airspace description

header information format. This action does not change the boundaries, altitudes, or operating requirements of the Class C airspace area.

DATES: Effective date 0901 UTC, February 20, 2025. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11J, 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, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington DC 20597; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267-8783.

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 the 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 updates the information in the Austin-Bergstrom International Airport, TX, Class C airspace description to match the FAA NASR database.

History

During a recent review of the Austin-Bergstrom International Airport, TX, Class C airspace description, the FAA identified that the Austin-Bergstrom International Airport ARP geographic coordinates were incorrect. This action updates the airport ARP geographic coordinates to match the FAA NASR

database information and makes minor editorial changes to the airspace description header format. There are no changes to the boundaries, altitudes, or operating requirements of the Class C airspace area resulting from this action.

Incorporation by Reference

Class C airspace areas are published in paragraph 4000 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. FAA Order JO 7400.11J is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

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

The Rule

This action amends 14 CFR part 71 by updating the Austin-Bergstrom International Airport, TX, Class C airspace description. The airport ARP geographic coordinates are updated from "lat. 30°11'41" N, long. 97°40'12" W" to "lat. 30°11'40" N, long. 97°40'12" W" to match the FAA NASR database information. Additionally, the airport name is removed from the first line in the text header of the description and replaced by the city location of the airport to follow the current formatting standard.

This action consists of administrative changes only and does not affect the boundaries, altitudes, or operating requirements of the Class C airspace. Therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

Regulatory Notices and Analyses

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

number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of making administrative changes to the Austin-Bergstrom International Airport, TX, Class C airspace description qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 4000 Class C Airspace.

* * * * *

ASW TX C Austin, TX [Amended]

Austin-Bergstrom International Airport, TX
(Lat. 30°11'40" N, long. 097°40'12" W)

That airspace extending upward from the surface to and including 4,500 feet MSL within a 5-mile radius of the Austin-Bergstrom International Airport, and that airspace extending upward from 2,100 feet MSL to and including 4,500 feet MSL within a 10-mile radius of the Austin-Bergstrom International Airport.

* * * * *

Issued in Washington, DC, on November 18, 2024.

Richard Lee Parks,

Manager (A), Rules and Regulations Group.

[FR Doc. 2024–27486 Filed 11–22–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 10009]

RIN 1545–BQ54

Advanced Manufacturing Investment Credit Rules Under Sections 48D and 50; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final regulations (TD 10009), published in the **Federal Register** on October 23, 2024. The final regulations implement the advanced manufacturing investment credit and special 10-year credit recapture rule established by the CHIPS Act of 2022 to incentivize the manufacture of semiconductors and semiconductor manufacturing equipment within the United States.

DATES: These corrections are effective on December 23, 2024.

FOR FURTHER INFORMATION CONTACT: Lani Sinfield of the Office of Associate Chief Counsel (Passthroughs and Special Industries) at (202) 317–4137 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 10009) subject to this correction sets forth amendments to the Income Tax Regulations (26 CFR part 1) under sections 48D and 50(a) of the Internal Revenue Code.

Correction of Publication

Accordingly, FR Doc. 2024–23857 (TD 10009), appearing on page 84732 in the **Federal Register** on Wednesday, October 23, 2024, is corrected as follows:

- 1. On page 84736, in the third column, in the first partial paragraph, the sixth line, remove “made” and add “make” in its place.

- 2. On page 84737, in the first column, in the last partial paragraph, the seventh line, remove “county” and add “country” in its place.

- 3. On page 84739, in the first column, in the first partial paragraph, the sixth line, remove “7805” and add “7805(a)” in its place.

- 4. On page 84741, in the first column, in the last partial paragraph, the fifth line from the bottom of the page, remove “III.I.” and add “III.F.” in its place.

- 5. On page 84741, in the second column, in the last partial paragraph, the third line, insert “the” between “to” and “operation”.

- 6. On page 84742, in the second column, in the first partial paragraph, the sixteenth line, insert a comma between “offices” and “administrative”.

- 7. On page 84743, in the second column, in the last partial paragraph, the sixth line, remove “grows wafers” and add “grow wafers” in its place.

- 8. On page 84745, in the third column, in the only full paragraph, the ninth line from the bottom of the paragraph, remove “§ 1.48D–2(g)” and add “§ 1.48D–2(h)” in its place.

- 9. On page 84746, in the third column, in the last partial paragraph, the fifth line from the bottom of the page, remove “county” and add “country” in its place.

- 10. On page 84749, in the third column, in the last partial paragraph, the twentieth line, insert the word “is” between “property” and “placed”.

§ 1.48D–0 [Corrected]

- 11. On page 84751, in the third column, under the heading “§ 1.48D–4 *Advanced manufacturing facility of an eligible taxpayer.*”, the seventh line, add a period after the word “general”.

§ 1.48D–2 [Corrected]

- 12. On page 84753, in the first column, in § 1.48D–2, the second line of paragraph (a), remove “(o)” and add “(p)” in its place.

§ 1.48D–5 [Corrected]

- 13. On page 84758, in the third column, in § 1.48D–5, the seventh line

of paragraph (c)(1), insert the word “the” between “on” and “nature”.

Aron L. Cosby,

Federal Register Liaison, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

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DEPARTMENT OF JUSTICE

28 CFR Part 81

[Docket No. CRM 120; AG Order No. 6090–2024]

RIN 1105–AB57

Implementing the Child Pornography Victims Reserve

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule finalizes with changes the Notice of Proposed Rulemaking (“NPRM”) published by Department of Justice (“Department” or “DOJ”) to implement the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, which established the Child Pornography Victims Reserve to provide defined monetary assistance to eligible individuals who are depicted in child pornography that is the basis for certain convictions.

DATES: This final rule is effective November 25, 2024.

FOR FURTHER INFORMATION CONTACT:

Catherine Pierce, Senior Advisor, Office for Victims of Crime, 810 7th Street NW, Rm. 2246, Washington, DC 20531, telephone (202) 307–6785 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Executive Summary

Congress established the Child Pornography Victims Reserve (“Reserve”) to provide defined monetary assistance to eligible individuals who are depicted in child pornography that is the basis for certain convictions under chapter 110 of title 18. The Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018 (“the AVAA” or “the Act”), Public Law 115–299, secs. 4–5, 132 Stat 4383, 4385–88, codified at 18 U.S.C. 2259, 2259A, and 2259B, and 34 U.S.C. 20101(d). Under 18 U.S.C. 2259(d), a United States district court may order payment from the Reserve to a victim of a defendant convicted in Federal court of trafficking in child pornography depicting that victim. The Department,

pursuant to this final rule, will make a payment from the Reserve to such child pornography victims based on orders obtained in United States district courts.¹

The Department published an NPRM on June 5, 2023, Implementing the Child Pornography Victims Reserve, 88 FR 36516, proposing to implement the AVAA, and received public comments.

The Department is now issuing this final rule pursuant to 18 U.S.C. 2259B(c), which provides that the Attorney General shall issue regulations to implement the payment of defined monetary assistance out of the Reserve. This final rule outlines procedures for persons to request to apply through the Department for a court order determining eligibility and directing payment of defined monetary assistance. It is not intended to limit how a claimant might seek an order for defined monetary assistance directly from a court.

As set forth in more detail below, if a claimant chooses to proceed through the Department, the Department may present the claimant’s application for a court order. (“Claimant” means the person who claims to be a victim of trafficking in child pornography and to be eligible for the defined monetary assistance under 18 U.S.C. 2259(d), and “victim” or “victim of trafficking in child pornography” means a person whom a Federal court has determined, under 18 U.S.C. 2259(d)(1)(B), to be a victim of trafficking in child pornography.) The Department will provide payment from the Reserve to the victim (or an authorized representative, if applicable) pursuant to a court order issued under 18 U.S.C. 2259(d)(1)(C), upon receipt of the order and the requisite information from the claimant following instructions on the Department’s website for this program: <https://www.justice.gov/DMAVR>.

The final rule also sets forth procedures by which persons may submit requests to the Department, including through their attorney, a legal guardian (in the case of claimants under the age of 18 or who are incompetent, incapacitated, or deceased), or a representative authorized by the claimant, which includes a personal representative of an estate (for deceased claimants) (collectively, “authorized

representative”). The final rule is procedural in nature, implementing a process by which a claimant may request that the Department facilitate the claimant’s request that a court make a determination of eligibility pursuant to the eligibility requirements of the Act. It does not create new rights or impose obligations independent of the statute, and it does not create an attorney-client relationship between the claimant and any Department attorney.

II. Background

Under Federal law, victims of child pornography offenses are entitled to full and timely restitution from defendants charged and convicted in Federal court, including restitution for losses caused by conduct such as the possession, receipt, viewing, transportation, and distribution of child pornography. *See* 18 U.S.C. 2259. Restitution is imposed upon an individual criminal defendant by a Federal court in connection with sentencing, and the obligation to pay restitution is part of the defendant’s criminal sentence. *See id.*; *see also* 18 U.S.C. 3663A. The Federal Government bears the burden of proving that the defendant owes restitution to a victim, although a defendant can agree to pay restitution as part of a plea agreement. In order for a court to impose a restitution obligation on a child pornography trafficking defendant, the Federal Government, represented by the prosecutor, must prove the following:

- **Victim status:** This element means that the person seeking restitution is a victim, *i.e.*, that the person has been harmed as a result of the commission of a Federal child pornography trafficking crime.

- **Losses:** This element refers to the amount of losses incurred by the victim, both since the offense took place and that are reasonably projected to be incurred in the future. There is no statutory limit on how much restitution may be ordered to be paid to a victim, but there must be a sufficient evidentiary basis to prove that all of the losses have been or are reasonably projected to be incurred. The statute permits recovery for the following types of losses: medical services relating to physical, psychiatric, or psychological care; physical and occupational therapy or rehabilitation; necessary transportation, temporary housing, and child care expenses; lost income; reasonable attorneys’ fees, as well as other costs incurred; and any other relevant losses incurred by the victim. 18 U.S.C. 2259(c)(2). Restitution losses are limited to actual monetary losses and should not be confused with amounts of money a victim might be

¹ This rule uses the term “child pornography,” instead of the currently preferred term “child sexual abuse material,” to match the language used in the Act. To avoid using the term “child pornography” in resource and application materials directed to potential claimants, however, the Department will describe the Child Pornography Victims Reserve established by the Act as the “Defined Monetary Assistance Victims Reserve” in such resource and application materials.

awarded for pain and suffering or punitive damages in a civil tort lawsuit.

- *Causation*: As discussed in more detail below, this element requires proof that the losses were caused in the aggregate by the trade in child pornography depicting the victim.

- *Amount*: In cases where multiple defendants contributed to the victim's losses, the court must determine how much each individual defendant should pay to the victim.

In all Federal cases, restitution is obtained on a case-by-case basis. Because child pornography can be possessed and shared by many different unrelated criminal defendants and distributed repeatedly, a single child pornography trafficking victim may receive restitution orders in hundreds of individual criminal cases being brought in different Federal courts all over the country. Under current law, each of these defendants is ordered to pay some portion of the victim's overall losses. Once the victim has collected payment for the full amount of the victim's losses from one or more defendants, no further restitution orders can be imposed on additional defendants on the victim's behalf unless new losses are incurred. See 18 U.S.C. 2259(b)(2)(C).

In 2009, a victim sought restitution for the first time, not from the individual who sexually abused her and produced and shared the images, but from individuals who subsequently traded and collected those images. A small number of other child pornography victims subsequently sought similar restitution. Federal prosecutors across the country were soon seeking restitution for victims in Federal courts in child pornography possession, receipt, and distribution cases.

Despite the Department's overall success in obtaining orders of restitution for these victims, courts were inconsistent in their approach to restitution claims. Some courts struggled to determine whether an individual defendant convicted of possession, receipt, or distribution proximately caused a victim's losses. If a defendant was only one of thousands who harmed the victim, then some courts indicated that the defendant could not be said to have caused the victim's losses because those losses would be essentially the same if that particular defendant had never committed the crime. On that logic, some courts simply denied the restitution requests. Others demanded a showing as to how much an individual defendant's crime incrementally increased the victim's losses, imposing a generally insurmountable evidentiary burden. Among courts that awarded

restitution, many grappled with how to determine the amount that the defendant should pay to the victim.

These issues were brought to the Supreme Court in *Paroline v. United States*, 572 U.S. 434 (2014). After finding that section 2259 required proof of proximate causation for all the categories of losses referenced in the statute, the Court summed up the problem this way:

In this case . . . , a showing of but-for causation cannot be made. . . . From the victim's perspective, Paroline was just one of thousands of anonymous possessors. . . . [I]t is not possible to prove that her losses would be less (and by how much) but for one possessor's individual role in the large, loosely connected network through which her images circulate. Even without Paroline's offense, thousands would have viewed and would in the future view the victim's images, so it cannot be shown that her trauma and attendant losses would have been any different but for Paroline's offense.

Id. at 450 (internal citations omitted).

To resolve this dilemma, the Court adopted the less demanding aggregate causation standard:

[A]lternative and less demanding causal standards are necessary in certain circumstances to vindicate the law's purposes. It would be anomalous to turn away a person harmed by the combined acts of many wrongdoers simply because none of those wrongdoers alone caused the harm. And it would be nonsensical to adopt a rule whereby individuals hurt by the combined wrongful acts of many (and thus in many instances hurt more badly than otherwise) would have no redress, whereas individuals hurt by the acts of one person alone would have a remedy.

Id. at 452. Therefore, the Court concluded:

In this special context, where it can be shown both that a defendant possessed a victim's images and that a victim has outstanding losses caused by the continuing traffic in those images but where it is impossible to trace a particular amount of those losses to the individual defendant by recourse to a more traditional causal inquiry, a court applying § 2259 should order restitution in an amount that comports with the defendant's relative role in the causal process that underlies the victim's general losses.

Id. at 458. The Court then considered how district courts might determine the amount a given defendant should pay a victim in restitution. To provide guidance, the Court cited a number of factors courts might consider, including "the number of past criminal defendants found to have contributed to the victim's general losses; . . . whether the defendant reproduced or distributed images of the victim; whether the defendant had any connection to the

initial production of the images; how many images of the victim the defendant possessed; and other facts relevant to the defendant's relative causal role." *Id.* at 460.

The aggregate causation standard is easily understood and applied. To the extent that restitution is contested, the dispute is often solely over how much a defendant should be ordered to pay a given victim.

Nonetheless, even after *Paroline*, few victims exercised their right to restitution. It appeared that the process of tracking hundreds of cases around the country over the course of years was too burdensome. Almost all victims seeking restitution in child pornography trafficking cases hire an attorney to help coordinate the logistics. In addition, although the Government bears the burden of proving restitution, in order to submit estimates of future losses, many victims hire psychological experts and economic analysts to help prepare their claims. The necessity of engaging multiple experts has served as a barrier that prevents victims from seeking restitution at all.

Congress therefore enacted the AVAA to create an alternative system to allow victims of trafficking in child pornography to obtain some measure of compensation (called "defined monetary assistance") without having to prove their losses. The process of obtaining defined monetary assistance is an alternative to the traditional means of seeking restitution as part of a Federal prosecution. Providing the defined monetary assistance alternative is meant to ameliorate the structural impediments that prevent victims from claiming restitution while preserving the option of obtaining full restitution for those who wish to do so. Under the terms of the statute, victims of these types of child pornography offenses can choose whether to present their full restitution claims in court through prosecutors, as is currently done, obtain a one-time payment of defined monetary assistance, or both, depending on the circumstances. The amount of defined monetary assistance in 2019 was \$35,000, but the amount is adjusted for inflation over time. 18 U.S.C. 2259(d)(1)(D).

The Act provides that the "Attorney General shall administer" the Reserve. See 18 U.S.C. 2259B(c). The determination regarding victim eligibility for the payment is made by the court. The procedural details of the Department's administration of the Reserve and the substantive law applicable to the court's determination are discussed in Part IV of this preamble.

III. Discussion of Comments Received on the NPRM

Notice of the proposed rule was published in the **Federal Register** on June 5, 2023. Before the comment period closed on August 4, 2023, comments were received from 11 commenters.² These comments were largely supportive of the rule and focused primarily on seeking additional information about how the Department plans to implement the rule. The Department has made a few amendments to the rule in response to some of the comments. The Department also amended § 81.55(c) to clarify that claimants should not submit videos, in addition to not submitting images, of child pornography as supporting information because transmitting videos of child pornography could also potentially violate Federal law. A discussion of comments received, and the Department's responses, follows.

A. Comment From the Administrative Office of the United States Courts ("AO")

1. The AO stated that the proposed rule does "not provide specifics as to the information the Department will require victims to provide as part of th[e] application process" and does "not address how the applications will be presented to the courts for a determination of eligibility." Another commenter similarly stated that the rule should provide that the Department's website contain certain specified information and be accessible for at least 30 days before "program commencement."

Response. The proposed rule stated that the Department, through its website, will set out the specific information that a claimant will be required to submit. The Department declines to amend the rule to require that the website be accessible for 30 days before requests for applications to a court can be submitted, given uncertainty about the time it will take to build the new website and portal; requiring a fixed amount of time before submission of requests would delay the ability of eligible victims to submit their requests through the Department if they choose to do so. The Department will address how applications will be presented to the courts through internal guidance. The Department anticipates that it and the AO will continue to

collaborate on the implementation of the Reserve.

B. Comments From the National Center for Missing & Exploited Children ("NCMEC")

1. NCMEC stated that the proposed rule is "largely silent . . . regarding the timing and details of the process for when DOJ will present a victim's claim for payment to a federal court" and that, absent more specific deadlines or assurances of promptness, the Department's process may be delayed, which would in turn impede victims from obtaining payment. Two commenters stated that the proposed rule should contain specific time limitations by which the Department will act in connection with a claimant's request for payment from the Reserve.

Response. The statute does not provide any deadline or limitations period for submitting a claim for defined monetary assistance to a court. The Department likewise declines to impose a deadline or limitations period on itself because it lacks sufficient information at this time to do so. It does not know, for example, the number of individuals who will request that the Department apply for an order of defined monetary assistance, the number of claims that will be pending in court at any given moment, or the extent to which the Department will need to adopt additional internal measures to ensure that only those individuals determined by a court to be eligible for payment under the statute receive such payment. The Department does, however, commit itself to taking reasonable measures to ensure prompt payment to eligible individuals. Moreover, and in any event, the procedures set forth in this rule do not limit a claimant's ability to request an order for defined monetary assistance directly from a court.

2. NCMEC stated that the proposed rule does "not provide any details or even basic descriptions of what actual information a survivor will be required to submit to DOJ to support a claim." Relatedly, NCMEC stated that the proposed rule should make clear that although a victim can fairly be required to provide some information in support of a claim for payment from the Reserve, "the research and effort needed to draft a suitable federal court submission in this situation remains DOJ's responsibility."

Response. A court will ultimately determine what information is necessary to support a claim for defined monetary assistance, and this rule does not limit a claimant's ability to request an order for defined monetary assistance

directly from a court. If a claimant requests that the Department submit an application for an order for defined monetary assistance on the claimant's behalf, and the Department determines under the procedures set forth in this rule that it will do so, the Department will use reasonable efforts to facilitate the submission of the application to the court. In general, where the Department is presenting an application to a court to determine a claimant's eligibility, the research and drafting of the court submission remains the responsibility of the Department attorney representing the Government. However, the claimant is responsible for providing the information to support their claim and for providing responses to follow-up requests for information from the Department.

The proposed rule requested comment on the appropriate criteria to be included in the claim form and noted that, to enable the Department to collect information from claimants to facilitate applications to courts and payments from the Reserve, the Department would submit an information collection request and publish a notice of a new Privacy Act system of records upon publication of the final rule. 88 FR at 36521. These procedural requirements are set forth by law, and the Department declines to change the rule to provide for a different process. Following this process, the Department anticipates posting a "claim form" on its website that will allow claimants (1) to request that the Department present an application to the court or (2) if a claimant already has a court order determining eligibility and directing payment, to provide the information necessary for the Department to facilitate that payment.

The proposed rule further explained that the Department's website will set forth the information that a claimant will be required to submit to the Department in furtherance of a claim for payment from the Reserve. Because the information required may be modified by the courts, the Department needs the flexibility to update its claim form in response to case law as it develops. And because the Department believes that the website will be sufficient to provide appropriate information to claimants, no change will be made to the rule in that respect. The Department notes that, in general, it will collect information to establish the identity of the claimant, the basis for the claim for eligibility for defined monetary assistance, the identity and authority of the person submitting the form, and the identity of any attorney representing the claimant

² The Department also received one web submission from a person who indicated that the person's comment was included as an attachment. No attachment was included, however, and the Department did not receive any response from the submitter after inquiring about the apparently missing attachment.

or person submitting the form, if applicable.

3. NCMEC stated that the proposed rule should contain “more specific and concrete language . . . about the efforts” the Department will take to ensure a claimant’s privacy. Another commenter also expressed concerns about protections for claimant privacy.

Response. In response to this comment, the Department is revising the final rule to state that the Department will not publicly disclose any claimant’s personally identifiable information, except as necessary to process a request or as required by law or court order. More generally, the Department will undertake to protect all victims’ privacy consistent with applicable laws, rules, and Department policies and procedures. *See, e.g.,* 18 U.S.C. 3509(d)(1) (providing for confidentiality of information that discloses the name or any other information concerning a child); 18 U.S.C. 3771(a)(8) (stating victims’ right to be treated with respect for privacy); *see also* 5 U.S.C. 552a (Privacy Act).

4. NCMEC stated that the proposed rule “contain[s] no indication of how DOJ will interpret constitutional and statutory disclosure obligations to defendants or whether disclosure of victim information will be handled differently if a claim is submitted to the court after a defendant has already been sentenced.”

Response. The AVAA establishes an entitlement to defined monetary payment to a victim of a “defendant who was convicted of trafficking in child pornography.” 18 U.S.C. 2259(d)(1)(B). The Department interprets the conviction component of this requirement to mean a final judgment of conviction, after sentencing, although the Department may submit an application for an order of defined monetary assistance for the court to decide in conjunction with a defendant’s sentencing. The Department does not anticipate handling victim information differently based on whether a defendant has been sentenced. Moreover, the Department cannot opine in advance on how a particular constitutional or statutory provision will apply to the facts of a specific case. The Department will, however, abide by all constitutional and statutory disclosure obligations and, as noted above, protect all victims’ privacy consistent with applicable laws, rules, and Department policies and procedures.

5. NCMEC stated that the proposed rule should require the Department to “submit any facially valid application” to the court and “leave it to the court

alone to make” eligibility determinations.

Response. The Department declines to modify the rule as suggested. Because the Department is obligated to administer the Reserve in a manner consistent with the AVAA and other applicable law, the Department declines to adopt a requirement that it submit any facially valid application. Instead, the Department will take reasonable steps to ensure that defined monetary assistance is paid only to claimants who qualify for payment under the statute, and it will determine whether to support a claimant’s application accordingly. Moreover, the procedures set forth in this rule do not limit a claimant’s ability to request an order for defined monetary assistance directly from a court. In addition, the AVAA establishes, and the rule already provides, that courts have the sole authority to determine whether an individual is entitled to payment under the statute.

C. Other Comments

1. One commenter stated that the proposed rule should provide that the Department must seek to obtain an order of payment within 90 days after the claimant’s request is complete, absent extraordinary circumstances.

Response. Due to uncertainty regarding the number of individuals who will request that the Department apply for payment, the number of claims that will be pending at any given moment, and the Department’s need to ensure that only those individuals determined by a court to be eligible for payment under the statute receive such payment, the Department has decided not to impose specific timelines on itself. The Department does, however, commit itself to taking reasonable measures to ensure prompt payment to eligible individuals.

2. One commenter suggested that the proposed rule make clear that victims of open or closed (or “completed”) cases are entitled to seek payment and that the Department will consider both open and closed or “completed” cases in determining the claimant’s eligibility for payment.

Response. The statute does not distinguish between victims in open and closed cases. The Department has revised the final rule to clarify that victims of open or closed cases are eligible to seek payment under the statute. Although victims in open or closed cases may request that the Department apply for a court order of payment from the Reserve, the requirements for eligibility for payment are established by statute, and

satisfaction of those requirements are determined by a court. One of the requirements for eligibility is that the claimant is a victim of a defendant who has been convicted of trafficking in child pornography.

3. One commenter stated that the proposed rule should make clear that if the Department determines that it will recommend against payment to a claimant, the Department: (1) will give the claimant at least 14 days advance notice before informing the court of its position; (2) will meet and confer with the claimant and give meaningful consideration to the claimant’s concerns; and (3) will, if the Department maintains its position, inform the claimant that the claimant can seek payment through the court independent of the Department.

Response. The Department has revised the final rule to clarify that if the Department determines that it will recommend against the court ordering payment, the Department will make reasonable efforts to inform the claimant (or the claimant’s authorized representative, if applicable) of that recommendation prior to providing that recommendation to the court. However, due to uncertainty regarding the number of individuals who will request that the Department apply for payment, the number of claims that will be pending at any given moment, and the Department’s need to ensure that only those individuals determined by a court to be eligible for payment under the statute receive such payment, the Department cannot commit itself to acting within a prescribed time limit. A claimant may submit a new application to the Department to correct shortcomings in an earlier application, so long as the new application contains material, additional information supporting the claimant’s eligibility for defined monetary assistance. A claimant may also choose to present an application without proceeding through the Department under this final rule.

4. Two commenters stated that the proposed rule should make clear that payment can be paid to a claimant’s representative. One of those commenters further offered that the rule should state what documentary evidence is required for the Department to deem a representative “authorized.”

Response. The Department has revised the final rule to clarify that payment can be made to a victim’s authorized representative, where appropriate. *See* 18 U.S.C. 2259(c)(4) (“In the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative

of the victim's estate, another family member, or any other person appointed as suitable by the court, may assume the crime victim's rights under this section." The Department's website will provide information concerning the types of documentation that will suffice to prove that a representative is "authorized."

5. One commenter stated that the proposed rule should, at least with respect to claims supported by a verified Federal judgment or restitution order, provide for a "presumption of eligibility" regarding those claims.

Response. The statute establishes the criteria for eligibility and does not include a presumption of eligibility. A court ultimately determines whether a claimant is eligible.

6. One commenter stated that the proposed rule should make clear "that criminal restitution or civil damages amounts collected *before* submitting a claim . . . need not be deducted from the defined monetary assistance remitted to the claimant."

Response. The AVAA contains provisions outlining the relationship between payment from the Reserve and payment in the form of restitution. See 18 U.S.C. 2259(d)(2)–(3). Section 2259(d)(2)(C) specifies that the amount a victim received in defined monetary assistance must be deducted from the total amount of losses subsequently sought in restitution. The Department has added a statement in the rule to make it clear that this statutory deduction applies only to restitution sought after a victim receives defined monetary assistance. The amount of restitution received need not be deducted from the amount of defined monetary assistance. Once a victim has collected restitution in an amount greater than the amount of defined monetary assistance, however, the victim would be ineligible for defined monetary assistance in any amount.

Regarding amounts received before the receipt of defined monetary assistance, section 2259(d)(3) provides that "[a] victim who has collected payment of restitution pursuant to this section in an amount greater than the amount [of defined monetary assistance] shall be ineligible to receive defined monetary assistance." In preparing this final rule, the Department determined that the discussion regarding this provision in the preamble of the NPRM, see 88 FR at 36519, was incorrect because it assumed that a victim who received restitution in an amount *equal* to the amount of defined monetary assistance would be ineligible to seek defined monetary assistance. This assumption is incorrect because the

statute provides for ineligibility only if the victim has collected restitution in an amount "greater than" the amount of defined monetary assistance. The Department clarifies here that the examples in the preamble of the NPRM were inaccurate and that a victim who has received restitution in an amount less than or *equal* to the amount of defined monetary assistance may continue to seek the full amount of defined monetary assistance.

7. One commenter stated that the proposed rule should clarify "all" potential reasons that the Department might cite as a basis to decline a request for payment.

Response. The Department is committed to taking reasonable measures to ensure that eligible claimants receive payment from the Reserve, consistent with the statute. Because the Department is unable to predict all possible requests that it might receive, the Department declines to provide an exhaustive list of reasons why the Department would decline a request to support an application for payment. Moreover, only a court, not the Department, can order, or decline to order, payment to a claimant.

8. One commenter stated that the proposed rule should make clear that funds paid out from the Reserve "ought not be considered taxable income as a matter of public policy."

Response. The Department does not have the authority to determine what is considered taxable income. The Internal Revenue Code defines income and provides specific items that are excluded from income. As a general rule, unless a payment or benefit is specifically excluded, it is considered income.

9. One commenter stated that claimants may have a difficult time submitting the necessary documentation to the Department and recommended that the rule "give greater deference to delaying the adjudication of requests than the returning of them."

Response. The Department is committed to taking reasonable measures to ensure that eligible victims receive payment from the Reserve, consistent with the statute. In that respect, the Department is committed to working with claimants to obtain missing information before returning a request to them. The rule provides that the Department will make "reasonable efforts" to request missing information from a claimant and will make "reasonable efforts" to identify a Federal criminal case in which a claimant's application might be submitted. The Department under the rule accordingly has discretion to

determine, based on the claimant's circumstances, whether to delay the return of an application to allow a claimant additional time to submit documentation. If, however, after reasonable efforts, the Department is unable to obtain the necessary information or identify such a case, it cannot present the claimant's application to a court and will return the request to the claimant. The Department does not "adjudicate" the application in doing so. Neither this rule nor the Department's return of a request limits the claimant's ability to present an application to a court. Moreover, a claimant may submit a new application to the Department to correct shortcomings in an earlier application, so long as the new application contains material, additional information supporting the claimant's eligibility for defined monetary assistance.

10. One commenter recommended that the Department inform victims of their right potentially to obtain compensation from "their particular state jurisdiction."

Response. The Department declines to amend the rule to include information about other sources of compensation because this rule focuses on defined monetary assistance. The Department already provides information about other victim compensation and assistance on its website: <https://ovc.ojp.gov/help-for-victims/help-in-your-state>.

11. One commenter stated that the proposed rule should require the creation of a system "to notify potential claimants" of their "potential eligibility" for payment.

Response. The Department declines to amend the rule to require creation of a notification system. The AVAA does not provide for the creation of such a system, and the Department does not possess the information necessary to set up a system of that nature. For example, the Department does not regularly track restitution payments and thus would not know whether a claimant has already received more than the amount of defined monetary assistance in restitution, which would make the claimant ineligible under the statute. Moreover, a court, not the Department, determines whether a claimant is eligible.

IV. Process To Obtain Defined Monetary Assistance From the Reserve

Pursuant to 18 U.S.C. 2259(d)(1)(B) and (C), a district court determines whether a claimant is eligible to receive defined monetary assistance, and, if it makes such a finding, orders payment of defined monetary assistance to the

victim or the victim's authorized representative. The Act does not specify any application process, but it does authorize the Attorney General to administer the Reserve. Pursuant to this authorization, the Department has established the process set forth in this final rule to allow claimants to request that the Department facilitate obtainment of the requisite district court order for the victim.

A. Request and Review Process

This final rule is designed to assist claimants in obtaining court determinations of eligibility for payment of defined monetary assistance from the Reserve. As discussed more fully below, defined monetary assistance is distinct from court-ordered restitution.

Under the final rule, claimants may choose to request that the Department present an application to a court for the court's determination of eligibility for defined monetary assistance. The Department will review the request and may follow up as needed to seek additional information from the claimant or the claimant's authorized representative in order to resolve any gaps in the claimant's supporting information. It is the claimant's responsibility to present evidence sufficient to establish a complete request, but in no instance will the claimant be required to send—nor shall the claimant send—any images or videos of child pornography. A request is complete where it is supported by all information required by the claim form and by responses to follow-up requests for information. The Department will not present an application based on a request that is incomplete or duplicative of a request that the Department has already received. The Department will provide notice to a claimant if it decides not to present the requested application to the court.

After the Department receives a claimant's request, and the Department has exhausted reasonable efforts to obtain any needed additional information from the claimant, the Department will use reasonable efforts to identify a Federal child pornography trafficking case in which a visual depiction of the claimant was involved. The Department will consider any cases identified by the claimant as well as any in which the Department has independent information linking the claimant to a Federal child pornography trafficking case. If, based on the information in the request, the claimant might be eligible for defined monetary assistance as a result of more than one case, the Department, in its sole

discretion, will decide in which case it will present the application.

It may take time for the Department to identify an appropriate case to seek the required court order or to determine which of several potential cases is the most appropriate. The Department will endeavor to obtain the order in a timely manner.

B. Presentment of an Application for an Order Affirming Eligibility

Once the Department identifies an appropriate case, the Department will present the claimant's application to the district court, which may then issue an order affirming the claimant's eligibility for payment. The mere presentment of an application to a court does not imply that the Department has taken a position on the ultimate merits of the application. The Department may or may not (as it deems appropriate) present the application with an accompanying recommendation—for example, the Department may include a recommendation that the court grant the application where the Department is persuaded that the statutory standard for payment is met. Conversely, the Department may recommend that the court deny the application if it is not persuaded that the statutory standard for payment is met. If the Department determines that it will recommend against the court ordering payment, the Department will make reasonable efforts to inform the claimant (or the claimant's authorized representative, if applicable) of such recommendation prior to any presentation of the claimant's application to the court.

In the event that the Department disagrees with the court's eligibility determination, the Department may decide to seek appellate review of a ruling by a district court regarding the claimant's eligibility for defined monetary assistance. The Department will make reasonable efforts to consult with the claimant (or the claimant's authorized representative, if applicable), on the issue of seeking appellate review.

Depending on the basis for the court's ruling, the Department may seek to present the claim underlying a denied application in another case when it would be appropriate to do so. The Department will make reasonable efforts to consult with the claimant (or the claimant's authorized representative, if applicable) about any decision to present a claim in another case.

If an application is denied by the district court, no appellate review is taken or such appellate review is unsuccessful, and the claim underlying an application is not presented in another case, the claimant will not

receive defined monetary assistance on the basis of the claimant's request to the Department. If the claimant resubmits a request to the Department with material, additional supporting information, the Department may present that new application as consistent with these regulations.

C. Payment

Once the court issues an order of payment, the Department will pay the victim (or an authorized representative, if applicable) the defined monetary assistance from the Reserve, as specified in the order. Payment will typically be made via electronic funds transfer facilitated by the Department of the Treasury, but the Department may use other methods (e.g., physical check) depending on the circumstances and technology or systems in place at the time of payment. Any money received may be subject to Federal, State, or local taxes.

D. Limits on Attorney Representative Fees and Costs

There is no fee to submit a request to the Department when seeking defined monetary assistance from the Reserve, and a claimant (or authorized representative, if applicable) may submit a request for defined monetary assistance without being represented by an attorney. Nonetheless, a claimant (or authorized representative, if applicable) may hire an attorney for this purpose; it will be entirely the claimant's or authorized representative's decision whether to do so. Under 18 U.S.C. 2259(d)(4), if the claimant or authorized representative is represented by counsel, the attorney shall not charge, receive, or collect, and the court may not approve, any payment of fees and costs that in the aggregate exceeds 15 percent of any defined monetary assistance paid under the Act on such claim. An attorney who violates this provision is subject to fine, imprisonment of up to one year, or both.

E. Privacy

Claimant submissions will not be made public and will be protected and used only in accordance with applicable law, including the Privacy Act of 1974, 5 U.S.C. 552a. Pursuant to 5 U.S.C. 552a, 18 U.S.C. 3509(d)(1), and 18 U.S.C. 3771(a)(8), the Department will not disclose to the public the names of the individuals who have requested defined monetary assistance from the Reserve or the names of the deceased claimants for whom defined monetary assistance is sought from the Reserve, or their personally identifiable information, except as necessary to

process a request or application or obtain a court order, to bring a criminal or civil case against an individual for obtaining defined monetary assistance by fraud, or pursuant to law or court order. However, the fact that a victim has received defined monetary assistance may be introduced in a Federal criminal proceeding where the amount of the victim's losses is at issue.

In Department filings, the Department will protect the confidentiality of names and other personally identifiable information, including by submitting filings under seal, consistent with applicable law, rules, and Department policies and procedures.

The process of providing a claimant with access to information held by the Government will be subject to all applicable laws and regulations, including the Privacy Act of 1974, 5 U.S.C. 552a, and subpart B of part 16 of title 28, Code of Federal Regulations.

F. Victim Choice as to Defined Monetary Assistance Versus Restitution

Victims may choose to pursue restitution; to pursue defined monetary assistance; or to pursue some combination of the two, whether in the same case or in multiple cases, as appropriate. 18 U.S.C. 2259(d)(3) provides that a victim who has previously collected restitution in an amount greater than the amount of the defined monetary assistance available under section 2259(d)(1)(D) is ineligible to seek defined monetary assistance. A victim who has collected restitution in an amount less than or equal to the amount of defined monetary assistance (i.e., less than or equal to \$35,000, adjusted for inflation as of the date of application and as described above) is eligible to seek defined monetary assistance. Although the statute does not define the term "collected," the word "collected" ordinarily means amounts actually received, not merely amounts ordered but not yet paid. *See, e.g., Collect*, Oxford English Dictionary, <https://www.oed.com/view/Entry/36263> (last visited July 22, 2024) (defining "collect" to mean "to receive money"). There is often a lag between order and payment. The amount collected is the aggregated payment from all defendants. Once victims have collected an amount of restitution greater than the amount of defined monetary assistance, they become ineligible to obtain defined monetary assistance. For example, a defendant may have been ordered to pay a victim \$50,000 in restitution, but the victim to date might have received only \$5,000. That victim would remain eligible for defined monetary assistance until the victim collects more than

\$35,000 (inflation-adjusted) in restitution. If a victim obtains orders for restitution, and then receives defined monetary assistance, the amount of the defined monetary assistance must be disclosed if the victim is later asked to provide information to a court concerning the amount of recovery collected pursuant to 18 U.S.C. 2259. *See* 18 U.S.C. 2259(b)(2)(C), (d)(2)(C). Collection of forms of monetary recovery other than restitution, such as from a civil suit, does not affect a victim's eligibility for defined monetary assistance.

G. One-Time Defined Monetary Assistance Payment; Effect on Restitution and Civil Remedies

Under 18 U.S.C. 2259(d)(2)(A), a victim may receive a payment of defined monetary assistance only once. Even after receiving such a payment, a victim can, under 18 U.S.C. 2259(d)(2)(B), decide to seek restitution in court pursuant to 18 U.S.C. 2259. However, 18 U.S.C. 2259(d)(2)(C) specifies that the amount a victim received in defined monetary assistance must be deducted from the total amount of losses subsequently sought in restitution. For example, if a victim obtains defined monetary assistance in the amount of \$35,000, and in a later case pursues a restitution claim for \$100,000, the maximum amount recoverable on the latter claim would be \$65,000.

Obtaining restitution or defined monetary assistance does not bar victims from seeking a civil remedy, such as under 18 U.S.C. 2255, although either may impact the amount the victims recover in a civil suit.

H. Statutory Requirements for Eligibility

Defined monetary assistance is available to any eligible "victim of . . . trafficking in child pornography." 18 U.S.C. 2259(d)(1)(A). The Act imposes three requirements for payment of defined monetary assistance.

First, the claimant must appear in child pornography that has been trafficked. "Trafficking in child pornography" is defined in 18 U.S.C. 2259(c)(3) by reference to statutes that prohibit advertising, transporting, distributing, receiving, or possessing child pornography, or accessing child pornography with intent to view it.

Second, at least one defendant must have been convicted in Federal court of conduct (advertising, transporting, distributing, receiving, or possessing child pornography, or accessing child pornography with intent to view it) involving a visual depiction of the claimant. The Act imposes no time

limits on when the conviction must have occurred. Any qualifying conviction serves as a basis for establishing a claimant's eligibility for defined monetary assistance, so long as there is sufficient evidence to obtain a court order as required under the statute.

Sometimes the evidence may suggest that the defendant possessed child pornography depicting a particular victim, but the defendant's conviction was for a different crime. This could happen if child pornography involving Victim A was found on a defendant's computer, but the defendant was actually convicted of producing child pornography of Victim B or distributing child pornography depicting Victim C. Victim A would not be entitled to defined monetary assistance based upon that case, though Victim A might be eligible in a different case.

A single conviction is sufficient to establish a claimant's eligibility. There is no need under the Act to prove that the claimant was a victim in more than one conviction for trafficking in child pornography.

Third, the claimant must appear in a visual depiction that shows "sexually explicit conduct" as defined in 18 U.S.C. 2256(2)(A) and must have been under the age of 18 at the time the visual depiction was created.

Not all images of children being traded online meet this definition of sexually explicit conduct. As one example, some individuals may appear in imagery that is illegal under State law, but that is not prohibited under Federal law. Because such images do not depict "sexually explicit conduct" as defined in section 2256, individuals appearing in such material would not be eligible for defined monetary assistance. In order to obtain defined monetary assistance, the claimant would need to establish that a defendant was convicted of a Federal offense involving the sexually explicit imagery.

A claimant need not be a United States citizen and need not reside in the United States in order to be eligible for defined monetary assistance.

I. Section-by-Section Overview of Final Rule

Section 81.51 sets forth the statutory basis for and the purpose of the Reserve, as well as the statutory one-time payment amount.

Section 81.52 provides the definitions applicable to this subpart. If a term is not defined in section 81.52, the term has the statutory definition at 18 U.S.C. 2256, 2259, 2259A, or 2259B.

Section 81.53 provides certain requirements for eligibility for a

payment from the Reserve, including burden of proof and eligibility exclusions, and specifies the effect of collecting defined monetary assistance on later requests for restitution.

Section 81.54 provides a description for how persons may submit requests to the Department for funds from the Reserve using an online portal located on the Department's website for this program. Additional information as to how to submit a request to the Department will be available on the website.

Section 81.55 explains that the claimant must follow the directions on the Department's website for this program to submit a request to the Department for monetary assistance. Failure to submit all required documentation would potentially result in delay of the adjudication or return of the request by the Department.

Section 81.56 details the procedures to determine a personal representative to request and receive funds on the claimant's behalf.

Section 81.57 provides the process by which requests submitted to the Department for defined monetary assistance and court orders requiring payment will be processed by the Department.

Section 81.58 sets forth signatures and certifications required for a request to the Department to be considered complete.

Section 81.59 provides information related to privacy and confidentiality of claimants' names and other personally identifiable information during the course of the request process.

V. Regulatory Analyses

A. Administrative Procedure Act

This final rule concerns matters relating to "benefits," 5 U.S.C. 553(a)(2), and also to "rules of . . . agency procedure," 5 U.S.C. 553(b)(A). Therefore, it is exempt from the requirement of prior notice and comment and from a delay in its effective date.

Nevertheless, the Department believed that comments from the public would be useful in developing these regulatory changes. Consequently, on June 5, 2023, 88 FR 36516, the Department published a notice of proposed rulemaking and solicited public comments on this matter. The comments received and the Department's responses thereto are set forth in Part III above.

B. Executive Orders 12866, 13563, and 14094 (Regulatory Review)

This final rule has been drafted and reviewed in accordance with Executive

Order 12866, "Regulatory Planning and Review," section 1(b), Principles of Regulation; in accordance with Executive Order 13563, "Improving Regulation and Regulatory Review," section 1(b), General Principles of Regulation; and in accordance with Executive Order 14094, "Modernizing Regulatory Review".

This final rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866. The rule is primarily procedural, dealing with the administrative process of submitting requests to the Department for defined monetary assistance. The key eligibility standards are set forth in the statute, and the Department is not by this final rule making any changes to those standards.

As set forth in the cost-benefit analysis below, this final rule will not have the economic effects described in section 3(f)(1) of Executive Order 12866.

This regulation has no cost to State, local, or Tribal governments, or to the private sector. The Child Pornography Victims Reserve is funded by assessments paid by certain Federal offenders, as well as gifts, bequests, or donations from private individuals, deposited into the Crime Victims Fund in the United States Treasury and set aside in the Reserve; those funds may not be obligated in an amount above \$10 million in any given year. See 18 U.S.C. 2259B(a); 34 U.S.C. 20101(d)(6).

The cost to the Federal Government consists both of administrative expenses and amounts distributed to victims. Both types of costs depend on the number of claimants, including both prospective and retroactive claimants.

Although spending is anticipated to be higher in the initial years as a result of the number of potential retroactive claimants, the program will not spend more than the statutory maximum of \$10 million each fiscal year. That is, even if claimants submit requests for defined monetary assistance that, in the aggregate, exceed \$10 million in one year, the Department will spend no more than \$10 million, and will pay only those claims that can be satisfied from that amount. In such a circumstance, claims will be paid based on the date on which courts ordered the payments, with the earliest-ordered payments made first. See 18 U.S.C. 2259B(b). Once the Department has paid out the allotted \$10 million dollars in any given fiscal year, the requests that remain unpaid will roll over into the next fiscal year and will be processed in the original order in which they were ordered. The Department will also follow the same order-of-payment procedure in any other situation in

which the Reserve has insufficient funds to make all of the payments ordered under section 2259(d).

The Department has assessed the benefits and costs anticipated from this rulemaking and has considered whether there are reasonably feasible alternatives to this rulemaking, including whether there are reasonably viable non-regulatory actions that could be taken in lieu of this rulemaking. The purpose of this rulemaking is to provide the legal and administrative framework for defined monetary assistance to be given to any individual (or an authorized representative of such individual) who is determined by a Federal court to be a victim of trafficking in child pornography as defined by 18 U.S.C. 2259(c) and (d). The Department concludes that there are no viable non-regulatory actions that it could take to implement the AVAA in a fair and efficient manner.

C. Executive Order 13132

This regulation 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. Therefore, under Executive Order 13132, the Department has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a federalism impact statement.

D. Regulatory Flexibility Act

The Department certifies that this rule will not have a significant economic impact upon a substantial number of small entities. This regulation pertains to defined monetary assistance for eligible individuals who are depicted in child pornography that is the basis for certain convictions under 18 U.S.C. chapter 110. The Reserve will provide payment to such child pornography victims based on orders obtained in U.S. district courts.

E. Unfunded Mandates Reform Act of 1995

This regulation will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year (adjusted annually for inflation), and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

F. Paperwork Reduction Act of 1995

This final rule implements 18 U.S.C. 2259, 2259A, 2259B, and 34 U.S.C. 20101(d), which establish the Reserve and define eligibility for payments from the Reserve. In order to evaluate requests and provide defined monetary assistance, the Department must collect certain information from individuals who are depicted in child pornography that is the basis for certain convictions under 18 U.S.C. chapter 110, or from their authorized representatives. Accordingly, the Department's Executive Office for United States Attorneys will submit an information collection request for review and clearance in accordance with the procedures of the Paperwork Reduction Act of 1995.

G. Privacy Act of 1974

The Department will publish a notice of a new Privacy Act system of records upon publication of the final rule, which will become effective upon publication, subject to a 30-day comment period for the routine uses claimed in the notice. In the interim, disclosures necessary to process requests will be made only with the prior written consent of claimants or as otherwise authorized under 5 U.S.C. 552a(b).

H. Severability

It is the Department's intent that if any provision of this rule is held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, the remainder of the provision or rule shall be workable and construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this part and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

List of Subjects in 28 CFR Part 81

Child abuse, Child pornography, Victims, Restitution, Benefits.

By the authority vested in the Attorney General under 5 U.S.C. 301 and 28 U.S.C. 509, 510, and for the reasons stated in the preamble, 28 CFR part 81 is amended as follows:

PART 81—CHILD ABUSE AND CHILD PORNOGRAPHY REPORTING DESIGNATIONS AND PROCEDURES, AND CHILD PORNOGRAPHY VICTIMS RESERVE

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

Authority: 28 U.S.C. 509, 510; 42 U.S.C. 13031, 13032.

■ 2. Revise the heading for part 81 to read as set forth above.

§§ 81.1 through 81.5 [Designated as Subpart A]

■ 3. Designate §§ 81.1 through 81.5 as subpart A.

■ 4. Add a heading for newly designated subpart A to read as follows:

Subpart A—Child Abuse and Child Pornography Reporting Designations and Procedures

§§ 81.14 through 81.50 [Added and Reserved]

■ 5. Amend subpart B by adding and reserving §§ 81.14 through 81.50.

■ 6. Add subpart C to read as follows:

Subpart C—Child Pornography Victims Reserve

Sec.

81.51 Child Pornography Victims Reserve.

81.52 Definitions.

81.53 Eligibility.

81.54 Submission of requests to the Department.

81.55 Supporting information.

81.56 Procedures for determining the personal representative of an estate.

81.57 Request and order processing.

81.58 Signatures and certifications.

81.59 Privacy.

Authority: 18 U.S.C. 2259, 2259A, 2259B; 28 U.S.C. 509, 510; 34 U.S.C. 20101(d), 20341.

§ 81.51 Child Pornography Victims Reserve.

The Child Pornography Victims Reserve ("Reserve") was established on December 7, 2018, to provide a source of defined monetary assistance for eligible victims of trafficking in child pornography, pursuant to 18 U.S.C. 2259(d). Pursuant to the authority of the Department of Justice ("the Department") to administer the Reserve, the Department will—

(a) Accept a request that the Department seek a court order for a determination of eligibility for defined monetary assistance from a claimant who chooses to proceed through the Department;

(b) Process such request and use reasonable efforts to follow up with such claimant to obtain information

sufficient for a court to determine the claimant's eligibility for defined monetary assistance;

(c) Upon confirming that the request to the Department is complete and not duplicative of a previously received request, use reasonable efforts to identify a Federal child pornography trafficking case in which an image of the identified victim appears and in which the Department may present an application for court determination of the claimant's eligibility; and

(d) Pay a claimant (or an authorized representative, if applicable) pursuant to a Federal court order determining that such claimant is eligible to receive defined monetary assistance.

§ 81.52 Definitions.

(a) If a term is not defined in this section, the statutory definition at 18 U.S.C. 2256, 2259, 2259A, or 2259B applies to the submission and processing of requests to the Department.

(b) *Authorized representative* means an attorney or legal guardian (for claimants under age 18, incompetent, or incapacitated) of a claimant, the personal representative of a deceased claimant's estate, any other person appointed as a representative of a claimant by a Federal court pursuant to 18 U.S.C. 2259(c)(4), or a personal representative designated by the claimant to act on the claimant's behalf.

(c) *Claimant* means the person who claims to be a victim of trafficking in child pornography and to be eligible for the defined monetary assistance at 18 U.S.C. 2259(d).

(d) *Reserve* means the Child Pornography Victims Reserve set forth in 34 U.S.C. 20101(d)(6). The Department may also refer to the Reserve as the Defined Monetary Assistance Victims Reserve.

(e) *Victim or victim of trafficking in child pornography* means a person whom a Federal court has determined, under 18 U.S.C. 2259(d)(1)(B), to be a victim of trafficking in child pornography.

§ 81.53 Eligibility.

(a) *Presentment of claims for payment to Federal courts.* If a claimant chooses to submit a request to the Department, the Department shall review a properly submitted request and, as necessary, ask the claimant (or the claimant's authorized representative, if applicable) for additional information to support the request. Once the Department confirms the request is complete and not duplicative of a previously received request, the Department will use reasonable efforts to find an appropriate

case in which to present the claim by means of an application for an order of payment of defined monetary assistance in a Federal court. An appropriate case may be an open or closed case. If the Department is unable to locate an appropriate case, it will notify the claimant and may decline to present the claim. If the Department presents the claimant's application to a court, the Department may include a recommendation as to whether the court should grant or deny the application.

(b) *Determination by a court.* A Federal court will make the determination, under 18 U.S.C. 2259(d)(1)(B), as to whether a claimant is entitled to defined monetary assistance from the Reserve and, if so, shall order payment in the amount specified in 18 U.S.C. 2259(d)(1)(D). This amount is \$35,000 as adjusted for inflation from December 7, 2018, based on the date of the court's order, in accordance with 18 U.S.C. 2259(d)(1)(D).

(c) *Payment.* The Department shall pay to the victim (or the victim's authorized representative, if applicable) from the Reserve the defined monetary assistance set forth in 18 U.S.C. 2259, in accordance with the applicable Federal court order and consistent with 18 U.S.C. 2259B(b).

(d) *Exclusions.* (1) A victim may obtain defined monetary assistance under 18 U.S.C. 2259(d) only once. *See* 18 U.S.C. 2259(d)(2)(A).

(2) In no event shall an individual who is convicted of an act described in 18 U.S.C. chapter 110, with respect to the victim, receive any defined monetary assistance from the Reserve on behalf of the victim. *See* 18 U.S.C. 2259(c)(4).

(3) Claimants who have collected restitution payments in excess of \$35,000 (as adjusted for inflation from December 7, 2018) pursuant to 18 U.S.C. 2259 are not eligible to receive defined monetary assistance under this program. *See* 18 U.S.C. 2259(d)(3).

(e) *Effect on restitution.* If a victim has received defined monetary assistance and, after receiving that defined monetary assistance, seeks restitution, the amount the victim received in defined monetary assistance must be deducted when determining the full amount of the victim's losses for purposes of restitution. *See* 18 U.S.C. 2259(d)(2)(C).

§ 81.54 Submission of requests to the Department.

(a) Requests submitted to the Department must be submitted in the form and manner, and supported by documentation, specified from time to

time by the Department. The Department's website will contain directions on how to access the claims system for defined monetary assistance.

(b) Requests may be submitted to the Department at any time. The Department may decline to present to a court any application based on a request that duplicates a previously received request. A request duplicates a previously received request if it is submitted by or in connection with the same claimant and is premised on the same conduct as the previously received request. If a claimant obtains new information relevant to a claim after submitting a request, the claimant should amend that request rather than submitting a new request. If the Department has already returned the request to the claimant, the claimant may submit a new request, so long as such request contains material, additional information supporting the claimant's eligibility for defined monetary assistance.

(c) If a claimant is represented by an authorized representative, the request to the Department and any supporting information may be submitted to the Department by that authorized representative. The authorized representative must submit a separate request on behalf of each represented claimant.

§ 81.55 Supporting information.

(a) As part of a request to the Department, the claimant should submit information as instructed by the Department. The Department's website will provide instruction about what information is required in support of a claim. Failure to submit all required information may result in delay or a decision by the Department not to present the claimant's application to a court.

(b) All information supporting the request should be updated as necessary while the request to the Department is pending, including the amounts of any restitution collected, address changes, changes to information needed to process payment to the claimant, and any other pertinent information that may be relevant to the request.

(c) To avoid a potential violation of Federal law, claimants (or authorized representatives, if applicable) shall not send images or videos of child pornography when providing supporting information.

§ 81.56 Procedures for determining the personal representative of an estate.

(a) *In general.* For any request to the Department by the estate of a deceased claimant, the personal representative of

the estate, who will be the authorized representative for purposes of defined monetary assistance from the Reserve, shall be determined as follows:

(1) First preference will be given to an individual appointed by a court of competent jurisdiction as the personal representative of the deceased claimant or as the executor or administrator of the deceased claimant's will or estate.

(2) In the event that no personal representative or executor or administrator has been appointed by any court of competent jurisdiction, and such issue is not the subject of pending litigation or other dispute, the next preferred personal representative for purposes of defined monetary assistance from the Reserve will be the person named by the deceased claimant in the deceased claimant's will as the executor or administrator of the deceased claimant's estate.

(3) In the event that no will exists, the next preference for personal representative for purposes of defined monetary assistance from the Reserve will be the first person in the line of succession for inheritance established by the laws of the deceased claimant's domicile governing intestacy. In the case where State law provides for two or more persons to inherit in equal shares (e.g., parents or siblings), the defined monetary assistance payment will be split accordingly.

(4) In the event that none of the individuals described in paragraphs (a)(1) through (3) of this section are available to serve as personal representative, any other person may seek to be appointed by a court of competent jurisdiction as the personal representative for purposes of defined monetary assistance from the Reserve. Upon appointment, that person will serve as personal representative.

(b) *Notice to beneficiaries.* (1) Any purported personal representative must, before submitting a request to the Department, provide written notice of the intent to submit a request and the procedures in paragraph (c) of this section to object to such status as personal representative to the immediate family of the deceased claimant; to the executor, administrator, and beneficiaries of the deceased claimant's will; and to any other persons who may reasonably be expected to assert an interest in an award or to have a cause of action to recover damages relating to the wrongful death of the deceased claimant.

(2) Personal delivery or transmission by certified mail, return receipt requested, shall be deemed sufficient notice under this subpart. The

purported personal representative must certify that such notice (or other notice that the Department deems appropriate) has been given.

(c) *Objections to personal representatives.* Objections to the authority of an individual to file as the personal representative of a deceased claimant may be submitted to the Department, as instructed on the Department's website for this program, by parties who assert a financial interest in the award. Any such objection must be submitted within 30 days following receipt of notice by the personal representative as defined under this section. If timely submitted, such objections shall be treated as evidence of a "dispute" under paragraph (d) of this section.

(d) *Disputes as to the identity of the personal representative.* The Department will not, and shall not be required to, arbitrate, litigate, or otherwise resolve any dispute as to the identity of the personal representative. In the event of a dispute over the appropriate personal representative, the Department may suspend or return a request to the claimant without prejudice to its later resubmission and may withhold any payment until the dispute is resolved either by agreement of the disputing parties or by a court of competent jurisdiction. Alternatively, the disputing parties may agree in writing to the identity of a personal representative to act on their behalf, who may seek and accept defined monetary assistance from the Reserve while the disputing parties work to settle their dispute.

§ 81.57 Request and order processing.

(a) Upon receipt of a request to the Department, the Department will review it and may follow up with the claimant (or authorized representative, if applicable) to resolve any gaps in the request's supporting information.

(b) The Department will then use reasonable efforts to identify an open or closed Federal criminal case involving the claimant to present the claimant's application (with supporting information, as appropriate) for a court to determine the claimant's eligibility to receive defined monetary assistance. If the Department is unable to locate such a case, it will notify the claimant (or the claimant's authorized representative, if applicable). If the Department presents the claimant's application to a court, in its sole discretion, the Department may or may not present the claim with an accompanying recommendation that the court order payment or not. If the Department determines that it will recommend against the court ordering

payment, the Department will make reasonable efforts to inform the claimant (or the claimant's authorized representative, if applicable) of such recommendation prior to any presentation of the application to the court.

(c) If a court issues an order requiring payment to any claimant, the Department will process payment of defined monetary assistance to the claimant or, where appropriate, to the claimant's authorized representative, in accordance with the order in the amount specified therein, upon receipt of the order and the requisite information from the claimant following instructions on the Department's website for this program. Failure to submit all required information to the Department may result in delay of payment.

(d) If the court issues an order denying eligibility based on an application submitted by the Department, the Department will notify the claimant (or the claimant's authorized representative, if applicable). The Department may decide to seek appellate review of a ruling by a district court regarding a claimant's eligibility for defined monetary assistance. The Department will make reasonable efforts to consult with the claimant (or the claimant's authorized representative, if applicable) on the issue of appellate review.

§ 81.58 Signatures and certifications.

A request to the Department will be deemed submitted when it is submitted online at the Department's website for this program; or, as provided in accordance with § 81.54, consistent with the instructions on the claim form. By submitting the request, the claimant (or, if submitted by an authorized representative, the authorized representative) acknowledges and certifies as to each of the following:

(a) *Veracity of request.* The claimant certifies, under oath, subject to penalty of perjury or in a manner that meets the requirements of 28 U.S.C. 1746, that the information provided in the request and any documents submitted in support of the request are true and accurate to the best of the claimant's knowledge, and the claimant agrees that any defined monetary assistance paid from the Reserve is expressly conditioned upon the truthfulness and accuracy of the information and documentation submitted in support of the request. Where a claimant is represented by an authorized representative, that representative must have authority to certify the request on behalf of the claimant.

(b) *Potential criminal penalties.* The claimant understands that false statements or claims made in connection with the request may result in fines, imprisonment, and any other remedy available by law to the Federal Government, including fines and imprisonment as provided in 18 U.S.C. 1001 and treble damages and civil penalties under the False Claims Act, 31 U.S.C. 3729, *et seq.* Requests that appear to be potentially fraudulent or to contain false information may be forwarded to Federal, State, and local law enforcement authorities for possible investigation and prosecution.

(c) *Limitation on attorney fees.* If a claimant is represented by counsel, no attorney shall charge, receive, or collect any payment of fees and costs that in the aggregate exceeds 15 percent of any defined monetary assistance paid on such application. An attorney who violates this provision is subject to fine, imprisonment of up to one year, or both.

§ 81.59 Privacy.

The Department will not disclose to the public the names of the claimants (or their authorized representatives, if applicable) who have requested defined monetary assistance from the Reserve under this program, or their other personally identifiable information, except as necessary to process a request or application or pursuant to law or court order.

Dated: November 8, 2024.

Merrick B. Garland,
Attorney General.

[FR Doc. 2024-26679 Filed 11-22-24; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2024-0393]

RIN 1625-AA11

Regulated Navigation Area; Cuyahoga River, Cleveland, OH

AGENCY: Coast Guard, DHS.

ACTION: Interim rule and request for comments.

SUMMARY: The Coast Guard is issuing an Interim Final Rule establishing a Regulated Navigation Area (RNA) for certain waters of the Cuyahoga River in Cleveland, Ohio. This action is necessary to provide for the safety of life on these navigable waters near the "Irishtown Bend" in Cleveland, Ohio,

during a bank stabilization construction project from December 2, 2024, with an anticipated completion date of all waterside work on July 11, 2025. This rulemaking would limit vessel speeds near the area and prohibit vessels from being inside the RNA during construction hours unless authorized by the Captain of the Port Sector Eastern Great Lakes or a designated representative. We invite your comments on this rulemaking.

DATES: This interim rule is effective on December 2, 2024. Comments and related material must be received by the Coast Guard December 26, 2024.

ADDRESSES: You may submit comments identified by docket number USCG–2024–0393 using the Federal Decision Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email MST1 Cody Mayrer at Marine Safety Unit Cleveland’s Waterways Management Division, U.S. Coast Guard; telephone 216–937–0111, email D09-SMB-MSUCLEVELAND-WWM@uscg.mil.

SUPPLEMENTARY INFORMATION:

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I. Abbreviations

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
OMB Office of Management and Budget
RNA Regulated Navigation Area
§ Section
U.S.C. United States Code

II. Basis and Purpose, and Regulatory History

On December 17, 2023, Goettle Construction company notified the

Coast Guard that they will be conducting waterside construction associated with a bank stabilization project on the Cuyahoga River in Cleveland, Ohio from August 15, 2024, through November 30, 2025. Construction is intended to shore-up and replace approximately 2,400 linear feet of corrugated steel bulkhead located on the western (left descending) bank of the Cuyahoga River between the Detroit-Superior Bridge and the Columbus Road Bridge. The Captain of the Port Sector Eastern Great Lakes (COTP) has determined that potential hazards associated with the equipment used to complete this project would be a safety concern for any craft intending to navigate near the project area during construction hours. Furthermore, additional safety measures are necessary to keep workers on the construction barges safe while completing the construction project.

There will be impacts to the Cuyahoga River in Cleveland during this stabilization project. However, this work is necessary because if the bank of the river is allowed to slide into the river, then it could potentially close the river for an estimated 12–18 months for all vessel traffic.

The Coast Guard published a notice of proposed rulemaking on May 21, 2024, with a 30-day comment period, 89 FR 44622. During this period, 10 comments were received. After a review of all comments, several meetings were held with project stakeholders to discuss concerns over impacts to commercial vessel traffic in the affected area of the navigable waterway. The result of the analysis of the comments and collaboration with stakeholders was to maintain the original engineering scope of the project, however, with modified project dates and timing to accommodate stakeholder concerns related to vessel and facility scheduling. The Coast Guard is satisfied with these modifications to the project schedule.

Due to the significant nature of this project, and in the interest of continued collaboration with stakeholders, this rulemaking provides for an additional 30-day comment period. Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because of the need to protect the public from hazards associated with the project.

The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70011 and 70034. The authority to promulgate regulations under this section is delegated to the Commandant

of the Coast Guard under Department of Homeland Security (DHS) Delegation No. 00170.1(II)(70), Revision No. 01.4.

III. Discussion of Comments

During the NPRM comment period, 10 comments were received from industry representatives potentially affected by the construction plan. Their shared, consistent concern was the restriction of commercial vessel traffic during the daily construction periods resulting in impacts to the transportation of various commodities to and from waterfront processing facilities. These comments have been addressed directly with the stakeholders during several in-person meetings. As a result of these comments and meetings, we adjusted the dates and times for the RNA in this document.

IV. Discussion of the Rule

This rule establishes a RNA starting on December 2, 2024, with an anticipated completion date of July 11, 2025. The RNA would cover all navigable waters within 10 feet of construction barges in the Cuyahoga River located on the western bank (left descending bank) of the Cuyahoga River between the Detroit-Superior Bridge and the Columbus Road Bridge in Cleveland, Ohio. The duration of the Regulated Navigation Area is intended to ensure the safety of vessels and these navigable waters during the following scheduled hours of the construction project:

- December 2, 2024, through January 31, 2025
 - 7 a.m. each Tuesday through 7 a.m. each Thursday
- February 3, 2025, through February 28, 2025
 - No transit restrictions required due to lack of anticipated vessel traffic
- March 3, 2025, through March 28, 2025
 - 8 a.m. through 4 p.m. each Monday through Friday
- March 31, 2025, through July 11, 2025
 - 7 a.m. each Tuesday through 7 a.m. each Thursday

No vessel or craft would be permitted to be operated within 10 feet of the construction barges without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

The economic impact of this rule is reduced to reasonable minimums as a result of consideration of comments and collaboration with affected stakeholders.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses

based on these statutes or Executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

Two additional Executive orders were recently published to promote the goals of Executive Order 13563: Executive Order 13609 (Promoting International Regulatory Cooperation) and Executive Order 13610 (Identifying and Reducing Regulatory Burdens). Executive Order 13609 targets international regulatory cooperation to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. Executive Order 13610 aims to modernize the regulatory systems and to reduce unjustified regulatory burdens and costs on the public.

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). A regulatory analysis (RA) follows.

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this rule would have a significant economic impact on a substantial number of small entities. 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.

While some owners or operators of vessels intending to transit the regulated area may be small entities, for the reasons stated in section V above, this interim rule would not have a significant economic impact on any vessel owner or operator. The Coast Guard certifies under 5 U.S.C. 605(b) that this interim rule would not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental

jurisdiction qualifies as a small entity and that this interim 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.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we offer to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. 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.

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).

D. Collection of Information

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

E. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a 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. We have analyzed this rule under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows.

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered in 46 U.S.C. chapter 700 (Ports and Waterways Safety), as well as the reporting of casualties and any other category in which Congress intended the Coast Guard to be the primary source of a vessel’s or facility’s obligations, are within the fields generally foreclosed from regulation by the States. *See, e.g., United States v.*

Locke, 529 U.S. 89 (2000) (finding that the States are foreclosed from regulating tanker vessels), *see also Ray v. Atlantic Richfield Co.*, 435 U.S. 151, 157 (1978) (State regulation is preempted where “the scheme of Federal regulation may be so pervasive as to make reasonable the inference that Congress left no room for the States to supplement it [or where] the Act of Congress may touch a field in which the Federal interest is so dominant that the Federal system will be assumed to preclude enforcement of State laws on the same subject.” (citations omitted)).

This Interim Final Rule will establish a Regulated Navigation Area (RNA) for certain waters of the Cuyahoga River in Cleveland, Ohio. In enacting 46 U.S.C. 70011 (Waterfront safety) Congress articulated a need for the Coast Guard to protect the navigable waters of the United States. We have analyzed this interim rule for an RNA under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. The Coast Guard recognizes that the States may prescribe higher safety standards pursuant to 46 U.S.C. 70011(c), but such standards may not, conflict with Federal statutes and regulations. *Ray v. Atlantic Richfield Co.*, at 158. Therefore this rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel’s obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this rule has implications for federalism under Executive Order 13132, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

F. Unfunded Mandates

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. Although this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

G. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform) to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), because it will 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.

K. Energy Effects

We have analyzed this rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g.,

specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this rule under Department of Homeland Security Management 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 made a determination 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 Regulated Navigation Area during specific periods each day from December 2, 2024, through July 11, 2025, that would prohibit vessels from operating within 10 feet of the construction barges. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. Paragraph L60a pertains to Regulated Navigation Areas. This rule involves Regulations establishing, disestablishing, or changing Regulated Navigation Areas.

VI. Public Participation and Request for Comments

The Coast Guard views public participation as essential to effective rulemaking and will consider all comments and material received on this interim rule during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this interim rule, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2024–0393 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the

person in the **FOR FURTHER INFORMATION CONTACT** section of this interim rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this interim rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of the interim rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Public meeting. We are not planning to hold a public meeting but will consider doing so if we determine from public comments that a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the date, time, and location of such a meeting.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is amending 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.T24–0393 to read as follows:

§ 165.T24–0393 Regulated navigation area; Irishtown Bend Construction, Cuyahoga River, Cleveland, OH.

(a) **Location.** The following area is a Regulated Navigation Area (RNA): All navigable waters of the Cuyahoga River between the Detroit-Superior Bridge in position 41°29′37″ N, 081°42′13″ W (NAD 83) and the Columbus Road Bridge in position 41°29′17″ N,

081°42'01" W (NAD 83), from surface to bottom, during the time of enforcement described in paragraph (d) of this section.

(b) *Definition.* As used in this section, “on-scene representative” of the Captain of the Port Eastern Great Lakes (COTP) is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP to act on the COTP’s behalf. The on-scene representative may be on a Coast Guard vessel, other designated craft, or on shore and communicating with vessels via VHF-FM radio or loudhailer.

(c) *Regulations.* In addition to the general RNA regulations in § 165.13, the following regulations apply to the RNA described in paragraph (a) of this section.

(1) A vessel transiting through the RNA must make a direct passage. No vessel may stop, moor, anchor or loiter within the RNA at any time unless it is engaged or intending to engage in construction work discussed in the RNA or are able to maintain a safe distance from the construction barges. All movement within the RNA is subject to a “Slow-No Wake” speed limit. No vessel may produce a wake or attain speeds greater than 5 knots unless a higher minimum speed is necessary to maintain bare steerageway.

(2) The operator of any vessel transiting in the RNA must comply with all lawful directions given to them by the Captain of the Port Eastern Great Lakes (COTP) or the COTP’s on-scene representative.

(3) The inland navigation rules in 33 CFR chapter I, subchapter E remain in effect within the RNA and must be followed at all times.

(4) No vessel may navigate within 10 feet of the construction barges during the Enforcement Periods.

(d) *Enforcement periods.* (a) This section is enforceable during the following periods:

(1) December 2, 2024 through January 31, 2025; 7:00 a.m. each Tuesday through 7:00 a.m. each Thursday.

(2) February 3, 2025 through February 28, 2025; No transit restrictions required due to lack of anticipated vessel traffic.

(3) March 3, 2025 through March 28, 2025; 8:00 a.m. through 4:00 p.m. each Monday through Friday.

(4) March 31, 2025 through Jul 11, 2025; 7:00 a.m. each Tuesday through 7:00 a.m. each Thursday.

(b) If the COTP determines this section need not be enforced during these times on a given day, marine broadcast notices to mariners will be used to announce the specific periods when this section will not be subject to enforcement. For information on radio

stations broadcasting BNMs, see 33 CFR 72.01–25 and check the latest Local Notice to Mariners (LNM) for Coast Guard District 9 on <https://www.navcen.uscg.gov>.

Dated: November 20, 2024.

J.P. Hickey,

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

[FR Doc. 2024–27557 Filed 11–22–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 261

RIN 0596–AD57

Law Enforcement; Criminal Prohibitions

AGENCY: Forest Service, Agriculture.

ACTION: Final rule.

SUMMARY: The U.S. Department of Agriculture (Department) is revising the Forest Service (Forest Service or Agency)’s criminal prohibitions to enhance consistency of the Forest Service’s law enforcement practices with those of State and other Federal land management agencies. The Department is also streamlining enforcement of the Forest Service’s criminal prohibitions related to fire and use of vehicles on National Forest System roads and National Forest System trails by eliminating the requirement to issue an order for enforcement.

DATES: This rule is effective December 26, 2024.

FOR FURTHER INFORMATION CONTACT:

Gene Smithson, Deputy Director, Law Enforcement and Investigations, 703–605–4730 or Wilmer.Smithson@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:

Background and Need

This final rule revises certain criminal prohibitions in 36 CFR part 261, subpart A, to enhance consistency of the Forest Service’s law enforcement practices with those of State and other Federal land management agencies. In addition, this final rule streamlines enforcement of some of the criminal prohibitions found in 36 CFR part 261, subpart B, which are enforceable only through

issuance of an order, by moving them to 36 CFR part 261, subpart A, which contains criminal prohibitions that are enforceable without issuance of an order.

Forest Service law enforcement personnel continue to encounter a significant volume of violations for simple possession of controlled substances and drug paraphernalia. Agency law enforcement personnel routinely deal with under-age alcohol possession on National Forest System (NFS) lands. These violations pose a threat to the safety of visitors to NFS lands as well as to Forest Service personnel. This final rule enhances the Forest Service’s authority to address public safety issues by adding prohibitions relating to controlled substances, drug paraphernalia, and alcoholic beverages. These new prohibitions enable the Forest Service to enforce more effectively violations on NFS lands for simple possession of controlled substances, possession of alcoholic beverages in violation of State law (for open containers or under-age drinking) and furnishing alcoholic beverages to minors. The final rule also authorizes the Forest Service to enforce violations for the possession of drug paraphernalia if prohibited by State law. These changes are intended to align the Forest Service’s law enforcement practices more closely with those of State and local law enforcement agencies.

Additionally, the final rule updates the prohibitions to enhance protection of persons visiting and working on NFS lands from theft of personal property and from disorderly conduct by other visitors. The final rule enhances enforcement of wildfire prevention prohibitions by moving them from 36 CFR part 261, subpart B, which requires issuance of an order, to 36 CFR part 261, subpart A, which does not, and by adding a prohibition banning exploding targets year-round. The final rule also makes other revisions such as updating the prohibitions relating to off-road vehicles and updating the penalty for violating the criminal prohibitions in 36 CFR part 261 consistent with current statutory law.

Summary of Comments and Responses

Overview

On October 3, 2023, the Forest Service published a proposed rule in the **Federal Register** (88 FR 68035) proposing to revise the Forest Service’s criminal prohibitions to enhance consistency of the Agency’s law enforcement practices with those of State and other Federal land

management agencies and to streamline enforcement of the Agency's criminal prohibitions related to fire and use of vehicles on NFS roads and NFS trails by eliminating the requirement to issue an order for enforcement.

The Forest Service received 41 comments during the public comment period. Eight were from professional and interest groups, 19 were from individuals, 9 were from State or local governmental entities, and 5 were submitted anonymously. Four commenters supported the proposed rule, 11 conditionally supported the proposed rule, and 26 opposed the proposed rule. One of the commenters requested a 90-day extension of the comment period. Based on the detail in the comments submitted, the Forest Service determined that it was not necessary or appropriate to extend the comment period for the proposed rule.

The comments on the proposed rule and the Department's responses follow.

Comments Outside the Scope of the Proposed Rule

Comment: One commenter was concerned about the Forest Service's response to requests for law enforcement assistance. One commenter believed that a lack of law enforcement on NFS lands is a concern given the increase in crime, wondered why Forest Service law enforcement officers were not given the tools to handle violations of existing regulations, and expressed concern about the number of dog leash regulations. Another commenter recommended removing any penalties for those who protest commercial activities on NFS lands. Some commenters were concerned that the Federal courts do not have a juvenile justice system. Multiple commenters requested that the Forest Service increase funding for cooperative law enforcement agreements with State and local law enforcement agencies. Some commenters wanted a prohibition providing for protection for nude recreation. One commenter was concerned about recreation fees being charged under the Federal Lands Recreation Enhancement Act for areas on NFS lands with a development scale of zero. Another commenter was concerned about not using State courts for prosecution of prohibitions under the proposed rule.

Response: These comments are outside the scope of the proposed rule, which does not address the Forest Service's response to requests for law enforcement assistance, enforcement of existing regulations, prohibitions on unleashed dogs, enforcement involving protests, the juvenile justice system, the

staffing levels of State and local law enforcement agencies, funding for cooperative law enforcement agreements with State and local law enforcement agencies, prohibitions providing for protection for nude recreation, recreation fees charged under the Federal Lands Recreation Enhancement Act, or the venue for prosecuting violations of prohibitions under the proposed rule.

General Comments

Comment: One commenter believed that the proposed rule could be beneficial to the safety of visitors to NFS lands if Forest Service law enforcement officers were provided sufficient training.

Response: The Department agrees that training for Forest Service law enforcement officers is critical, and training will be provided on the final rule. In addition, Forest Service law enforcement officers are already familiar with the prohibitions in the final rule and have been enforcing several of the prohibitions included in subpart A of the proposed rule through orders issued under subpart B of the existing rule. The proposed and final rules streamline work and eliminate the task of issuing orders for these prohibitions for each Agency administrative unit and promote consistent enforcement of these prohibitions nationwide.

Comment: One commenter asserted that the proposed rule would ensure uniformity of enforcement.

Response: The Department agrees that the proposed and final rules promote consistency in law enforcement on NFS lands.

Comment: One commenter expressed concern that the proposed rule would lead to over-policing, would have a disparate impact on people of color, and would lead to pretextual encounters that violate the privacy of NFS visitors.

Response: The final rule is not expected to result in disproportionately high and adverse impacts on minority or low-income populations. Forest Service law enforcement officers are not exempt from Federal civil rights and privacy laws and Executive orders, including Executive Order 14074, *Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety*, and must comply with requirements in the United States Constitution regarding search and seizure. In addition, the final rule will allow Forest Service law enforcement officers to enforce possession of controlled substances on NFS lands under the Forest Service's regulations as a Class B misdemeanor, as appropriate, rather than under 21

U.S.C. 844(a) as a Class A misdemeanor or felony, which carry harsher penalties.

Comment: One commenter asserted that the proposed rule bypassed Congressional review and approval.

Response: The Forest Service submits all final rules, including this final rule, to Congress in accordance with the Congressional Review Act, 5 U.S.C. 801 *et seq.*

Comment: Some commenters expressed concern that the proposed rule would adversely affect public safety. For example, one commenter believed that assault under State law could be charged as disorderly conduct under the proposed rule.

Response: In the limited circumstances when Forest Service law enforcement officers qualify as peace officers under State law, they are acting under State law. The proposed and final rules provide for Forest Service enforcement of prohibitions, including the prohibition on disorderly conduct, as enumerated in those rules, in accordance with the Forest Service's statutory authority. The proposed and final rules enhance consistency in law enforcement on NFS lands by providing for enforcement of certain prohibitions without issuance of an order and enhance consistency of the Forest Service's law enforcement practices with those of State law enforcement agencies. The proposed and final rules promote visitor and employee safety on NFS lands by adding prohibitions relating to controlled substances, drug paraphernalia, and alcoholic beverages; enhancing protection of persons visiting and working on NFS lands from theft of personal property and from disorderly conduct by other visitors; and enhancing fire prevention on NFS lands.

Comment: Some commenters were concerned the proposed rule would require citizens accused of even a minor offense to go through the Central Violations Bureau (CVB) instead of being prosecuted in a United States District Court. They believed that the CVB is not the appropriate venue for processing minor offenses because it fails to require behavioral programming to reduce the offenders' future threat to the public, and that the proposed rule would preclude Forest Service law enforcement officers from filing citations directly through the State court system, which is designed to handle citations for minor offenses. Another commenter expressed concern about reduced prosecution of violations involving small amounts of a controlled substance.

Response: The proposed rule does not address use of the CVB, which is a national center that provides for

electronic payment of United States District Court violation notices issued for offenses committed on Federal property, including NFS lands. The proposed and final rules provide for small amounts of a controlled substance to be handled through issuance of a violation notice and prosecution before a United States magistrate judge as a Class B misdemeanor. Under the Agency's current regulations, violations for simple possession of a controlled substance on NFS lands are often not prosecuted because they involve small amounts that are insufficient to meet guidelines for prosecution under 21 U.S.C. 844(a) before a United States District Court judge as a Class A misdemeanor or felony.

Comment: A commenter believed the best way to ensure law and order on Federal land was to work with State and local law enforcement. Other commenters asserted that the purposes of the proposed rule could be accomplished by contracting with local law enforcement agencies.

Response: The Forest Service agrees that cooperation with State and local law enforcement agencies in the execution of their responsibilities related to NFS lands enhances protection of persons and property on NFS lands. Under the Cooperative Law Enforcement Act (16 U.S.C. 551a), the Forest Service enters into cooperative law enforcement agreements with State and local law enforcement agencies, typically a county sheriff's office, that fund State and local law enforcement where NFS lands and facilities account for increased visitor use in their State. The Forest Service continues to seek opportunities to expand these efforts.

Authority and Jurisdiction

Comment: Some commenters expressed concern regarding assimilation of State law into the Forest Service's regulations.

Response: The proposed and final rules are not assimilating State law under the Assimilative Crimes Act. The Assimilative Crimes Act (18 U.S.C. 13) authorizes Federal enforcement of State criminal laws on Federal lands where the Federal Government has exclusive or concurrent legislative jurisdiction. The United States has exclusive legislative jurisdiction when it possesses all the authority of the State and the State has not reserved to itself the right to exercise any of the authority concurrently with the United States, with limited exceptions. The United States has concurrent legislative jurisdiction when the State has reserved to itself the right to exercise all the same

authority concurrently with the United States.

The United States does not have exclusive legislative jurisdiction over any NFS lands. The United States generally has proprietary jurisdiction, rather than concurrent legislative jurisdiction, over NFS lands in the western States, which were reserved from the public domain without conferring any measure of the States' authority over those areas. For NFS lands in the eastern States that were acquired under the Weeks Act (16 U.S.C. 515), the United States has concurrent legislative jurisdiction only for those NFS lands acquired before February 1, 1940 (*United States v. Raffield*, 82 F.3d 611 (4th Cir.), cert. denied, 519 U.S. 933 (1996)). For NFS lands that were acquired under the Weeks Act after February 1, 1940, the United States does not have concurrent legislative jurisdiction until it formally accepts it (40 U.S.C. 255).

However, concurrent legislative jurisdiction, or the lack of it, does not affect the Federal Government's broad authority when it has proprietary jurisdiction to regulate Federal lands under the Property Clause of the United States Constitution (art. IV, sec. 3, cl. 2) and applicable Federal statutes and regulations. In incorporating State law into its law enforcement regulations in 36 CFR part 261, the Forest Service is exercising its authority under the Property Clause and the Organic Administration Act of 1897 (16 U.S.C. 551), which authorize the Agency to promulgate regulations protecting NFS lands and to enforce Federal law on NFS lands.

Consistent with this authority, the Forest Service's existing travel management and law enforcement regulations already incorporate State law. For example, the Forest Service's travel management regulations at 36 CFR 212.5(a)(1) incorporate and apply State traffic law to NFS roads, unless State traffic law conflicts with motor vehicle use designations established under 36 CFR part 212, subpart B, or Forest Service regulations at 36 CFR part 261. The Forest Service's law enforcement regulations at 36 CFR 261.8 prohibit certain conduct affecting fish and wildlife, such as hunting and fishing, to the extent State law is violated, and the Forest Service's law enforcement regulations at 36 CFR 261.15 prohibit operating any vehicle off NFS, State, or county roads without a valid license as required by State law. Forest Service regulations are Federal law. When the Forest Service enforces prohibitions in its regulations that

incorporate State law, the Forest Service is enforcing Federal law, not State law.

Comment: One commenter asserted that States would have to consent to the Forest Service's exercise of jurisdiction, or would have to cede jurisdiction, over the NFS lands in their States for the proposed rule to be legally promulgated. Some commenters were concerned the proposed rule would violate the United States Constitution and opposed the proposed rule based on the Forest Service's lack of jurisdiction to promulgate it.

Response: The Forest Service has jurisdiction over NFS lands and does not have to obtain consent from States to exercise that jurisdiction or have States cede jurisdiction to the Forest Service for the proposed rule to be legally promulgated. The Forest Service has broad authority to regulate NFS lands under the Property Clause of the United States Constitution and the Organic Administration Act of 1897, which authorizes the Agency to promulgate regulations protecting NFS lands and to enforce Federal law on NFS lands. (U.S. Constitution., Art. IV, Sec. 3, cl. 2.)

The delegation of this Congressional authority to the Secretary of Agriculture to regulate use and occupancy of NFS lands has been recognized for over one hundred years. See *Light v. United States*, 220 U.S. 523 (1911); *United States v. Grimaud*, 220 U.S. 506 (1911). The authority of the Secretary of Agriculture to promulgate regulations protecting NFS lands is set forth in the Organic Administration Act of 1897 (16 U.S.C. 551), which authorizes regulations that regulate the occupancy and use of the national forests and preserve them from destruction; states that violation of those regulations shall be punished by a fine or imprisonment or both; and provides that any person charged with a violation of those regulations may be tried and sentenced by any United States magistrate judge specially designated for that purpose by the court appointing that United States magistrate judge, in the same manner and subject to the same conditions as provided for in 18 U.S.C. 3401(b)–(e). The Forest Service's law enforcement regulations implementing this authority are codified at 36 CFR part 261.

Comment: One commenter believed the proposed rule was a direct attempt to bypass State law enforcement. Some commenters were concerned the proposed rule would usurp State statutory authority.

Response: The proposed and final rules complement or reinforce, rather than bypass or usurp, State law enforcement authority. The Organic

Administration Act of 1897 (16 U.S.C. 480) provides that the States do not lose civil or criminal jurisdiction over their citizens on NFS lands and may enforce State civil and criminal law on NFS lands within the boundaries of their States. Consistent with that principle, the Forest Service commonly enters into cooperative law enforcement agreements with State and local law enforcement agencies that fund State and local law enforcement where NFS lands and facilities account for increased visitor use in their State. Further, the proposed and final rules reinforce State law to the extent they incorporate it, as with the new prohibitions that prohibit knowingly or intentionally possessing drug paraphernalia in violation of State law, possessing an alcoholic beverage in violation of State law, and providing an alcoholic beverage to a minor in violation of State law.

Comment: One commenter believed the proposed rule would establish a Federal enclave on all NFS lands in violation of the United States Constitution (art. 1, sec. 8, cl. 17); 40 U.S.C. 255 and 3112; 50 U.S.C. 175; and the Assimilative Crimes Act (18 U.S.C. 13).

Response: The Assimilative Crimes Act (18 U.S.C. 13) authorizes Federal enforcement of State criminal laws on Federal lands where the Federal Government has exclusive or concurrent legislative jurisdiction. In promulgating the final rule, the Forest Service is not establishing a Federal enclave subject to exclusive legislative jurisdiction under the Enclave Clause of the United States Constitution or accepting concurrent legislative jurisdiction under 40 U.S.C. 255 and 3112 for purposes of enforcement of State criminal laws on NFS lands under the Assimilative Crimes Act. Rather, in promulgating the final rule, the Forest Service is exercising its proprietary jurisdiction under the Property Clause of the United States Constitution and the Organic Administration Act of 1897.

The Enclave Clause of the United States Constitution provides that Congress has exclusive legislation over the District of Columbia and over all parcels of land purchased by the Federal Government with the consent of a State's legislature for the construction of forts, magazines, arsenals, dockyards, and other needed buildings (U.S. Constitution. Art. 1, Sec. 8, cl. 17).

A Federal enclave is a parcel of land over which the United States has exclusive legislative jurisdiction. The United States has exclusive legislative jurisdiction when it possesses all the authority of the State, and the State has

not reserved to itself the right to exercise any of the authority concurrently with the United States, with limited exceptions. The United States has concurrent legislative jurisdiction when the State has reserved to itself the right to exercise all the same authority concurrently with the United States. Title 40 of the United States Code, sections 255 and 3112, provide that the United States does not have to, but may, accept exclusive or concurrent legislative jurisdiction of the land it acquires from the State where the land is located (40 U.S.C. 255 and 3112).

The United States does not have exclusive legislative jurisdiction, and generally does not have concurrent legislative jurisdiction, over NFS lands. The United States generally has proprietary jurisdiction over NFS lands in the western States, which were reserved from the public domain without conferring any measure of the States' authority over those areas. For NFS lands in the eastern States that were acquired under the Weeks Act (16 U.S.C. 515), the United States has concurrent legislative jurisdiction only for those NFS lands acquired before February 1, 1940 (*United States v. Raffield*, 82 F.3d 611 (4th Cir.), cert. denied, 519 U.S. 933 (1996)). For NFS lands that were acquired under the Weeks Act after February 1, 1940, the United States does not have concurrent legislative jurisdiction until it formally accepts it (40 U.S.C. 255 and 3112).

However, concurrent legislative jurisdiction, or the lack of it, does not affect the Forest Service's broad authority under its proprietary jurisdiction to regulate NFS lands under the Property Clause of the United States Constitution (art. IV, sec. 3, cl. 2) and applicable Federal statutes and regulations. As stated in *Kleppe v. New Mexico*, 426 U.S. 529, 543 (1976) (citations omitted):

Absent consent or cession, a State undoubtedly retains jurisdiction over federal lands within its territory, but Congress equally surely retains the power to enact legislation respecting those lands pursuant to the Property Clause.

The Property Clause gives Congress the power to promulgate all needed regulations regarding Federal property. Congress has delegated this authority to the Secretary of Agriculture in the Organic Administration Act of 1897 (16 U.S.C. 551). The Forest Service's law enforcement regulations implementing this authority in the Property Clause and the Organic Administration Act of 1897 are codified at 36 CFR part 261.

Occupancy, Use, and Conduct

Comment: Some commenters were concerned that public nudity would become illegal in most locations on NFS lands (1) as a result of the prohibition in the proposed rule on performing an act that is obscene or threatening when committed intentionally to cause, or recklessly to create a substantial risk of causing, public alarm, nuisance, jeopardy, or violence; and (2) as a result of the reference in the preamble to the proposed rule to "indecent exposure" as an example of such an act. These commenters stated that the proposed rule should explicitly define "act that is obscene" and "indecent exposure" and were concerned that those terms could be interpreted to apply to social and recreational nude activities.

Response: The proposed and final rules do not revise the existing definition for "publicly nude" and the existing regulatory prohibition on being publicly nude on NFS lands in the Forest Service's law enforcement regulations. The Agency's existing law enforcement regulations (36 CFR 261.2) define "publicly nude" as being in any place where a person may be observed by another person and failing to cover with a fully opaque garment the rectal area, pubic area, or genitals and, in the case of a female person, failing to cover with a fully opaque garment both breasts below a point immediately above the top of the areola. The definition excludes persons under the age of 10 years. The Forest Service's existing law enforcement regulations authorize the Agency to issue an order under 36 CFR 251.58(j) that prohibits being publicly nude in specified areas on NFS lands.

The Department does not believe it is necessary or appropriate to define the phrase, "act that is obscene," in the final rule. To be covered by the prohibition on disorderly conduct in § 261.4(b), an act that is obscene must be committed intentionally to cause, or recklessly to create a substantial risk of causing, public alarm, nuisance, jeopardy, or violence. This context clarifies the meaning of the phrase, "act that is obscene," and distinguishes it from social and recreational nude activities to the extent they are not covered by an order prohibiting being publicly nude. The Department also does not believe it is necessary or appropriate to define the term, "indecent exposure," which is not used in the proposed and final rules and merely appears in the preamble to the proposed rule as an example, rather than as an element, of an act that is obscene or threatening when committed

intentionally to cause, or recklessly to create a substantial risk of causing, public alarm, nuisance, jeopardy, or violence.

Comment: One commenter was concerned about orders not completing a formal process. Another commenter was concerned about the Forest Service's compliance with issuing orders in accordance with the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Pub. L. 116–9, Title IV (Sportsmen's Access and Related Matters)) (Dingell Act).

Response: The Forest Service's existing law enforcement regulations at 36 CFR part 261, subpart B, were published for public notice and comment in the **Federal Register**. These regulations authorize the Agency to issue orders that impose temporary closures or restrictions only as enumerated in 36 CFR part 261, subpart B, and only in specific locations, based on site-specific conditions. Consistent with these regulations, each order issued by the Forest Service describes the specific area, road, or trail to which it applies; specifies the times it applies; and states each prohibition it applies from those enumerated in 36 CFR part 261, subpart B, and is displayed in such locations and in such a manner as to reasonably bring the prohibition in the order to the attention of the public.

As required by the Dingell Act and the Forest Service's implementing directive in Forest Service Handbook 5309.11, chapter 30, section 34, for temporary or permanent hunting, fishing, or recreational shooting orders issued under 36 CFR part 261, subpart B, the Forest Service provides advance notice to the public of the intent to issue the proposed order for public comment, and provides public notice and opportunity to comment on the proposed order, by completing the following steps: (1) coordination with the appropriate State Fish and Wildlife agency; (2) coordination with affected Indian Tribes, as appropriate; (3) publication and other dissemination of an advance notice of intent before publication of a notice of opportunity for public comment; (4) publication of a notice of opportunity for public comment; (5) publication of a response to comments received during the comment period; and (6) issuance of the final temporary or permanent hunting, fishing, or recreational shooting order.

Comment: Some commenters opposed the proposed revision to 36 CFR 261.53 that would allow for issuance of an order restricting use of an area, as well as closure of an area in its entirety to all uses, without local coordination and

opposed the delegation of authority for this purpose.

Response: The proposed and final rules do not change the delegation of the Forest Service's authority to issue orders under 36 CFR part 261, subpart B. The Forest Service's regulations at 36 CFR 261.53 authorize the Agency to issue orders to protect species, archaeological resources, scientific experiments or investigations, public health or safety, property, and the privacy of Tribal activities for traditional and cultural purposes. The Department believes having the flexibility to restrict use of an area, as well as close it entirely, for these purposes will allow the Forest Service to address these concerns in a more targeted manner. For maximum effectiveness and awareness, the Forest Service works closely with local authorities in issuing these types of orders.

Comment: Some commenters opposed traffic enforcement by the Forest Service on State and county roads and were concerned the proposed rule would broaden traffic enforcement.

Response: The proposed and final rules do not address traffic enforcement on State and county roads. Rather, the proposed and final rules address traffic enforcement on NFS roads. An NFS road is defined in the Forest Service's regulations to exclude a State or county road. An NFS road is defined as a road (1) that is wholly or partly within or adjacent to and serving the NFS that the Forest Service determines is necessary for the protection, administration, and utilization of the NFS and the use and development of its resources; and (2) that is not authorized by a legally documented right-of-way held by a State, county, or other local public road authority (36 CFR 212.1). The proposed and final rules incorporate State traffic law in 36 CFR 261.12, which applies to NFS roads, so that State traffic law is enforceable as Federal traffic law on NFS roads. Specifically, the proposed and final rules incorporate two commonly cited violations of State traffic law: operating a motor vehicle without a valid license and operating a motor vehicle while under the influence of an alcoholic beverage or a controlled substance. The proposed and final rules also incorporate a catch-all prohibition that incorporates any other State traffic laws so that they are enforceable as Federal traffic law. These revisions simplify enforcement of State traffic law on NFS roads and enhance consistency in enforcement of State traffic law.

Comment: Some commenters were concerned that under the proposed rule fighting or assault would be charged as the lesser offense of disorderly conduct.

Response: Disorderly conduct is a category of offense, not the offense itself, for prohibitions enumerated in 36 CFR 261.4. Since June 1981, "engaging in fighting" has been prohibited as disorderly conduct under 36 CFR 261.4(a). The disorderly conduct prohibitions in the proposed and final rules add threatening or other violent behavior; clarify the content by prohibiting making an utterance or performing an act that is made or performed in a manner likely to inflict injury or to incite an immediate breach of peace or that is obscene or threatening. The proposed and final rules also add a criminal intent element that the violator acted with the intent to cause, or recklessly to create a substantial risk of causing, public alarm, nuisance, jeopardy, or violence. Any violations of prohibitions in 36 CFR part 261, subpart A, or in an order issued under 36 CFR part 261, subpart B, can be written as a mandatory appearance that requires the defendant to appear in Federal court, rather than simply paying a collateral fine through the CVB. States may also have the authority to enforce these types of offenses under applicable State law.

Comment: Some commenters objected to including personal property crimes in the proposed rule. Several commenters did not believe that State and local law enforcement agencies were understaffed and consequently constrained in their ability to respond promptly to personal property crimes.

Response: Personal property crimes such as theft have become an increasing problem on NFS lands. To effectively deal with this criminal activity, Forest Service law enforcement officers need appropriate tools to enforce Federal law effectively and professionally. This type of criminal activity may take place in remote locations in the NFS that are difficult to access and may not be routinely patrolled by State and local law enforcement agencies due to staffing constraints. By adding a prohibition against theft, the proposed and final rules allow Forest Service law enforcement officers to assist victims of these type of crimes and disrupt this type of criminal activity on NFS lands.

Comment: Some commenters recommended removing the proposed prohibition on leaving personal property unattended for longer than 24 hours, except in locations where longer periods have been designated, on the grounds that the proposed prohibition was unclear. Some commenters were concerned about the proposed prohibition because they believed that the determination of what constitutes "abandoned property" was subjective.

Some commenters suggested a longer timeframe for leaving personal property unattended to accommodate certain types of recreational activities.

Response: Forest Service law enforcement personnel have encountered a noticeable increase in personal property, such as camping and other recreational equipment, being stored on NFS lands. Because the term “abandon” connotes relinquishing property without an intent to reclaim possession, the Forest Service needs a better tool to manage illegally stored personal property on NFS lands. The proposed rule would prohibit leaving personal property unattended for longer than 24 hours, except in locations where longer periods have been designated. Including a specified timeframe for leaving personal property unattended is an objective way to establish relinquishment of the property without an intent to reclaim it. In the final rule, the Department is extending the timeframe for leaving personal property unattended from 24 hours to 72 hours to accommodate certain types of recreational activities such as hunting, backpacking, and fishing trips and to be consistent with the Forest Service’s regulations at 36 CFR 262.12, which establish a 72-hour timeframe for impoundment of property.

Comment: Commenters expressed concern that the proposed revisions to 36 CFR 261.10 governing occupancy and use would inappropriately expand the Forest Service’s law enforcement mission with respect to driving under the influence and crimes affecting persons and property.

Response: The Organic Administration Act of 1897 gives the Forest Service broad authority to promulgate regulations governing occupancy and use of NFS lands and to criminally enforce violations of those regulations (16 U.S.C. 551). The proposed and final rules prohibit constructing, placing, or maintaining a sign on NFS lands or facilities without an authorization; abandoning personal property on NFS lands; possession of alcohol by a minor or possession of an open container in a vehicle, where prohibited by State law; and providing an alcoholic beverage to a minor in violation of State law. These revisions in the proposed and final rules promote the Agency’s mission to provide for resource protection and address public health and safety on NFS lands and complement enforcement of State law by State and local law enforcement agencies on NFS lands.

Comment: Some commenters requested clarification concerning the proposed revision prohibiting the

construction, placement, or maintenance of unauthorized signs on NFS lands or facilities.

Response: Unauthorized signs inhibit the public from fully utilizing NFS lands and can create nuisances and hazards which can inhibit appropriate use of NFS resources. Existing Forest Service regulations at 36 CFR 261.10(a) prohibit constructing, placing, or maintaining certain improvements on NFS lands or facilities without a special use authorization, contract, approved plan of operations, or other written authorization when such authorization is required. Signs are not listed as a type of improvement that is prohibited without a written authorization. Accordingly, the proposed and final rules revise 36 CFR 261.10(a) to prohibit constructing, placing, or maintaining a sign on NFS lands or facilities without a written authorization, such as a special use authorization, contract, or approved plan of operations.

Fireworks and Exploding Targets

Comment: Multiple commenters believed that fireworks should be regulated more on NFS lands, that it was necessary to have a prohibition on use of fireworks and exploding targets on NFS lands, and that the Forest Service should strive to prevent fires on NFS lands.

Response: The proposed and final rules enhance fire prevention on NFS lands by moving prohibitions relating to fire that are currently enforceable only through issuance of an order under 36 CFR part 261, subpart B, to the prohibitions in 36 CFR part 261, subpart A, which are generally applicable to NFS lands and enforceable without issuance of an order. These prohibitions ban possession or use of fireworks or other pyrotechnic devices on NFS lands; violation of any State law concerning burning or fires or any State law whose purpose is to prevent or restrict the spread of fire; and operation or use of any internal or external combustion engine without a properly installed and maintained spark-arresting device that meets specified requirements. In addition, the proposed and final rules enhance fire prevention on NFS lands by prohibiting the possession or use of exploding targets on NFS lands.

Controlled Substances and Alcoholic Beverages

Comment: One commenter wondered how proposed prohibitions involving controlled substances would be enforced in States where controlled substances are legal.

Response: It is a violation of Federal law for a person knowingly or

intentionally to possess controlled substances (21 U.S.C. 844(a)). Forest Service law enforcement officers enforce 21 U.S.C. 844(a) on NFS lands, and in some circumstances off NFS lands, under the National Forest System Drug Control Act of 1986 (16 U.S.C. 559b–559g). Violations of 21 U.S.C. 844(a) require referral to the appropriate United States Attorney’s Office for the filing of a complaint or information and prosecution before a United States District Court judge. In many instances, violations for simple possession of a controlled substance on NFS lands are not prosecuted under 21 U.S.C. 844(a) because they involve small amounts that are insufficient to meet applicable prosecutorial guidelines. The proposed and final rules provide an alternative to proceeding under 21 U.S.C. 844(a) by adding a prohibition against knowingly or intentionally possessing a controlled substance in violation of Federal law. Under this new prohibition, possession of small amounts of a controlled substance can be handled through issuance of a violation notice by a Forest Service law enforcement officer and prosecution before a United States magistrate judge as a Class B misdemeanor. Forest Service law enforcement personnel can continue to refer cases involving larger amounts of controlled substances that meet prosecutorial guidelines to the appropriate United States Attorney’s Office.

Comment: Some commenters believed that violations involving controlled substances and alcoholic beverages should be prosecuted in State court and that the Forest Service should limit the scope of revisions to its law enforcement regulations regarding these types of violations. Additionally, some commenters believed that the Forest Service should use existing State law for enforcement of violations involving alcoholic beverages.

Response: Violations of Federal law on or affecting NFS lands, including violations of Federal laws involving controlled substances and prohibitions in the Forest Service’s law enforcement regulations at 36 CFR part 261, subpart A, and orders issued under 36 CFR part 261, subpart B, are prosecuted in Federal court, not State court (16 U.S.C. 551). Forest Service law enforcement officers may enforce State law in certain circumstances. Under 16 U.S.C. 553, Forest Service law enforcement officers may aid in the enforcement of State laws pertaining to stock, fires, and fish and game on NFS lands if authorized by State officials. Under 16 U.S.C. 559d(5), Forest Service law enforcement officers may accept designations of law

enforcement authority from State and local governmental agencies for purposes of cooperating in multi-agency investigations of violations of the Controlled Substances Act and other offenses committed in the course of or in connection with those violations. Under 16 U.S.C. 559g(c), Forest Service law enforcement officers may accept designations of law enforcement authority from State and local governmental agencies for purposes of cooperating with those agencies in investigation and enforcement if it is mutually beneficial and the Forest Service and the cooperating agency have entered into a memorandum of understanding or cooperative agreement. Some State statutes authorize peace officers to take limited actions in response to violations of State law in certain circumstances. When Forest Service law enforcement officers qualify as peace officers under State law, they may enforce State law.

Changes to the Proposed Rule

The Department is extending the timeframe for leaving personal property unattended from 24 hours in the proposed rule to 72 hours in the final rule to accommodate certain types of recreational activities such as hunting, backpacking, and fishing trips and to be consistent with the Forest Service's regulations at 36 CFR 262.12, which establish a 72-hour timeframe for impoundment of property.

Regulatory Certifications

Regulatory Planning and Review

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will determine whether a regulatory action is significant as defined by E.O. 12866 and will review significant regulatory actions. OIRA has determined that this final rule is not significant as defined by E.O. 12866. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The Department has developed the final rule consistent with E.O. 13563.

Congressional Review Act

Pursuant to subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (known as the Congressional Review Act) (5 U.S.C. 801 *et seq.*), OIRA has designated this final

rule as not a major rule as defined by 5 U.S.C. 804(2).

National Environmental Policy Act

The final rule streamlines enforcement of criminal prohibitions in existing regulations by providing for enforcement without issuance of an order and enhances consistency of the Forest Service's law enforcement practices with those of State and other Federal land management agencies. Agency regulations at 36 CFR 220.6(d)(2) exclude from documentation in an environmental assessment or environmental impact statement "rules, regulations, or policies to establish service-wide administrative procedures, program processes, or instructions." The Department has concluded that this final rule falls within this category of actions and that no extraordinary circumstances exist which would require preparation of an environmental assessment or environmental impact statement.

Regulatory Flexibility Act Analysis

The Department has considered the final rule under the Regulatory Flexibility Act (RFA), 5 U.S.C. 602 *et seq.* The final rule streamlines enforcement of criminal prohibitions in existing regulations by providing for enforcement without issuance of an order and enhances consistency of the Forest Service's law enforcement practices with those of State and other Federal land management agencies. The final rule will not have economic effects on small entities as defined by the RFA. Therefore, the Department has determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined by the RFA.

Federalism

The Department has considered the final rule under the requirements of E.O. 13132, *Federalism*. The Department has determined that the final rule conforms with the federalism principles set out in this E.O.; will not impose any compliance costs on the States; and will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the Department has concluded that the final rule does not have federalism implications.

Consultation and Coordination With Indian Tribal Governments

E.O. 13175, *Consultation and Coordination with Indian Tribal*

Governments, requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. The final rule streamlines enforcement of criminal prohibitions in existing regulations by providing for enforcement without issuance of an order and enhances consistency of the Forest Service's law enforcement practices with those of State and other Federal land management agencies. The Department has reviewed this final rule in accordance with the requirements of E.O. 13175 and has determined that this final rule will not have substantial direct effects on 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. Therefore, consultation and coordination with Indian Tribal governments is not required for this final rule.

Environmental Justice

The Department has considered the final rule under the requirements of E.O. 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, and E.O. 14096, *Revitalizing Our Nation's Commitment to Environmental Justice for All*. The Department has determined that the final rule is not expected to result in disproportionate and adverse impacts on communities with environmental justice concerns or the exclusion of communities with environmental justice concerns from meaningful involvement in decisionmaking.

Family Policymaking Assessment

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105-277), requires Federal agencies to issue a Family Policymaking Assessment for a rule that may affect family wellbeing. The final rule will have no impact on the autonomy or integrity of the family as an institution. Accordingly, the Department has concluded that it is not necessary to prepare a Family Policymaking Assessment for the final rule.

Takings Implications

The Department has analyzed the final rule in accordance with the principles and criteria in E.O. 12630, *Governmental Actions and Interference with Constitutionally Protect Property Rights*. The Department has determined that the final rule will not pose the risk of a taking of private property.

Energy Effects

The Department has reviewed the final rule under E.O. 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*. The Department has determined that the final rule will not constitute a significant energy action as defined in E.O. 13211.

Civil Justice Reform

The Department has analyzed the final rule in accordance with the principles and criteria in E.O. 12988, *Civil Justice Reform*. Upon publication of the final rule, (1) all State and local laws and regulations that conflict with the final rule or that impede its full implementation will be preempted; (2) no retroactive effect will be given to this final rule; and (3) it will not require administrative proceedings before parties may file suit in court challenging its provisions.

Unfunded Mandates

Pursuant to title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Department has assessed the effects of the final rule on State, local, and Tribal governments and the private sector. The final rule will not compel the expenditure of \$100 million or more, adjusted annually for inflation, in any 1 year by State, local, and Tribal governments in the aggregate or by the private sector. Therefore, a statement under section 202 of the Act is not required.

Paperwork Reduction Act

The final rule does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 that are not already required by law or not already approved for use. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320 do not apply.

List of Subjects in 36 CFR Part 261

Law enforcement, National forests.

Therefore, for the reasons set forth in the preamble, the Department is amending chapter II of title 36 of the Code of Federal Regulations as follows:

PART 261—PROHIBITIONS

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

Authority: 7 U.S.C. 1011(f); 16 U.S.C. 460–6d, 472, 551, 620(f), 1133(c)–(d)(1), 1246(i).

■ 2. Revise § 261.1b to read as follows:

§ 261.1b Penalty.

Unless otherwise provided by law, the punishment for violation of any prohibition in or order issued under this part shall be imprisonment of not more than six months or a fine in accordance with the applicable provisions of 18 U.S.C. 3571 or both.

■ 3. Amend § 261.2 by:

- a. Adding in alphabetical order definitions for “Alcoholic beverage” and “Controlled substance”;
- b. Revising the definition for “Developed recreation site”; and
- c. Adding in alphabetical order definitions for “Exploding target”, “Firework”, “Pyrotechnic device”, and “Recreation site”.

The additions and revision read as follows:

§ 261.2 Definitions.

* * * * *

Alcoholic beverage means alcoholic beverage as defined by State law.

* * * * *

Controlled substance means a drug or other substance, its immediate precursor included in schedules I, II, III, IV, or V of section 202 of the Controlled Substance Act (21 U.S.C. 812), or a drug or other substance added to these schedules under the terms of the Act.

* * * * *

Developed recreation site has the same meaning as in chapter 50 of Forest Service Handbook 2309.13.

* * * * *

Exploding target means a binary explosive consisting of two separate components (usually an oxidizer like ammonium nitrate and a fuel such as aluminum or another metal) that is designed to explode when struck by a bullet.

* * * * *

Firework has the same meaning as in 27 CFR 555.11 or a successor regulation.

* * * * *

Pyrotechnic device has the same meaning as the term “articles pyrotechnic” in 27 CFR 555.11 or a successor regulation.

* * * * *

Recreation site has the same meaning as in chapter 50 of Forest Service Handbook 2309.13.

* * * * *

■ 4. Revise § 261.4 to read as follows:

§ 261.4 Disorderly conduct.

The following are prohibited when committed intentionally to cause, or recklessly to create a substantial risk of causing, public alarm, nuisance, jeopardy, or violence:

- (a) Engaging in fighting or any threatening or other violent behavior.
- (b) Making an utterance or performing an act that is obscene or threatening or that is made or performed in a manner that is likely to inflict injury or incite an immediate breach of peace.
- (c) Making noise that is unreasonable considering the nature and purpose of the conduct, location, and time.

■ 5. Amend § 261.5 by adding paragraphs (h) through (j) to read as follows:

§ 261.5 Fire.

* * * * *

(h) Possessing or using an exploding target or any kind of firework or other pyrotechnic device.

(i) Violating any State law concerning burning or fires or any State law that is for the purpose of preventing or restricting the spread of fire.

(j) Operating or using any internal or external combustion engine without a spark arresting device that is properly installed, maintained, and in effective working order in accordance with USDA Forest Service Standard 5100–1.

■ 6. Amend § 261.9 by adding paragraph (j) to read as follows:

§ 261.9 Property.

* * * * *

(j) Damaging or removing without authorization any personal property that belongs to another person.

■ 7. Amend § 261.10 by revising paragraphs (a), (e), (o), and (p) and adding paragraphs (q) through (s) to read as follows:

§ 261.10 Occupancy and use.

* * * * *

(a) Constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communications equipment, sign, or other improvement on National Forest System lands or facilities or making a significant surface disturbance on National Forest System lands without a special use authorization, contract, approved plan of operations, or other written authorization when that written authorization is required.

* * * * *

(e) Leaving personal property unattended for longer than 72 hours, except in locations where longer periods have been designated.

* * * * *

(o) Use or occupancy of National Forest System lands or facilities without a special use authorization, contract, approved plan of operations, or other written authorization when that written authorization is required.

(p) Knowingly or intentionally possessing any controlled substance in violation of Federal law.

(q) Knowingly or intentionally possessing any drug paraphernalia in violation of State law.

(r) Possessing any alcoholic beverage in violation of State law.

(s) Providing any alcoholic beverage to a minor in violation of State law.

■ 8. Amend § 261.12 by adding paragraphs (e) through (i) to read as follows:

§ 261.12 National Forest System roads and trails.

* * * * *

(e) Operating a motor vehicle without a valid license as required by State law.

(f) Operating a motor vehicle while under the influence of an alcoholic beverage or a controlled substance in violation of State law.

(g) Operating a motor vehicle in violation of any State law other than those described in paragraph (e) or (f) of this section.

(h) Operating a vehicle or motor vehicle carelessly, recklessly, or in a manner or at a speed that would endanger or be likely to endanger any person or property.

(i) Operating a motor vehicle in violation of a posted sign or traffic control device.

■ 9. Amend § 261.15 by revising paragraphs (e) and (g) to read as follows:

§ 261.15 Use of vehicles off roads.

* * * * *

(e) While under the influence of an alcoholic beverage or a controlled substance in violation of State law.

* * * * *

(g) Carelessly, recklessly, or in a manner or at a speed that endangers or is likely to endanger any person or property.

* * * * *

■ 10. Amend § 261.50 by revising paragraphs (a) and (b) to read as follows:

§ 261.50 Orders.

(a) The Chief, each Regional Forester, each Experiment Station Director, the head of each administrative unit, their deputies, or persons acting in these positions may issue orders, consistent with their delegations of authority, that close or restrict the use of described areas by applying the prohibitions authorized in this subpart, individually or in combination.

(b) The Chief, each Regional Forester, each Experiment Station Director, the head of each administrative unit, their deputies, or persons acting in these positions may issue orders, consistent with their delegations of authority, that close or restrict the use of any National Forest System road or National Forest System trail.

* * * * *

■ 11. Revise § 261.52 to read as follows:

§ 261.52 Fire.

When provided by an order, the following are prohibited:

(a) Building, maintaining, attending, or using a fire, campfire, or stove fire.

(b) Using an explosive.

(c) Smoking.

(d) Smoking, except within an enclosed vehicle or building, at a recreation site, or while stopped in an area at least 3 feet in diameter that is barren or cleared of all flammable material.

(e) Entering or being in an area.

(f) Entering an area without any firefighting tool prescribed by the order.

(g) Operating an internal combustion engine.

(h) Welding or operating an acetylene or other torch with open flame.

■ 12. Amend § 261.53 by revising the section heading and introductory text to read as follows:

§ 261.53 Special closures or restrictions.

When provided by an order, it is prohibited to go into or be in any area which is closed or restricted for the protection of:

* * * * *

■ 13. Amend § 261.54 by removing paragraph (f).

■ 14. Amend § 261.58 by revising paragraphs (b), (d), and (bb) to read as follows:

§ 261.58 Occupancy and use.

* * * * *

(b) Entering or using a recreation site or portion thereof.

* * * * *

(d) Occupying a recreation site with prohibited camping equipment prescribed by the order.

* * * * *

(bb) Possessing an alcoholic beverage.

* * * * *

Homer Wilkes,

Under Secretary, Natural Resources and Environment.

[FR Doc. 2024–27555 Filed 11–22–24; 8:45 am]

BILLING CODE 3411–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R07–OAR–2024–0540; FRL–12405–01–R7]

Finding of Failure To Attain and Reclassification of the Missouri Portion of the St. Louis Nonattainment Area as Serious for the 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is determining that the Missouri portion of the St. Louis, MO–IL bi-State nonattainment area failed to attain the 2015 ozone National Ambient Air Quality Standards (NAAQS) by the applicable attainment date. The effect of failing to attain by the applicable attainment date is that the area will be reclassified by operation of law to “Serious” nonattainment for the 2015 ozone NAAQS on December 31, 2024, the effective date of this final rule. This action fulfills the EPA’s obligation under the Clean Air Act (CAA) to determine whether ozone nonattainment areas attained the NAAQS by the attainment date and to publish a document in the **Federal Register** identifying each area that is determined as having failed to attain and identifying the reclassification. The corresponding action for the Illinois portion of the St. Louis, MO–IL bi-State area is being taken separately.

DATES: This final rule is effective on December 31, 2024.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2024–0540. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov> or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Wendy Vit, Environmental Protection Agency, Region 7 Office, Air and Radiation Division, 11201 Renner

Boulevard, Lenexa, Kansas 66219;
telephone number: (913) 551-7697;
email address: vit.wendy@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Overview of Action

The EPA is required to determine whether areas designated nonattainment for an ozone NAAQS attained the standard by the applicable attainment date, and to take certain steps for areas that failed to attain (see CAA section 181(b)(2)). The EPA's determination of attainment for the 2015 ozone NAAQS is based on a nonattainment area's

design value (DV) as of the attainment date.¹

The 2015 ozone NAAQS is met at an EPA regulatory monitoring site when the DV does not exceed 0.070 parts per million (ppm). For the Moderate nonattainment areas for the 2015 ozone NAAQS addressed in this action, the attainment date was August 3, 2024. Because the DV is based on the three most recent, complete calendar years of data, attainment must occur no later than December 31 of the year prior to the attainment date (*i.e.*, December 31, 2023, in the case of Moderate

nonattainment areas for the 2015 ozone NAAQS). As such, the EPA's determinations for each area are based upon the complete, quality-assured, and certified ozone monitoring data from calendar years 2021, 2022, and 2023.

This action addresses the Missouri portion of the St. Louis bi-State nonattainment area (hereafter St. Louis area) that was classified as Moderate for the 2015 ozone NAAQS as of the Moderate area attainment date of August 3, 2024. Table 1 provides a summary of the DVs and the EPA's air quality-based determinations for the St. Louis area.

TABLE 1—SUMMARY OF NONATTAINMENT AREAS IN MISSOURI CLASSIFIED AS MODERATE FOR THE 2015 OZONE NAAQS

Nonattainment area	2021–2023 design value (DV) (ppm)	Attainment by the attainment date
St. Louis	0.074	Failed to attain.

The EPA is finding that the St. Louis area as shown in table 1 did not attain by the attainment date, because the 2021–2023 DVs are greater than 0.070 ppm. If the EPA determines that a nonattainment area classified as Moderate failed to attain by the attainment date, CAA section 181(b)(2)(B) requires the EPA to publish a document in the **Federal Register**, no later than 6 months following the attainment date, identifying each such area and identifying the applicable reclassification.

Under CAA section 181(b)(2)(A), the effect of this determination is that the St. Louis area will be reclassified by operation of law as Serious on the effective date of this final rule. The reclassified area will then be subject to the Serious area requirement to attain the 2015 ozone NAAQS as expeditiously as practicable, but not later than August 3, 2027.

Upon reclassification, stationary air pollution sources in the St. Louis ozone nonattainment areas will be subject to Serious ozone nonattainment area New Source Review (NSR) and title V permit requirements. The source applicability thresholds for major sources and major source modification emissions will be 50 tons per year (tpy) for volatile organic compounds (VOC) and nitrogen oxides (NO_x). For new and modified major stationary sources subject to review under Missouri regulation 10 CSR 10–6.060, in the EPA approved

State implementation plan (SIP),² VOC and NO_x emission increases from the proposed construction of the new or modified major stationary sources must be offset by emission reductions by a minimum offset ratio of 1.20 to 1 (see CAA section 182(c)(10)).

Once reclassified as Serious, Missouri must submit to the EPA the SIP revisions for this area that satisfies the statutory and regulatory requirements applicable to Serious areas established in CAA section 182(c) and in the 2015 Ozone NAAQS SIP Requirements Rule (see 83 FR 62998, December 6, 2018). The EPA is establishing deadlines for submitting SIP revisions for newly reclassified areas in a separate action.

II. What is the background for this action?

On October 26, 2015, the EPA issued its final action to revise the NAAQS for ozone to establish a new 8-hour standard (see 80 FR 65452, October 26, 2015). In that action, the EPA promulgated identical tighter primary and secondary ozone standards designed to protect public health and welfare that specified an 8-hour ozone level of 0.070 ppm. Specifically, the standards require that the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration may not exceed 0.070 ppm.

Effective on August 3, 2018, the EPA designated 52 areas throughout the

country as nonattainment for the 2015 ozone NAAQS (see 83 FR 25776, June 4, 2018). As part of that action, the EPA designated the St. Louis, MO-IL bi-State area as Marginal nonattainment for the 2015 Ozone NAAQS. The area included Boles Township of Franklin County, St. Charles County, St. Louis County, and St. Louis City in Missouri, and Madison and St. Clair Counties in Illinois. As part of that same action, EPA designated Jefferson County and the remaining portion of Franklin County, in Missouri, and Monroe County in Illinois, as attainment/unclassifiable. On July 10, 2020, the District of Columbia Circuit Court remanded the Jefferson County, Missouri, and Monroe County, Illinois, designations (among other designations) to the EPA. The Court upheld EPA's designation of Boles Township as nonattainment and the remainder of Franklin County as attainment/unclassifiable. In response to the Court remand, the EPA revised the Jefferson County, Missouri, and Monroe County, Illinois, designation to nonattainment on May 26, 2021 (86 FR 31438).

In a separate action, the EPA assigned classification thresholds and attainment dates based on the severity of an area's ozone problem, determined by the area's DV (see 83 FR 10376, May 8, 2018). The EPA established the attainment date for Marginal, Moderate, and Serious nonattainment areas as 3 years, 6 years, and 9 years, respectively, from the effective date of the final designations.

¹ A DV is a statistic used to compare data collected at an ambient air quality monitoring site to the applicable NAAQS to determine compliance with the standard. The data handling conventions for calculating DVs for the 2015 ozone NAAQS are specified in appendix U to 40 CFR part 50. The DV

for the 2015 ozone NAAQS is the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration. The DV is calculated for each air quality monitor in an area, and the DV for an area is the highest DV among the individual monitoring sites located in the area.

² Specifically, we are referring to the EPA-approved Missouri regulation 10 Code of State Regulations (CSR) 10–6.060, titled “Construction Permits Required.” Most recently revised and approved into Missouri's SIP on August 11, 2022 (85 FR 49530).

Thus, the attainment date for Marginal nonattainment areas for the 2015 ozone NAAQS was August 3, 2021, the attainment date for Moderate areas was August 3, 2024, and the attainment date for Serious areas is August 3, 2027. On October 7, 2022 (87 FR 60897), the EPA determined that 22 areas, including the St. Louis area addressed in this action, did not attain the standards by the Marginal attainment date, and was reclassified as Moderate by operation of law.

III. What is the statutory authority for this action?

The statutory authority for this determination is provided by the CAA, as amended (42 U.S.C. 7401 *et seq.*). Relevant portions of the CAA include, but are not necessarily limited to, sections 181 and 182.

CAA section 107(d) provides that when the EPA establishes or revises a NAAQS, the agency must designate areas of the country as nonattainment, attainment, or unclassifiable based on whether an area is not meeting (or is contributing to air quality in a nearby area that is not meeting) the NAAQS, meeting the NAAQS, or cannot be classified as meeting or not meeting the NAAQS, respectively. Subpart 2 of part D of title I of the CAA governs the classification, state planning, and emissions control requirements for any areas designated as nonattainment for a revised primary ozone NAAQS. In particular, CAA section 181(a)(1) requires each area designated as nonattainment for a revised ozone NAAQS to be classified at the same time as the area is designated based on the extent of the ozone problem in the area (as determined based on the area's DV). Classifications for ozone nonattainment areas are "Marginal," "Moderate," "Serious," "Severe," and "Extreme," in order of stringency. CAA section 182 provides the specific attainment planning and additional requirements that apply to each ozone nonattainment area based on its classification.

Section 181(b)(2)(A) of the CAA requires that within 6 months following the applicable attainment date, the EPA shall determine whether an ozone nonattainment area attained the ozone standard based on the area's DV as of that date. Under CAA section 181(a)(5) as interpreted by the EPA in 40 CFR 51.1307, upon application by any state, the EPA may grant a 1-year extension to the attainment date when certain criteria are met. One criterion for a first attainment date extension is that an area's fourth highest daily maximum 8-hour value for the attainment year must not exceed the level of the standard.

In the event an area fails to attain the ozone NAAQS by the applicable attainment date and is not granted a 1-year attainment date extension, CAA section 181(b)(2)(A) requires the EPA to make the determination that an ozone nonattainment area failed to attain the ozone standard by the applicable attainment date, and requires the area to be reclassified by operation of law to the higher of: (1) The next higher classification for the area, or (2) the classification applicable to the area's DV as of the determination of failure to attain.³ Section 181(b)(2)(B) of the CAA requires the EPA to publish the determination of failure to attain and accompanying reclassification in the **Federal Register** no later than 6 months after the attainment date, which in the case of the Moderate nonattainment areas considered in this determination is February 3, 2025.

Once an area is reclassified, each state that contains a reclassified area is required to submit certain SIP revisions in accordance with its more stringent classification. The SIP revisions are intended to, among other things, demonstrate how the area will attain the NAAQS as expeditiously as practicable, but no later than August 3, 2027, the Serious area attainment date for the 2015 ozone NAAQS. Per CAA section 182(i), a state with a reclassified ozone nonattainment area must submit the applicable attainment plan requirements "according to the schedules prescribed in connection with such requirements" in CAA section 182(c) for Serious areas, but the EPA "may adjust applicable deadlines (other than attainment dates) to the extent such adjustment is necessary or appropriate to assure consistency among the required submissions." The EPA is addressing the SIP revision and implementation deadlines for newly reclassified Serious areas, as well as the continued applicability of Moderate area requirements if they have not yet been met, in a separate rulemaking.

IV. How does the EPA determine whether an area has attained the standard?

The level of the 2015 ozone NAAQS is 0.070 ppm.⁴ Under the EPA regulations at 40 CFR part 50, appendix U, the 2015 ozone NAAQS is attained at a site when the 3-year average of the annual fourth highest daily maximum 8-

hour average ambient ozone concentration (*i.e.*, DV) does not exceed 0.070 ppm. When the DV does not exceed 0.070 ppm at each ambient air quality monitoring site within the area, the area is deemed to be attaining the ozone NAAQS. Each area's DV is determined by the highest DV among monitors with valid DVs.⁵ The data handling convention in appendix P dictates that concentrations shall be reported in "ppm" to the third decimal place, with additional digits to the right being truncated. Thus, a computed 3-year average ozone concentration of 0.071 ppm is greater than 0.070 ppm and would exceed the standard, but a computed 3-year average ozone concentration of 0.0709 ppm is truncated to 0.070 ppm and attains the 2015 ozone NAAQS.

The EPA's determination of attainment is based upon hourly ozone concentration data for calendar years 2021, 2022, and 2023 that have been collected and quality-assured in accordance with 40 CFR part 58 and reported to the EPA's Air Quality System (AQS) database.⁶

State and local monitoring network plans are subject to approval by the EPA on an annual basis and any interim modifications to those plans must also be approved by the EPA.⁷ The annual monitoring network plan process is provided in 40 CFR 58.10 and the requirements governing system modifications and monitor discontinuations are laid out in 40 CFR 58.14. Where state or local agencies seek to modify the ambient air quality

⁵ According to appendix U to 40 CFR part 50, ambient monitoring sites with a DV of 0.070 ppm or less must meet minimum data completeness requirements in order to be considered valid. These requirements are met for a 3-year period at a site if daily maximum 8-hour average ozone concentrations are available for at least 90% of the days within the ozone monitoring season, on average, for the 3-year period, with a minimum of at least 75% of the days within the ozone monitoring season in any one year. Ozone monitoring seasons are defined for each State in appendix D to 40 CFR part 58. DVs greater than 0.070 ppm are considered to be valid regardless of the data completeness.

⁶ The EPA maintains the AQS, a database that contains ambient air pollution data collected by the EPA, state, local, and Tribal air pollution control agencies. The AQS also contains meteorological data, descriptive information about each monitoring station (including its geographic location and its operator) and data quality assurance/quality control information. The AQS data is used to (1) assess air quality, (2) assist in attainment/non-attainment designations, (3) evaluate SIPs for non-attainment areas, (4) perform modeling for permit review analysis, and (5) prepare reports for Congress as mandated by the CAA. Access is through the website at <https://www.epa.gov/aqs>.

⁷ Annual monitoring network plans for each state are available at <https://www.epa.gov/amtic/state-monitoring-agency-annual-air-monitoring-plans-and-network-assessments>.

³ All nonattainment areas named in this action that failed to attain by the attainment date would be classified to the next higher classification, Serious. None of the affected areas has a DV that would otherwise place an area in a higher classification.

⁴ See 40 CFR 50.19.

monitoring networks by discontinuing a monitor station, the EPA may approve such modifications subject to the criteria established in 40 CFR 58.14(c). The EPA may not approve such discontinuation if doing so would compromise data collection needed for implementation of a NAAQS. If a monitor has been discontinued subject to 40 CFR 58.14 such that the discontinuation results in insufficient data to calculate a valid DV according to appendix U to 40 CFR part 50, the

EPA will determine the applicable area's attainment status based on the remaining monitors in the area.

V. What is the EPA's determination for the area?

The EPA is determining that the St. Louis Moderate nonattainment area addressed in this action failed to attain the 2015 ozone NAAQS by the attainment date of August 3, 2024. As shown in table 1, at least one monitor in this area had a 2021–2023 DV greater than 0.070 ppm. The EPA has further

determined that the St. Louis area did not meet the requirement under section 181(a)(5)(B) and 40 CFR 51.1307 necessary to grant a 1-year extension of the attainment date, because at least one monitor in the area had a 2023 fourth highest daily maximum 8-hour average that was greater than 0.070 ppm. Table 2 shows the annual fourth highest daily maximum 8-hour average ozone concentration and 2021–2023 DV for each monitor in the St. Louis, MO-IL area.

TABLE 2—2021–2023 FOURTH HIGHEST DAILY MAXIMUM 8-HOUR AVERAGE OZONE CONCENTRATIONS AND DESIGN VALUES AT ALL MONITORS IN THE ST. LOUIS, MO-IL AREA *

AQS site ID	County	State	Fourth highest daily maximum 8-hour average ozone concentration (ppm)			2021–2023 design value (DV) (ppm)
			2021	2022	2023	
290990019	Jefferson	Missouri	0.073	0.067	0.078	0.072
291831002	Saint Charles	Missouri	0.067	0.071	0.080	0.072
291831004	Saint Charles	Missouri	0.065	0.067	0.073	0.068
291890005	Saint Louis	Missouri	0.065	0.061	0.077	0.067
291890014	Saint Louis	Missouri	0.065	0.067	0.081	0.071
295100085	St. Louis City	Missouri	0.068	0.068	0.077	0.071
171190120	Madison	Illinois	0.070	0.076	0.078	0.074
171190122	Madison	Illinois	0.070	0.067	0.078	0.071
171193007	Madison	Illinois	0.070	0.072	0.077	0.073
171630010	Saint Clair	Illinois	0.066	0.067	0.077	0.070

* Monitors that did not meet completeness criteria and do not have a valid design value are not shown.

VI. What action is the EPA taking?

Pursuant to CAA section 181(b)(2), the EPA is determining that the St. Louis area failed to attain the 2015 ozone NAAQS by the applicable attainment date of August 3, 2024. Therefore, upon the effective date of this final action, the area will be reclassified, by operation of law, to Serious for the 2015 ozone NAAQS. Once reclassified as Serious, the area will be required to attain the standard “as expeditiously as practicable” but no later than 9 years after the initial designation as nonattainment, which in this case would be no later than August 3, 2027.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedures are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. The EPA has determined that there is good cause for making this final agency action without prior proposal and opportunity for comment because our action to determine whether this area has attained the NAAQS by the attainment date is governed, per CAA section 181(b)(2)(A), solely by area

design values as of that date. The area design values relied upon in this document are calculations based on the certified air quality monitoring data governed by EPA's regulations and involve no judgment or discretion. Thus, notice and public procedures are unnecessary to take this action. The EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

VII. Statutory and Executive Order Reviews

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

This action is not a “significant regulatory action” under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Order 14094 (88 FR 21879, April 11, 2023).

B. Paperwork Reduction Act (PRA)

This rule does not impose an information collection burden under the provisions of the PRA of 1995 (44 U.S.C. 3501 *et seq.*). This action does not contain any information collection activities and serves only to make a final determination that the St. Louis nonattainment area failed to attain the

2015 ozone standards by the August 3, 2024, attainment date where such area will be reclassified as Serious nonattainment for the 2015 ozone standards by operation of law upon the effective date of the final reclassification action.

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 (5 U.S.C. 601 *et seq.*). This action will not impose any requirements on small entities. The determination of failure to attain the 2015 ozone standards (and resulting reclassifications), do not in and of themselves create any new requirements beyond what is mandated by the CAA. This final action would require the State to adopt and submit SIP revisions to satisfy CAA requirements and would not itself directly regulate any small entities.

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. 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. The division of responsibility between the Federal Government and the States for purposes of implementing the NAAQS is established under the CAA.

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

Executive Order 13175 (65 FR 67249, November 9, 2000), requires the EPA to develop an accountable process to ensure “meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications.” This action does not have Tribal implications as specified in Executive Order 13175. This action does not apply on any Indian reservation land, any other area where EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction, or non-reservation areas of Indian country. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying 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 establish an environmental standard intended to mitigate health or safety risks.

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

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) 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. Therefore, the EPA is not considering the use of any voluntary consensus standards.

J. 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, 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. The EPA defines EJ as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

The 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 E.O. 12898 of achieving environmental justice for communities with EJ concerns.

K. Congressional Review Act (CRA)

This rule is exempt from the CRA because it is a rule of particular applicability. The rule makes a factual determination for an identified entity,

the St. Louis area, based on facts and circumstances specific to that entity. The determinations of attainment and failure to attain the 2015 ozone NAAQS do not in themselves create any new requirements beyond what is mandated by the CAA.

L. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 24, 2025. Filing a petition for reconsideration by the Administrator of this action does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of this action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 81

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

Dated: November 18, 2024.

Meghan A. McCollister,
Regional Administrator, Region 7.

For the reasons stated in the preamble, 40 CFR part 81 is amended as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

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

Subpart C—Section 107 Attainment Status Designations

■ 2. In § 81.326, the table entitled “Missouri—2015 8-Hour Ozone NAAQS [Primary and Secondary]” is amended by revising the entry “St. Louis, MO-IL,” to read as follows:

§ 81.326 Missouri.
* * * * *

MISSOURI—2015 8-HOUR OZONE NAAQS
[Primary and Secondary]

Designated area ¹	Designation		Classification	
	Date ²	Type	Date ²	Type
St. Louis, MO-IL:		Nonattainment	12/31/24	Serious.

MISSOURI—2015 8-HOUR OZONE NAAQS—Continued
[Primary and Secondary]

Designated area ¹	Designation		Classification	
	Date ²	Type	Date ²	Type
Franklin County (part). Boles Township: Jefferson County July 14, 2021 ³ . St. Charles County. St. Louis County. City of St. Louis.				
* *	* *	* *	* *	* *

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

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

³ EPA revised the nonattainment boundary in response to a court decision, which did not vacate any designations for the 2015 ozone NAAQS, but which remanded the designation for the identified county. Because this additional area is part of a previously designated nonattainment area, the implementation dates for the overall nonattainment area (e.g., the August 3, 2021 attainment date) remain unchanged regardless of this later designation date.

* * * * *

[FR Doc. 2024–27382 Filed 11–22–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0308; FRL–12327–01–OCSPP]

Various Fragrance Components in Pesticide Formulations; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of various fragrance components listed in Unit II of this document when they used as inert ingredients in antimicrobial formulations applied to food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils when the end-use concentration does not exceed 33 parts per million (ppm). Innovative Reform Group, on behalf of The Clorox Company, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of various fragrance components, when used in accordance with the terms of those exemptions.

DATES: This regulation is effective November 25, 2024. Objections and

requests for hearings must be received on or before January 24, 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–2021–0308, 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 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 Division (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 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–2021–0308 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 24, 2025.

EPA's Office of Administrative Law Judges (OALJ), where 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/HomePage?ReadForm.

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-2021-0308, 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#express>.

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

II. Petition for Exemption

In the **Federal Register** of June 1, 2021 (86 FR 29229) (FRL-10023-95), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN-11401) by Innovative Reform Group, on behalf of The Clorox Company, 4900 Johnson Dr., Pleasanton, CA 94588. The petition requested that 40 CFR be amended by establishing an exemption from the requirement of a tolerance for residues of: (1-Methyl-2-(1,2,2-trimethylbicyclo[3.1.0]hex-3-

ylmethyl)cyclopropyl)me thanol (CAS Reg. No. 198404-98-7); 1,4-Cineole (CAS Reg. No. 470-67-7); 1-Octen-3-ol (CAS Reg. No. 3391-86-4); 1-p-Menthene-8-thiol (CAS Reg. No. 71159-90-5); 2,3-Hexanedione (CAS Reg. No. 3848-24-6); 2,5-Dimethylpyrazine (CAS Reg. No. 123-32-0); 2,6-Dimethyl-4-heptanone (CAS Reg. No. 108-83-8); 2,6-Dimethylpyrazine (CAS Reg. No. 108-50-9); 2-Ethyl-1-hexanol (CAS Reg. No. 104-76-7); 2-Ethyl-3-methylpyrazine (CAS Reg. No. 15707-23-0); 2-Heptanone (CAS Reg. No. 110-43-0); 2-Isobutyl-3-methoxypyrazine (CAS Reg. No. 24683-00-9); 2-Isopropyl-4-methylthiazole (CAS Reg. No. 15679-13-7); 2-Methoxy-3-(1-methylpropyl)pyrazine (CAS Reg. No. 24168-70-5); 2-Methyl-4-propyl-1,3-oxathiane (CAS Reg. No. 67715-80-4); 2-Methylpyrazine (CAS Reg. No. 109-08-0); 2-Nonanone (CAS Reg. No. 821-55-6); 2-Octanone (CAS Reg. No. 111-13-7); 2-sec-Butylcyclohexanone (CAS Reg. No. 14765-30-1); 2-Tridecanone (CAS Reg. No. 593-08-8); 2-Undecanone (CAS Reg. No. 112-12-9); 3,4-Dimethyl-1,2-cyclopentadione (CAS Reg. No. 13494-06-9); 3-Heptanone (CAS Reg. No. 106-35-4); 3-Methyl-1-cyclopentadecanone (CAS Reg. No. 541-91-3); 3-Methyl-2-(2-pentenyl)-2-cyclopenten-1-one, (Z)-(CAS Reg. No. 488-10-8); 3-Methyl-2-(2E)-2-penten-1-yl-2-cyclopenten-1-one (CAS Reg. No. 6261-18-3); 3-Methyl-2-(n-pentanyl)-2-cyclopenten-1-one (CAS Reg. No. 1128-08-1); 3-Methyl-5-(2,2,3-trimethylcyclopent-3-en-1-yl)pent-4-en-2-ol (CAS Reg. No. 67801-20-1); 3-Octanone (CAS Reg. No. 106-68-3); 4-Acetyl-6-t-butyl-1,1-dimethylindan (CAS Reg. No. 13171-00-1); 4-Hydroxy-2,5-dimethyl-3(2H)-furanone (CAS Reg. No. 3658-77-3); 5-Methyl-2-thiophenecarboxyaldehyde (CAS Reg. No. 13679-70-4); 5-Methyl-2-phenyl-2-hexenal (CAS Reg. No. 21834-92-4); 6,10-Dimethyl-5,9-undecadien-2-one (CAS Reg. No. 689-67-8); 6-Methyl-3,5-heptadien-2-one (CAS Reg. No. 1604-28-0); 6-Methyl-5-hepten-2-one (CAS Reg. No. 110-93-0); 8-Decen-5-olide (CAS Reg. No. 32764-98-0); Acetoin (CAS Reg. No. 513-86-0); Allyl cinnamate (CAS Reg. No. 1866-31-5); Allyl heptanoate (CAS Reg. No. 142-19-8); Allyl hexanoate (CAS Reg. No. 123-68-2); Allyl propionate (CAS Reg. No. 2408-20-0); alpha-Amylcinnamaldehyde (CAS Reg. No. 122-40-7); alpha-Butylcinnamaldehyde (CAS Reg. No. 7492-44-6); alpha-Hexylcinnamaldehyde (CAS Reg. No. 101-86-0); alpha-Isobutylphenethyl alcohol (CAS Reg. No. 7779-78-4); Cajeput oil (Melaleuca leucadendron L.) (CAS Reg.

No. 8008-98-8); Cardamom (Elettaria cardamomum (L.) Maton) (CAS Reg. No. 85940-32-5); Cardamom seed oil (Elettaria cardamomum (L.) Maton) (CAS Reg. No. 8000-66-6); d,l-Isomenthone (CAS Reg. No. 491-07-6); d-Camphor (CAS Reg. No. 464-49-3); d-Fenchone (CAS Reg. No. 4695-62-9); dl-Camphor (CAS Reg. No. 21368-68-3); Ethyl maltol (CAS Reg. No. 4940-11-8); Ethyl vanillin (CAS Reg. No. 121-32-4); Eucalyptol (CAS Reg. No. 470-82-6); Eucalyptus oil (Eucalyptus globulus Labill) (CAS Reg. No. 8000-48-4); Isoamyl phenethyl ether (CAS Reg. No. 56011-02-0); Isojasnone (CAS Reg. No. 11050-62-7); Linalool oxide (CAS Reg. No. 60047-17-8); (Z)-Linalool oxide (CAS Reg. No. 5989-33-3); (E)-Linalool oxide (CAS Reg. No. 34995-77-2); Maltol (CAS Reg. No. 118-71-8); Maltol isobutyrate (CAS Reg. No. 65416-14-0); Menthone (CAS Reg. No. 10458-14-7); Methyl dihydrojasmonate (CAS Reg. No. 24851-98-7); Methyl phenethyl ether (CAS Reg. No. 3558-60-9); Methyl cyclopentenolone (CAS Reg. No. 80-71-7); Nerol oxide (CAS Reg. No. 1786-08-9); Nootkatone (CAS Reg. No. 4674-50-4); Origanum oil (CAS Reg. No. 8007-11-2); Piperonal (CAS Reg. No. 120-57-0); Piperonyl acetate (CAS Reg. No. 326-61-4); p-Mentha-8-thiol-3-one (CAS Reg. No. 38462-22-5); Rosemary oil (Rosmarinus officinalis L.) (CAS Reg. No. 8000-25-7); Rue oil (Ruta graveolens L.) (CAS Reg. No. 8014-29-7); Sage oil, Spanish (Salvia lavandulaefolia Vahl.) (CAS Reg. No. 8022-56-8); Tetrahydro-4-methyl-2-(2-methylpropen-1-yl)pyran (CAS Reg. No. 16409-43-1); Theaspirane (CAS Reg. No. 36431-72-8); when used as an inert ingredient (fragrance components) in pesticide formulations applied to food contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment with end-use concentrations not to exceed 33 ppm. That document referenced a summary of the petition prepared by Innovative Reform Group on behalf of The Clorox Company, which is available in the docket, <https://www.regulations.gov>. There were no comments received in response to the notice of filing.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and

diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term “inert” is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for 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(c)(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. When making a safety determination for an exemption from the requirement of a tolerance FFDCA section 408(c)(2)(B) directs EPA to consider the considerations in section 408(b)(2)(C) and (D). Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .” Section 408(b)(2)(D) lists other factors for EPA consideration making safety determinations, *e.g.*, the validity, completeness, and reliability of available data, nature of toxic effects, available information concerning the cumulative effects of the pesticide chemical and other substances with a common mechanism of toxicity, and available information concerning aggregate exposure levels to the pesticide chemical and other related substances, among others.

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no harm to human health. In order to determine the risks from aggregate

exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), 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 the various fragrance components identified in Unit II of this document, including exposure resulting from the exemption established by this action. EPA’s assessment of exposures and risks associated with these various fragrance components follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their 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 various fragrance components identified in Unit II, 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 this unit.

The Agency assessed these fragrance components via the Threshold of Toxicological Concern (TTC) approach as outlined by the European Food Safety Authority (EFSA) in their 2019 guidance document on the use of TTC in food safety assessment. Information regarding the database of studies and chemicals used to derive TTCs are reviewed therein. The TTC approach has been used by the Joint Expert Committee on Food Additives of the United Nations’ (U.N.) Food and Agriculture Organization and the World Health Organization (JECFA), the former Scientific Committee on Food of the European Commission, the European Medicines Agency, and EFSA.

Information from JECFA reports as well as predictive toxicology using the Organisation for Economic Co-operation and Development (OECD) Quantitative Structure-Activity Relationships (QSAR) Toolbox was used to confirm that the fragrances listed in Unit II have low carcinogenic potential and are thus good candidates for the application of the TTC method. Although 24 chemicals had in silico carcinogenicity alerts, JECFA concluded and EPA concurs that all fragrances listed in Unit II have low carcinogenic potential, based on in vitro and/or in vivo genotoxicity studies available on the chemical or structurally related chemicals. Therefore, the TTC method can be applied to these fragrances.

TTCs are derived from a conservative and rigorous approach to establish generic threshold values for human exposure at which a very low probability of adverse effects is likely. By comparing a range of compounds by Cramer Class (classes I, II, and III which correspond to the probability of low, moderate, and high toxicity) and NOEL (no-observed-effect-level), fifth percentile NOELs were established for each Cramer Class as “Human Exposure Thresholds”. These values were 3, 0.91 and 0.15 mg/kg/day for classes I, II, and III, respectively.

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 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/overview-risk-assessment-pesticide-program>.

The human exposure threshold value for threshold (*i.e.*, non-cancer) risks is based upon Cramer structural class. All of the fragrance components listed in Unit II are in Cramer Class II, which is defined as chemicals of simple structure and efficient modes of metabolism, suggesting low oral toxicity. Therefore, the NOEL of 0.91 mg/kg/day is selected as the point of departure for all exposure scenarios assessed (chronic dietary, incidental oral, dermal and inhalation exposures).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to each of the fragrance components listed in Unit II (*e.g.* ingesting foods that come in contact with surfaces treated with pesticide formulations containing these fragrance components, and drinking water exposures), EPA considered exposure under the proposed exemptions at a concentration not to exceed 33 ppm for each of the listed fragrance components as well as any other sources of dietary exposure. EPA assessed dietary exposures from the fragrance components listed in Unit II in food as follows:

The dietary assessment for food contact sanitizer solutions calculated the Daily Dietary Dose (DDD) and the Estimated Daily Intake (EDI). The assessment considered application rates, residual solution or quantity of solution remaining on the treated surface without rinsing with potable water, surface area of the treated surface which comes into contact with food, pesticide migration fraction, and body weight. These assumptions are based on U.S. Food and Drug Administration guidelines.

2. *From non-dietary exposure.* The term “residential exposure” is used in this document to refer to non-occupational, non-dietary exposure (*e.g.*, textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

The fragrance components listed in Unit II may be used as inert ingredients in products that are registered for specific uses that may result in residential exposure, such as pesticides used in and around the home. The Agency conducted a conservative assessment of potential residential exposure by assessing various fragrance components in disinfectant-type uses (indoor scenarios). The Agency’s

assessment of adult residential exposure combines high-end dermal and inhalation handler exposure from indoor hard surface, wiping, and aerosol spray uses. The Agency’s assessment of children’s residential exposure includes total post-application exposures associated with contact with treated indoor surfaces (dermal and hand-to-mouth exposures).

3. *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 the fragrance components listed in Unit II to share a common mechanism of toxicity with any other substances, nor do they appear to produce a toxic metabolite produced by other substances. For the purposes of the tolerance exemptions established in this rule, therefore, EPA has assumed that the fragrance components listed in Unit II do not have common mechanisms 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. Additional Safety Factor for the Protection of 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). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor. The FQPA SF has been reduced to 1X in this risk assessment because clear NOELs and LOELs were established in the studies used to derive the endpoints (which included developmental and reproductive toxicity studies), maternal

and developmental-specific 5th percentile NOELs indicate low potential for offspring susceptibility, and the conservative assumptions made in the exposure assessment are unlikely to underestimate risk.

E. Aggregate Risks and Determination of Safety

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

1. *Acute aggregate risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effects resulting from a single oral exposure were identified and no acute dietary endpoint was selected for any of the fragrance components listed in Unit II. Therefore, these fragrance components are not expected to pose an acute risk.

2. *Short-term aggregate 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). For residential handler short-term exposure scenarios, MOEs ranged from 13,000 to 230,000, while for residential post-application exposure scenarios, MOEs ranged from 15,000 to 32,000. These MOEs are greater than the level of concern (LOC) of 100 and therefore are not of concern. The short-term aggregate MOE is 455 for adults and 168 for children, which are greater than the LOC of 100 and therefore are not of concern.

3. *Intermediate-term aggregate risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential (dermal and inhalation) exposure plus chronic dietary exposure (food and drinking water). As the same endpoints were selected for short-term and intermediate-term exposures, intermediate-term aggregate risk is equal to the short-term aggregate risk, and it is not of concern.

4. *Chronic aggregate risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to the fragrance components listed in Unit II from food and water will utilize 21% of the cPAD for the U.S. population and

58% of the cPAD for children 1 to 2 years old, the population group receiving the greatest exposure. Chronic residential exposure to residues of these fragrance components is not expected. Therefore, the chronic aggregate risk is equal to the chronic dietary exposure for children 1 to 2 years old (58% of the cPAD).

5. *Aggregate cancer risk for U.S. population.* There is low concern for genotoxicity/carcinogenicity in humans for the fragrance components listed in Unit II of this document. Therefore, the assessment under the TTC value for non-cancer risks is protective for all risks, including carcinogenicity.

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

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is not establishing a numerical tolerance for residues of the fragrance components listed in Unit II of this document in or on any food commodities. EPA is, however, establishing limitations on the amount of these fragrance components that may be used in antimicrobial pesticide formulations. These limitations will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. 136 *et seq.* EPA will not register any pesticide formulation for food use that contains these fragrance components in excess of 33 ppm in the final pesticide formulation.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established for residues of various fragrance components listed in Unit II of this document when used as an inert ingredient (fragrance component) in pesticide formulations applied to food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils with an end-use concentration not to exceed 33 ppm under 40 CFR 180.940(a).

VII. Statutory and Executive Order Reviews

This action establishes exemptions from the requirement of a tolerance 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 exemptions in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

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

This action does not involve any technical standards that would require

Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: November 18, 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. Section 180.940 is amended by adding in alphabetical order the following inert ingredients to table 1 to paragraph (a):

- a. Acetoin
- b. 4-acetyl-6-t-butyl-1,1-dimethylindan
- c. Allyl cinnamate
- d. Allyl heptanoate
- e. Allyl hexanoate
- f. Allyl propionate
- g. 1,3-Benzodioxole-5-carboxaldehyde
- h. Bicyclo[2.2.1]heptan-2-one, 1,7,7-trimethyl-, (1R, 4R)-
- i. α -Butylcinnamaldehyde
- j. 2-sec-Butylcyclohexanone
- k. Cajeput oil (Melaleuca leucadendron L.)
- l. Camphor
- m. Cardamom (Elettaria cardamomum (L.) Maton)
- n. Cardamom seed oil (Elettaria cardamomum (L.) Maton)
- o. Cyclopentaneacetate acid, 3-oxo-2-pentyl-, methyl ester
- p. Cyclopropanemethanol, 1-methyl-2-[(1,2,2-trimethylbicyclo[3.1.0]hex-3-yl)methyl]-
- q. Diisobutyl ketone
- r. 3,4-Dimethyl-1,2-cyclopentadione

s. 2,5-Dimethylpyrazine
t. 2,6-Dimethylpyrazine
u. 6,10-Dimethylundeca-5,9-dien-2-one
v. Ethyl amyl ketone
w. Ethyl maltol
x. 2-Ethyl-3-methylpyrazine
y. Ethylvanillin
z. Eucalyptus oil
aa. Fenchone
bb. Heptanal, 2-(phenylmethylene)-
cc. 3-Heptanone
dd. 2,3-Hexanedione
ee. 1-Hexanol, 2-ethyl-
ff. α -Hexylcinnamaldehyde
gg. 4-Hydroxy-2,5-dimethyl-3(2H)-
furanone
hh. 2-Isobutyl-3-methoxypyrazine
ii. α -Isobutylphenethyl alcohol
jj. Isojasnone
kk. d,l-Isomenthone
ll. 2-Isopropyl-4-methylthiazole
mm. Linalool oxide
nn. (E)-Linalool oxide
oo. (Z)-Linalool oxide
pp. Maltol isobutyrate
qq. p-Mentha-8-thiol-3-one
rr. p-Menthan-3-one

ss. p-Menthane, 1,8-epoxy-
tt. 1-p-Menthene-8-thiol
uu. 2-Methoxy-3-(1-
methylpropyl)pyrazine
vv. Methyl n-amyl ketone
ww. 3-Methyl-1-cyclopentadecanone
xx. Methylcyclopentenolone
yy. 6-Methyl-3,5-heptadien-2-one
zz. 6-Methyl-5-hepten-2-one
aaa. 3-Methyl-2-(n-pentanyl)-2-
cyclopenten-1-one
bbb. 3-Methyl-2-(2E)-2-penten-1-yl-2-
cyclopenten-1-one
ccc. 3-Methyl-2-(2-pentenyl)-2-
cyclopenten-1-one, (Z)-
ddd. Methyl phenethyl ether
eee. 5-Methyl-2-phenyl-2-hexenal
fff. 2-Methyl-4-propyl-1,3-oxathiane
ggg. 5-Methyl-2-
thiophenecarboxyaldehyde
hhh. 3-Methyl-5-(2,2,3-trimethyl-3-
cyclopenten-1-yl)pent-4-en-2-ol
iii. 2-Methylpyrazine
jjj. Nerol oxide
kkk. 2-Nonanone
lll. Nootkatone
mmm. 2-Octanone

nnn. 1-Octen-3-ol
ooo. Oils, rosemary
ppp. Oils, sage
qqq. Origanum oil, Spanish
rrr. 7-Oxabicyclo(2.2.1.)heptane, 1-
methyl-4-(1-methylethyl)-
sss. Phenylethyl isoamyl ether
ttt. Piperonyl acetate
uuu. 4H-Pyran-4-one, 3-hydroxy-2-
methyl-
vvv. Rue oil (Ruta graveolens L.)
www. Tetrahydro-4-methyl-2-(2-
methylpropen-1-yl)pyran
xxx. Tetrahydro-6-(3-pentenyl)-2H-
pyran-2-one
yyy. Theaspirane
zzz. 2-Tridecanone
aaaa. 2-Undecanone

The additions read as follows:

§ 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions).

* * * * *
(a) * * *

TABLE 1 TO PARAGRAPH (a)

Pesticide chemical	CAS Reg. No.	Limits
* * *	*	*
Acetoin	513–86–0	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	*
4-acetyl-6-t-butyl-1,1-dimethylindan	13171–00–1	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	*
Allyl cinnamate	1866–31–5	When ready for use, the end-use concentration is not to exceed 33 ppm.
Allyl heptanoate	142–19–8	When ready for use, the end-use concentration is not to exceed 33 ppm.
Allyl hexanoate	123–68–2	When ready for use, the end-use concentration is not to exceed 33 ppm.
Allyl propionate	2408–20–0	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	*
1,3-Benzodioxole-5-carboxaldehyde	120–57–0	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	*
Bicyclo[2.2.1]heptan-2-one, 1,7,7-trimethyl-, (1R, 4R)-	464–49–3	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	*
α -Butylcinnamaldehyde	7492–44–6	When ready for use, the end-use concentration is not to exceed 33 ppm.
2-sec-Butylcyclohexanone	14765–30–1	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	*
Cajeput oil (Melaleuca leucadendron L.)	8008–98–8	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	*
Camphor	21368–68–3	When ready for use, the end-use concentration is not to exceed 33 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
Cardamom (<i>Elettaria cardamomum</i> (L.) Maton)	85940–32–5	When ready for use, the end-use concentration is not to exceed 33 ppm.
Cardamom seed oil (<i>Elettaria cardamomum</i> (L.) Maton)	8000–66–6	When ready for use, the end-use concentration is not to exceed 33 ppm.
Cyclopentaneacetate acid, 3-oxo-2-pentyl-, methyl ester	24851–98–7	When ready for use, the end-use concentration is not to exceed 33 ppm.
Cyclopropanemethanol, 1-methyl-2-[(1,2,2-trimethylbicyclo[3.1.0]hex-3-yl)methyl]-	198404–98–7	When ready for use, the end-use concentration is not to exceed 33 ppm.
Diisobutyl ketone	108–83–8	When ready for use, the end-use concentration is not to exceed 33 ppm.
3,4-Dimethyl-1,2-cyclopentadione	13494–06–9	When ready for use, the end-use concentration is not to exceed 33 ppm.
2,5-Dimethylpyrazine	123–32–0	When ready for use, the end-use concentration is not to exceed 33 ppm.
2,6-Dimethylpyrazine	108–50–9	When ready for use, the end-use concentration is not to exceed 33 ppm.
6,10-Dimethylundeca-5,9-dien-2-one	689–67–8	When ready for use, the end-use concentration is not to exceed 33 ppm.
Ethyl amyl ketone	106–68–3	When ready for use, the end-use concentration is not to exceed 33 ppm.
Ethyl maltol	4940–11–8	When ready for use, the end-use concentration is not to exceed 33 ppm.
2-Ethyl-3-methylpyrazine	15707–23–0	When ready for use, the end-use concentration is not to exceed 33 ppm.
Ethylvanillin	121–32–4	When ready for use, the end-use concentration is not to exceed 33 ppm.
Eucalyptus oil	8000–48–4	When ready for use, the end-use concentration is not to exceed 33 ppm.
Fenchone	4695–62–9	When ready for use, the end-use concentration is not to exceed 33 ppm.
Heptanal, 2-(phenylmethylene)-	122–40–7	When ready for use, the end-use concentration is not to exceed 33 ppm.
3-Heptanone	106–35–4	When ready for use, the end-use concentration is not to exceed 33 ppm.
2,3-Hexanedione	3848–24–6	When ready for use, the end-use concentration is not to exceed 33 ppm.
1-Hexanol, 2-ethyl-	104–76–7	When ready for use, the end-use concentration is not to exceed 33 ppm.
α -Hexylcinnamaldehyde	101–86–0	When ready for use, the end-use concentration is not to exceed 33 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
4-Hydroxy-2,5-dimethyl-3(2H)-furanone	3658-77-3	When ready for use, the end-use concentration is not to exceed 33 ppm.
2-Isobutyl-3-methoxypyrazine	24683-00-9	When ready for use, the end-use concentration is not to exceed 33 ppm.
α -Isobutylphenethyl alcohol	7779-78-4	When ready for use, the end-use concentration is not to exceed 33 ppm.
Isojasnone	11050-62-7	When ready for use, the end-use concentration is not to exceed 33 ppm.
d,l-Isomenthone	491-07-6	When ready for use, the end-use concentration is not to exceed 33 ppm.
2-Isopropyl-4-methylthiazole	15679-13-7	When ready for use, the end-use concentration is not to exceed 33 ppm.
Linalool oxide	60047-17-8	When ready for use, the end-use concentration is not to exceed 33 ppm.
(E)-Linalool oxide	34995-77-2	When ready for use, the end-use concentration is not to exceed 33 ppm.
(Z)-Linalool oxide	5989-33-3	When ready for use, the end-use concentration is not to exceed 33 ppm.
Maltol isobutyrate	65416-14-0	When ready for use, the end-use concentration is not to exceed 33 ppm.
p-Mentha-8-thiol-3-one	38462-22-5	When ready for use, the end-use concentration is not to exceed 33 ppm.
p-Menthan-3-one	10458-14-7	When ready for use, the end-use concentration is not to exceed 33 ppm.
p-Menthane, 1,8-epoxy-	470-82-6	When ready for use, the end-use concentration is not to exceed 33 ppm.
1-p-Menthene-8-thiol	71159-90-5	When ready for use, the end-use concentration is not to exceed 33 ppm.
2-Methoxy-3-(1-methylpropyl)pyrazine	24168-70-5	When ready for use, the end-use concentration is not to exceed 33 ppm.
Methyl n-amyl ketone	110-43-0	When ready for use, the end-use concentration is not to exceed 33 ppm.
3-Methyl-1-cyclopentadecanone	541-91-3	When ready for use, the end-use concentration is not to exceed 33 ppm.
Methylcyclopentenolone	80-71-7	When ready for use, the end-use concentration is not to exceed 33 ppm.
6-Methyl-3,5-heptadien-2-one	1604-28-0	When ready for use, the end-use concentration is not to exceed 33 ppm.
6-Methyl-5-hepten-2-one	110-93-0	When ready for use, the end-use concentration is not to exceed 33 ppm.
3-Methyl-2-(n-pentanyl)-2-cyclopenten-1-one	1128-08-1	When ready for use, the end-use concentration is not to exceed 33 ppm.
3-Methyl-2-(2E)-2-penten-1-yl-2-cyclopenten-1-one	6261-18-3	When ready for use, the end-use concentration is not to exceed 33 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
3-Methyl-2-(2-pentenyl)-2-cyclopenten-1-one, (Z)-	488–10–8	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
Methyl phenethyl ether	3558–60–9	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
5-Methyl-2-phenyl-2-hexenal	21834–92–4	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
2-Methyl-4-propyl-1,3-oxathiane	67715–80–4	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
5-Methyl-2-thiophenecarboxyaldehyde	13679–70–4	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
3-Methyl-5-(2,2,3-trimethyl-3-cyclopenten-1-yl)pent-4-en-2-ol	67801–20–1	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
2-Methylpyrazine	109–08–0	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
Nerol oxide	1786–08–9	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
2-Nonanone	821–55–6	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
Nootkatone	4674–50–4	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
2-Octanone	111–13–7	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
1-Octen-3-ol	3391–86–4	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
Oils, rosemary	8000–25–7	When ready for use, the end-use concentration is not to exceed 33 ppm.
Oils, sage	8022–56–8	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
Origanum oil, Spanish	8007–11–2	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
7-Oxabicyclo(2.2.1.)heptane, 1-methyl-4-(1-methylethyl)-	470–67–7	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
Phenylethyl isoamyl ether	56011–02–0	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
Piperonyl acetate	326–61–4	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	*	* * *
4H-Pyran-4-one, 3-hydroxy-2-methyl-	118–71–8	When ready for use, the end-use concentration is not to exceed 33 ppm.

TABLE 1 TO PARAGRAPH (a)—Continued

Pesticide chemical	CAS Reg. No.	Limits
* * *	* * *	* * *
Rue oil (Ruta graveolens L.)	8014–29–7	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	* * *	* * *
Tetrahydro-4-methyl-2-(2-methylpropen-1-yl)pyran	16409–43–1	When ready for use, the end-use concentration is not to exceed 33 ppm.
Tetrahydro-6-(3-pentenyl)-2H-pyran-2-one	32764–98–0	When ready for use, the end-use concentration is not to exceed 33 ppm.
Theaspirane	36431–72–8	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	* * *	* * *
2-Tridecanone	593–08–8	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	* * *	* * *
2-Undecanone	112–12–9	When ready for use, the end-use concentration is not to exceed 33 ppm.
* * *	* * *	* * *

* * * * *

[FR Doc. 2024–27450 Filed 11–22–24; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 93

45 CFR Parts 46 and 73

Final Scientific Integrity Policy

AGENCY: Office of the Assistant Secretary for Planning and Evaluation, Office of the Secretary, HHS.

ACTION: Policy statement.

SUMMARY: The Department of Health and Human Services (HHS) is publishing its Scientific Integrity Policy to increase access to and raise awareness of the Policy.

DATES: The effective date of the Policy is October 16, 2024.

FOR FURTHER INFORMATION CONTACT: Karen Wehner, Ph.D., Scientific Integrity Officer, Office of Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation, Office of the Secretary, HHS at 240–453–8435 or scientificintegrity@hhs.gov.

SUPPLEMENTARY INFORMATION: Scientific integrity plays a vital role in the mission of HHS. Ensuring integrity in science throughout the Department allows HHS to foster and produce high-quality science, communicate effectively with the public, and base critical policy decisions on trustworthy and rigorous scientific findings. HHS has adopted a Department-wide scientific integrity

policy to further strengthen scientific integrity and evidence-based policymaking throughout the Department.

The Scientific Integrity Policy of the U.S. Department of Health and Human Services (Policy) was approved on September 16, 2024. The finalized Policy was announced to the HHS community and posted on the HHS scientific integrity website, at <https://www.hhs.gov/programs/research/scientificintegrity/index.html>, on September 30, 2024. The effective date of the Policy is October 16, 2024.

The content of the finalized Policy, reformatted to conform to the requirements of the **Federal Register**, is provided below. This content is also available in its original format on the HHS website, at <https://www.hhs.gov/sites/default/files/hhs-scientific-integrity-policy.pdf>.

The Scientific Integrity Policy of the U.S. Department of Health and Human Services

Purpose

The purpose of this policy is to promote a continuing culture of scientific integrity at the U.S. Department of Health and Human Services (HHS). This policy aims to ensure the integrity of all aspects of HHS scientific activities, including proposing, conducting, reviewing, managing, and communicating about science and scientific activities, and using the results of science to inform policy and program decision-making.

Core Values That Support Scientific Integrity at HHS

The success of HHS’s mission to enhance the health and well-being of all Americans depends on the development and use of accurate, complete, and timely scientific and technical information. Scientific integrity requires that such information be developed under and subjected to well-established scientific processes, free from inappropriate interference that undermines impartiality, nonpartisanship, or professional judgment. HHS agencies work to maximize the quality, accuracy, objectivity, utility, and timeliness of the scientific and technological information they produce, use, and disseminate. In turn, this information enables HHS to employ innovative approaches to effectively address the many public health and human services challenges that our work targets. These efforts allow accurate, complete, and timely scientific and technical information to improve the design, delivery, and impact of HHS policies and programs, and support equity, justice, and trust. Responsibility for upholding scientific integrity lies with the entire scientific ecosystem, including all HHS employees, its contractors and grantees, and those engaged in science and scientific activities outside HHS.

Definition of Scientific Integrity and Scientific Integrity Official

HHS adopts the following Official Federal Definition of Scientific Integrity:

Scientific integrity is the adherence to professional practices, ethical behavior, and

the principles of honesty and objectivity when conducting, managing, using the results of, and communicating about science and scientific activities. Inclusivity, transparency, and protection from inappropriate influence are hallmarks of scientific integrity.¹

HHS designates a senior career employee as the HHS Scientific Integrity Official (HHS SIO)² to oversee implementation and iterative improvement of the HHS Scientific Integrity Policy and related processes. The roles and responsibilities of the HHS SIO are described in more detail on pages 17–18.

This policy empowers the HHS SIO with the independence necessary to gather and protect information to support the review and assessment of scientific integrity concerns and ensure implementation of corrective scientific actions such as policy changes or correction or retraction of published materials. The HHS SIO also advocates for appropriate engagement of scientific leadership in decision making.

Effective Date and Policy Amendments

This policy is effective 30 days after the date of finalization. This policy will be reviewed by HHS one year after its effective date and every two years thereafter. Proposals to amend this policy will be overseen by the HHS SIO, in collaboration with the HHS Scientific Integrity Council described below and communicated to the Director of the White House Office of Science and Technology Policy (OSTP) no later than 30 days after adoption.

Applicability & Scope

Scientific integrity is the responsibility of the entire HHS workforce. Covered individuals who are required to adhere to this policy include all HHS employees, including all Operating and Staff Division (OpDiv/StaffDiv) employees; Public Health Service Commissioned Corps officers; political appointees; HHS fellows, trainees, and interns; and advisory committee members in their capacity as special government employees, when in the course of their official duties they propose, conduct, review, or communicate about science and scientific activities, and all levels of employees who manage or supervise scientific activities and use scientific information in decision making.

HHS is composed of OpDivs/StaffDivs (hereinafter “Division”), some of which have division-specific scientific integrity policies and procedures. The HHS Scientific Integrity Policy applies to all covered individuals, as listed above; Division-specific Scientific

Integrity policies apply to covered individuals within that division. Division-specific policies align with and support the HHS-wide policy at a minimum but may institute additional requirements and responsibilities as appropriate for the mission of the division. In addition to Division-specific policies, Divisions may develop their own scientific integrity procedures (e.g., procedures for resolving differences of scientific opinion) at their discretion.

HHS contractors; partners; permittees; lessees; grantees; extramural trainees and fellows (i.e., those supported by HHS grants to non-HHS organizations); and volunteers who engage or assist in HHS scientific activities are not considered covered individuals but are strongly encouraged to uphold the principles of scientific integrity described in this policy, particularly those described in the Protecting Scientific Processes, Ensuring the Free Flow of Scientific Information, Protections, and Professional Development sections. Specific requirements may be incorporated into the terms of their engagement with HHS. In addition, each institution that applies for or receives Public Health Service (PHS) support for biomedical or behavioral research, research training, or activities related to that research or research training must comply with 42 CFR part 93, PHS Policies on Research Misconduct, overseen by the HHS Office of Research Integrity (ORI), and may need to comply with other applicable laws, regulations, and policies. Research misconduct, which includes fabrication, falsification, and plagiarism, is one way in which scientific integrity can be compromised.

Authorities

Pursuant to the 2021 Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking,³ and consistent with the 2009 Presidential Memorandum on Scientific Integrity⁴ and the 2010 Memorandum from the White House Office of Science and Technology Policy on Scientific Integrity,⁵ all Federal agencies must establish a scientific integrity policy. The requirements of this policy are derived from the 2022 National Science and Technology Council (NSTC) Report of the Scientific Integrity Fast Track Action Committee (SI-FTAC), Protecting the Integrity of Government Science⁶ (SI-FTAC Report), and align with the 2021 NSTC Framework for Federal Scientific Integrity Policy and Practice.⁷

This policy is established in accordance with:

1. Public Law 111–358—The America COMPETES Reauthorization Act of 2010, Section 103, as amended
2. Public Law 115–435—The Foundations for Evidence-based Policymaking Act of 2018
3. Public Law 106–554—The Information Quality Act of 2000
4. 67 FR 8451—OMB Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies
5. 70 FR 2664—OMB Final Information Quality Bulletin for Peer Review
6. 65 FR 76260–76264—Federal Policy on Research Misconduct
7. Public Law 101–12—The Whistleblower Protection Act (WPA) of 1989, as amended
8. 41 U.S.C. 4712—The National Defense Authorization Act, Enhancement of contractor protection from reprisal for disclosure of certain information
9. 5 U.S.C. 13103 *et seq.*—The Ethics in Government Act of 1978, as amended, and 5 CFR part 2635, Standards of Ethical Conduct for Employees of the Executive Branch.
10. 18 U.S.C. 201–209—Statutes regarding Bribery, Graft and Conflicts of Interest
11. 5 CFR parts 5501 and 5502—Supplemental Standards of Ethical Conduct for Employees of the Department of Health and Human Services
12. 5 U.S.C. Ch. 10—The Federal Advisory Committee Act of 1972
13. 45 CFR part 73—Standards of Conduct
14. 5 CFR part 735—Employee Responsibilities and Conduct
15. 45 CFR part 46—HHS Protection of Human Subjects Regulation
16. PPD 19—Protecting Whistleblowers with Access to Classified Information, 2012
17. M–20–12—OMB Phase 4 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Program Evaluation Standards and Practices
18. 42 CFR part 93—Public Health Service Policies on Research Misconduct
19. 10 U.S.C. 1034, made applicable to the Public Health Service Commissioned Corps through 42 U.S.C. 213a(a)(18), and implemented by Commissioned Corps Directive (CCD) 121.06
20. Public Law 117–328—Health Extenders, Improving Access to Medicare, Medicaid, and CHIP, and Strengthening Public Health Act of 2022, Division FF, Title II, Section 2321

21. Public Law 117–167—CHIPS and Science Act of 2022, Title VI, Subtitle D, Section 10631

Exceptions

This policy will be implemented consistent with applicable federal law and Executive Orders.

Definitions

For the purposes of this policy, HHS adopts the following definitions:

Allegation refers to a disclosure of a suspected loss of scientific integrity.

Corrective scientific action refers to actions taken to restore the accuracy of the scientific record after a loss of scientific integrity has been determined, consistent with this policy, such as correction or retraction of published materials.

Covered individuals who are required to adhere to this policy include all HHS employees; Public Health Service Commissioned Corps officers; political appointees; HHS fellows, trainees, and interns; and advisory committee members in their capacity as special government employees, when in the course of their official duties they propose, conduct, review, or communicate about science and scientific activities, and all levels of employees who manage or supervise scientific activities and use scientific information in decision making.

Decision making refers to the (1) development of policies or making determinations about policy or management; (2) making determinations about expenditures of Federal agency funds; (3) implementing or managing activities that involve, or rely on, scientific activities.

Ethical behavior refers to activities that reflect norms for conduct that distinguish between acceptable and unacceptable behavior, such as honesty, lawfulness, equity, and professionalism, and adherence to statutes, regulations, policies, and guidelines governing employee conduct.

Federal agency refers to an Executive department, a Government corporation, or an independent establishment.

Inclusivity refers to the practice of providing equal access to opportunities for full participation of all people and all groups, including marginalized, underserved, and underrepresented contributors, without bias or prejudice. Full participation is enabled through implementation of strategies that promote equitable access and fair treatment in the organization.

Inappropriate influence refers to the attempt to shape or interfere in scientific activities or the communication about or use of

scientific activities, against well-accepted scientific methods and theories and without scientific, legal, or security justification.^{8 9}

Interference refers to inappropriate, scientifically unjustified intervention in the conduct, management, communication, or use of science. It includes censorship, suppression, or distortion of scientific or technological findings, data, information, or conclusions; inhibiting scientific independence during clearance and review; scientifically unjustified intervention in research and data collection; and inappropriate engagement or participation in peer review processes or on Federal advisory committees.

Loss of scientific integrity refers to the failure to comply with this Scientific Integrity Policy or to adhere to objectivity, transparency, and ethical behavior when conducting, managing, using the results of, and communicating about science and scientific activities. This loss may include research misconduct or inappropriate influence in the conduct, communication, management, and use of science.

Policy refers to laws, regulations, procedures, administrative requirements or actions, incentives, or voluntary practices of governments and other institutions.

Political interference is inappropriately shaping or interfering in the conduct, management, communication, or use of science for political advantage or such that it undermines impartiality, nonpartisanship, or professional judgment.

Research integrity refers to the use of honest and verifiable methods in proposing, performing, and evaluating research; reporting research results with particular attention to adherence to rules, regulations, and guidelines; and following commonly accepted professional codes or norms.

Research misconduct refers to fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest error or differences of opinion.¹⁰

Research security refers to safeguarding the research enterprise against the misappropriation of research and development to the detriment of national or economic security, related violations of research integrity, and foreign government interference.

Retaliation refers to taking or failing to take or threatening to take or fail to take a personnel action with respect to any employee or applicant for

employment because of any disclosure of information that the employee or applicant reasonably believes evidences any violation of any law, rule, or regulation or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs. An employee or applicant is protected from retaliation for the disclosure of information the employee or applicant reasonably believes is evidence of censorship related to research, analysis, or technical information.^{11 12}

Science refers to the full spectrum of scientific endeavors, including basic science, applied science, evaluation, engineering, technology, economics, social sciences, and statistics, as well as the scientific and technical information derived from these endeavors.

Scientific activities refer to activities that involve the application of well-accepted scientific methods and theories in a systematic manner, and includes, but is not limited to, data collection, inventorying, monitoring, evaluation, statistical analysis, surveying, observations, experimentation, study, research, integration, economic analysis, forecasting, predictive analytics, modeling, technology development, and scientific assessment, as well as any findings derived from these activities.

Scientific integrity is the adherence to professional practices, ethical behavior, and the principles of honesty and objectivity when conducting, managing, using the results of, and communicating about science and scientific activities. Inclusivity, transparency, and protection from inappropriate influence are hallmarks of scientific integrity.

Scientific record refers to published information resulting from scientific activities. HHS is responsible for ensuring the accuracy of elements of the scientific record that are published by HHS.

Scientist refers to an individual whose responsibilities include collection, generation, use, or evaluation of scientific and technical data, analyses, or products. HHS scientists are HHS employees and other covered individuals who conduct these activities. It does not refer to individuals with scientific and technical training whose primary job functions are in non-scientific roles (e.g., policymakers, communicators).

Policy Requirements

Promoting a Culture of Scientific Integrity

HHS leadership at all levels recognizes, supports, and promotes this policy and its underlying principles, and models behavior consistent with a strong culture of scientific integrity.

HHS works to promote a culture of scientific integrity by creating an empowering environment for innovation and protecting scientists and the process of science from inappropriate interference. Scientific findings and products must not be suppressed, delayed, or altered for political purposes and must not be subjected to political interference or inappropriate influence.

A strong culture of scientific integrity begins with ensuring a professional environment that is safe, equitable, and inclusive. Issues of diversity, equity, inclusion, and accessibility are an integral component of the entire scientific process. Attention to these issues can improve the representativeness and eminence of the scientific workforce, foster innovation in the conduct and use of science, and provide for more equitable participation in science by diverse communities. The responsible and ethical conduct of research and other scientific activities requires an environment that is equitable, inclusive, safe, and free from harassment, and discrimination.

To instill and enhance a culture of scientific integrity, HHS has posted this policy prominently on its website, at <https://www.hhs.gov/programs/research/scientificintegrity/index.html>, and educates all covered individuals, as well as contractors who perform scientific activities for HHS, on their rights and responsibilities related to scientific integrity. Training will be made available to all covered individuals to make them aware of their responsibilities under the HHS Scientific Integrity Policy upon hiring, and some covered individuals may be required to complete role-specific training or refresher training as appropriate. Training will be tracked to ensure covered entities have received appropriate training.

HHS also works to apply scientific integrity practices in ways that are inclusive of non-traditional modes of science, such as citizen science, community-engaged research, participatory science, and crowdsourcing. This may include expanded scientific integrity practices and expectations, such as granting communities more autonomy over research questions and research design,

recognition of data and knowledge sovereignty, and inclusion of multiple forms of evidence, such as Indigenous Knowledge, as applicable.

To promote a culture of scientific integrity at HHS, this policy outlines seven specific areas:

- I. Protecting Scientific Processes
- II. Ensuring the Free Flow of Scientific Information
- III. Supporting Decision Making Processes
- IV. Ensuring Accountability
- V. Protections
- VI. Professional Development for Government Scientists, and
- VII. Federal Advisory Committees

I. Protecting Scientific Processes

Scientific integrity fosters “honest scientific investigation, open discussion, refined understanding, and a firm commitment to evidence” (OSTP 2010). It also enables consideration and documentation of differing scientific opinions. Practices that support scientific integrity may include peer review and open science. Science, and public trust in science, thrives in an environment that prevents political interference and inappropriate influence from impacting scientific data and analyses and their use in decision making.

It is the policy of HHS to:

1. Prohibit political interference or other inappropriate influence in the design, proposal, conduct, review, management, evaluation, communication about, and use of scientific activities and scientific information.
2. Prohibit inappropriate restrictions on resources and capacity that limit and reduce the availability of science and scientific products (e.g., manuscripts for scientific journals, presentations for workshops, conferences, and symposia) outside of normal budgetary or priority-setting processes or without scientific, legal, or security justification.
3. Require that leadership and management ensure that covered individuals engaged in scientific activities can conduct their work objectively, free from political interference or other inappropriate influence, and free from retaliation.
4. Require reasonable efforts by covered individuals to ensure the fidelity of the scientific record and to correct identified inaccuracies that pertain to their contribution to any scientific records.
5. Require that covered individuals represent their contributions to scientific work fairly and accurately and neither accept nor assume unauthorized and/or unwarranted credit for another's

accomplishments. To be named as an author, contributors should, at a minimum, have (1) made a substantial contribution to the scientific product or provided editorial revisions that include critical intellectual content, (2) approved the final version, and (3) agreed to be accountable for all aspects of the work to which they contributed. Prior consent should be obtained from each author to be represented on a particular work. Obtaining prior consent for acknowledgements is also a good practice. This policy sets a minimum requirement for authorship attribution, and HHS OpDivs/StaffDivs may have additional authorship criteria. Different scientific disciplines use a range of strategies to attribute scientific work to individuals, and documents may be published without authorship attributions.

6. Ensure independent review of scientific facilities, methodologies, and other scientific activities as appropriate to ensure scientific integrity.

7. Require that covered individuals comply with HHS policies and procedures for planning and conducting scientific activities and show appropriate diligence toward protecting and conserving Federal research resources, such as equipment and other property, and records of data and results that are entrusted to them.

8. Prohibit research misconduct, the deliberate or reckless use of improper or inappropriate research methods or processes, and noncompliance with practices that safeguard the quality of research and other scientific activities or enhance research security.

9. Require that covered individuals design, conduct, manage, evaluate, and communicate about scientific research and other scientific activities honestly and thoroughly, and disclose any conflicts of interest to their supervisor or other appropriate HHS official(s) for their determination as to whether a recusal, disclaimer, or other action is appropriate, consistent with HHS ethics policies and procedures.

10. Require that research involving the participation of human subjects and the use of non-human animals is conducted in accordance with applicable, established laws, regulations, policies, and ethical considerations.

11. Support and enhance scientific integrity with the understanding that violations of scientific integrity can have a disproportional impact on underrepresented groups or weaken the equitable delivery of Federal Government programs.

12. Consistent with OSTP guidance and relevant HHS policy, prohibit HHS

personnel engaged in intramural research from participating in foreign talent recruitment programs, unless participation is in an international conference or other international exchange, partnership, or program for which such participation has been approved by the appropriate authority in HHS.¹³

13. Consistent with OSTP guidance and relevant HHS policy, require disclosure of participation in foreign talent recruitment programs, including the provision of copies of all grants, contracts, or other agreements related to such programs, and other supporting documentation related to such programs, as a condition of receipt of Federal extramural research funding awarded through HHS.¹⁰

14. Prohibit the suspension or early termination of a grant except as consistent with applicable law and grants policies.^{14 15 16}

II. Ensuring the Free Flow of Scientific Information

Open and timely communication of HHS science plays a valuable role in building public trust and understanding of HHS work. HHS facilitates the free flow of scientific and technological information and supports scientific integrity in the communication of scientific activities, findings, and products.

It is the policy of HHS to:

1. Facilitate the free flow of scientific and technological information, to the extent permissible by federal laws and regulations. Consistent with open government requirements, HHS will expand and promote access to scientific and technological information by making it available freely and without embargo to the public in an online digital format.^{17 18}

2. Ensure that scientific findings and products are not unduly suppressed, delayed, or altered for political purposes and are not subjected to inappropriate influence.

3. Require that technical review and clearance processes include provisions for timely clearance and expressly forbid censorship, unreasonable delay, and suppression of objective communication of data and results without valid scientific, legal, or security justification. Deviations from clearance policies or procedures that result in suppression, delay, or alteration of scientific and technological information without scientific, legal, or security justification may constitute violations of the HHS Scientific Integrity Policy and may be reported under the Procedures: Addressing

Scientific Integrity Concerns section in this document.

4. Prohibit HHS officials, including communications officers, from altering, or directing HHS scientists and technology experts to alter, scientific and technological research findings or presentation of research findings in a manner that may compromise the objectivity or accurate representation of those findings.

5. Ensure that scientific information is accurately represented in responses provided by HHS to Congressional inquiries, testimony, and other requests.

6. Ensure that the work and conclusions of HHS scientists and the work and conclusions of scientists funded or supported by the federal government are accurately represented in HHS communications. If communication documents significantly rely on a scientist's research, identify them as an author, or represent their scientific opinion, the scientist will be given the option to review the scientific content of proposed communication documents prior to publication or public release.

7. Accurately represent the work and conclusions of scientists in HHS social media communications and provide appropriate guidance to HHS scientists on the use of HHS social media. If scientists whose work is represented in HHS social media identify any errors in those representations, HHS social media managers are responsible for making appropriate corrections expeditiously.

8. Require HHS or its OpDivs/StaffDivs, when offering spokespersons in response to media requests, to offer knowledgeable spokespersons who can, in an objective and nonpartisan manner, describe the relevant scientific or technological aspects of their work.

9. Ensure that HHS scientists may communicate their scientific activities objectively without political interference or other inappropriate influence, consistent with HHS and OpDivs/StaffDivs communication and media policies. Scientific products must adhere to relevant HHS technical review procedures.

10. Encourage, but not require, HHS scientists to communicate with the media in their official capacities regarding their scientific activities and areas of expertise, subject to limitations of government ethics rules.¹⁹ In communicating with the media, HHS scientists are encouraged to seek advice from career HHS communications experts.

11. Allow covered individuals to communicate their personal or individual views to the media or the public in their personal capacities,

including on social media, subject to the limitations of government ethics rules, HHS supplemental ethics regulations, social media regulations, and obligation to protect nonpublic information.²⁰ HHS scientists and other covered individuals presenting their personal views may name HHS as their employer as one biographical fact among several; however, their title and position cannot receive more prominence than any other biographical fact and they must make clear that they are presenting their personal and/or individual views—not the views of HHS—and they should not be sourced by the media as an HHS representative.

III. Supporting Decision Making Processes

It is the policy of HHS to:

1. Ensure the quality, accuracy, and transparency of scientific information used to support policy and decision making, including by:

a. Using scientific information that is subject to well-established scientific processes.

b. Ensuring that scientific data and research used to support policy decisions undergo review by qualified experts, where feasible and appropriate, and consistent with law.

c. Adhering to the Office of Management and Budget Final Information Quality Bulletin for Peer Review.²¹ For example, as described in the Bulletin, when independent peer reviews of scientific information products are conducted by contractors, a conflict-of-interest review will be conducted.

d. Reflecting scientific information appropriately and accurately and making scientific findings or conclusions considered or relied on in policy decisions publicly available online and in open formats, to the extent practicable.

2. Where legally permissible and appropriate, directly consult with scientists whose work is being used in policy and management decisions to ensure that the science is accurately represented and interpreted.

3. Ensure, to the extent possible, the accuracy of HHS communication of the science upon which a policy decision is based.

4. Ensure that the HHS SIO, with input from the HHS Scientific Integrity Council, develops a transparent mechanism for covered individuals to express differing scientific opinions free from political interference or inappropriate influence.

IV. Ensuring Accountability

It is the policy of HHS to:

1. Ensure correction of the scientific record and implementation of corrective scientific actions when allegations of a loss of scientific integrity are substantiated. Corrective scientific actions may include correction or retraction of published scientific work or related media releases, release of inappropriately suppressed scientific materials, monitoring or supervision of future scientific activities, or required validation of data sources.

2. Encourage and facilitate early informal or formal consultation between employees and scientific integrity officials to advise on preventing loss of scientific integrity, to determine whether a loss of scientific integrity has potentially occurred, and to ascertain whether an allegation should be referred elsewhere for resolution.

3. Provide clear guidance on how to formally and confidentially report concerns and allegations of loss of scientific integrity. Those who report concerns and allegations need not be directly involved or witness a violation.

4. Ensure that the HHS SIO, together with other Scientific Integrity Council members, as applicable, draft procedures to respond to allegations of loss of scientific integrity at HHS in a timely, objective, and thorough manner. These procedures will include an initial assessment and review, a fact-finding process, an adjudication or determination including description of remedies and preventative measures to safeguard the science, an appeals process, follow-up to track implementation of remedies, and reporting. OpDivs/StaffDivs may develop and implement division-specific procedures for handling allegations within their Divisions.

5. These procedures will document the necessary aspects for each step of the process including burden of proof, any necessary determination of intentionality, and reporting, as well as the roles of the HHS SIO and HHS staff in the process.

6. Ensure that relevant HHS OpDivs/StaffDivs have scientific integrity policies that are consistent and in alignment with this policy.

V. Protections

HHS assures the protection of covered individuals as appropriate from retaliation in implementation of this policy.

It is the policy of HHS to:

1. Select and retain candidates for scientific and technical positions based on the candidate's scientific and technical knowledge, credentials, experience, and integrity, and hold them and their supervisors to the

highest standards of professional and scientific ethics.

2. Promote diversity, equity, inclusion, and accessibility in the scientific workforce and create safe workspaces that are free from harassment and discrimination. Support scientists and researchers including, 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, queer, intersex, and asexual (LGBTQIA+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality; and advance the equitable delivery of Federal programs.

3. Protect from retaliation those individuals who report in good faith allegations of loss of scientific integrity. Efforts will be made to protect the privacy of individuals involved in allegations.

4. Prevent HHS employees from intimidating or coercing scientists to alter scientific data, findings, or professional opinions or from inappropriately influencing scientific advisory boards.

5. Comply with whistleblower protections, specifically:

a. The requirements of the Whistleblower Protection Act of 1989, and its expanded protections enacted by Public Law 103–424 and the Whistleblower Protection Enhancement Act of 2012. 5 U.S.C. Part 2302(b)(8)–(9).

b. The National Defense Authorization Act's expansion of certain whistleblower protections to employees of federal government contractors, subcontractors, and grant recipients. 41 U.S.C. part 4712.

c. Presidential Policy Directive 19, which prohibits supervisors from taking, failing to take, or threatening to take or fail to take any action affecting an employee's eligibility for access to classified information in retaliation for making a protected disclosure.

d. The Military Whistleblower Protection Act (codified at 10 U.S.C. 1034), which is made applicable to the Public Health Service Commissioned Corps (PHSCC) officers through 42 U.S.C. 213a(a)(18), and implemented by Commissioned Corps Directive (CCD) 121.06.

6. The HHS SIO and OpDiv/StaffDiv SIOs are protected by all applicable employee rights as required by law. An SIO or other scientific integrity staff may only be terminated or reassigned for reasons consistent with applicable law.^{22 23}

VI. Professional Development for Government Scientists

HHS encourages its scientists and other covered individuals involved in HHS scientific activities to interact with the broader scientific community, in a manner that is consistent with Federal rules of ethics, employment responsibilities, and to the extent that is practical, given the availability of funding to support such interactions.²⁴

It is the policy of HHS to:

1. Encourage timely publication of research such as in peer-reviewed, professional, scholarly journals, HHS technical reports and publications or other appropriate outlets.

2. Encourage the sharing of scientific activities, findings, and materials through appropriate avenues including digital repositories.

3. Encourage participation in and presentation of research at professional meetings including workshops, conferences, and symposia.

4. When appropriate, permit service on editorial boards, as peer reviewers, or as editors of professional or scholarly journals.

5. When appropriate, permit participation in professional societies, committees, task forces, and other specialized bodies of professional societies, including removing barriers to serving as officers or on governing boards of such societies, to the extent allowed by law.

6. Permit government scientists to receive honors and awards for contributions to scientific activities and discoveries to the extent allowed by law, and to accrue the professional recognition of such honors or awards.

7. Permit HHS scientists to perform outreach and engagement activities, such as speaking to community and student groups, as part of their official duties, as appropriate.

VII. Federal Advisory Committees (FACs)

Federal Advisory Committees (FACs), as defined by the Federal Advisory Committee Act, at <https://www.gsa.gov/policy-regulations/policy/federal-advisory-committee-management/legislation-and-regulations/the-federal-advisory-committee-act>, are an important tool within HHS for ensuring the credibility, quality, and transparency of HHS science. HHS will adhere to the Federal Advisory Committee Act and develop policies in coordination with the General Services Administration and consistent with the guidance on lobbyists serving on FACs when convening FACs tasked with giving scientific advice.

Consistent with all applicable laws and guidance regarding FACs, it is the policy of HHS to:

1. Promote transparency in the recruitment of new FAC members, including, when practical and appropriate, announcing vacancies with a notification in the **Federal Register**.

2. Select members to serve on a scientific or technical FAC based on expertise, knowledge, and contribution to the relevant subject area. Additional factors that may be considered are availability of the member to serve, alignment with relevant Federal Advisory Committee Membership Balance Plan, and the ability to work effectively on advisory committees. Ensure committee membership is fairly balanced in terms of points of view represented with respect to the functions to be performed by the FAC.²⁵

3. Comply with current standards governing conflict of interest as defined in statutes and implementing regulations.

4. Except when prohibited by law and to the extent practical, agencies should appoint members of scientific and technical FACs as Special Government Employees.

5. Treat all reports, recommendations, and products produced by FACs solely as the reports, recommendations, and products of such committees rather than of the U.S. Government, and thus not subject to intra- or inter-agency revision. The role of the FACs is to provide advice or recommendations to the agency. The agency may then craft policy based on the FACs' advice or recommendations if it chooses to adopt those recommendations.

Scientific Integrity Council

HHS will establish a Scientific Integrity Council (Council) comprising one senior career employee from each relevant HHS OpDiv/StaffDiv. Relevant HHS divisions include those that conduct, manage, use, and communicate about scientific activities, as defined by the HHS Scientific Integrity Policy. The Council may engage with other HHS divisions as needed to support its responsibilities. The Council will be chaired by the HHS SIO. Where an OpDiv/StaffDiv has established a division SIO, that person will represent the division; where an OpDiv/StaffDiv has not established a division SIO, a similarly high-ranking career official with the appropriate scientific expertise, stature, and authority will represent the division.

Council members will ensure consistent implementation of the Scientific Integrity Policy at HHS, act as liaisons for their respective OpDivs/

StaffDivs, assist with training and policy assessment, updates, and amendments, and be available to address any questions or concerns regarding this policy. The HHS SIO, together with the Council, will draft a Scientific Integrity Council Charter outlining criteria for selection as a member, other duties of members, and the frequency of meetings. The primary responsibilities of the Council are to:

1. Ensure that a well-informed and high-level group of experts supports scientific integrity at HHS.

2. Ensure that the HHS Scientific Integrity Policy is implemented consistently across the Department.

3. Review, assess, and revise the HHS Scientific Integrity Policy every two years, or more frequently as needed.

4. Serve on scientific integrity review panels and adjudicate allegations of losses of scientific integrity originating at HHS divisions that do not have their own scientific integrity policy, originating from more than one HHS division, or originating within the Office of the Secretary.

5. Determine handling of investigation and adjudication proceedings from which the HHS SIO is recused.

6. Engage HHS and division leadership in upholding the principles of scientific integrity, and maintain leadership awareness of scientific integrity issues as necessary and appropriate.

7. Support the education of all Department employees on their rights and responsibilities related to scientific integrity.

Procedures

The HHS SIO, in conjunction with the Scientific Integrity Council, has developed the following procedures for addressing scientific integrity concerns, handling differing scientific opinions, and clearance of scientific products and communications.

Addressing Scientific Integrity Concerns

The HHS SIO has primary responsibility for addressing scientific integrity concerns raised to the Department. The Scientific Integrity Council will support and assist the HHS SIO as needed. Full policies and procedures for handling scientific integrity concerns will be made available on the HHS website, at <https://www.hhs.gov/programs/research/scientificintegrity/index.html>. HHS OpDivs/StaffDivs may have their own procedures for addressing scientific integrity concerns that arise in their own divisions. For information about rights and remedies against retaliation, employees may contact the HHS OIG

Whistleblower Protection Coordinator.²⁶ In general:

1. Concerns about a potential loss of scientific integrity at HHS may be reported to the HHS SIO by any individual who has knowledge of the situation. Reporting may be done anonymously.

2. Employees of HHS or its OpDivs/StaffDivs are encouraged to seek an informal consultation with the HHS SIO or the relevant division SIO to discuss whether a concern constitutes a potential loss of scientific integrity before submitting a formal complaint. Employees ultimately have the discretion to submit a formal complaint as they see fit without reprisal.

3. If an OpDiv/StaffDiv has its own procedures in place for handling scientific integrity concerns, formal complaints submitted to HHS that involve actions and outcomes specific to that division will be directed to that division for follow up. For divisions without their own procedures, formal complaints will be handled by the HHS Scientific Integrity Council.

4. The HHS SIO, with the help of the Scientific Integrity Council as needed, will complete an initial assessment of each reported concern and determine whether to request additional information from the complainant or others and to determine whether a formal investigation is warranted.

5. Should an investigation be opened, an investigation committee consisting of the HHS SIO and at least two other Scientific Integrity Council members, or their delegates, will be convened. The committee will develop a factual record by exploring the allegation(s) in detail and consulting with subject matter experts, interviewing witnesses, and reviewing documentation as needed. This record will be documented in a report from the committee to the HHS SIO.

6. Once the investigation is complete and a report has been submitted to the HHS SIO, the HHS SIO will determine whether scientific integrity was lost, and if so, what corrective scientific actions are recommended.

7. The complainant and respondent will be given the opportunity to appeal a finding or any corrective scientific actions taken.

Handling Differing Scientific Opinions

Science and decisions based on science are strengthened by vigorous discussion and debate and by considering all available evidence. The process of challenging and improving ideas helps to guard against inadequate science and flawed analysis. Scientists can hold differing opinions without

violating scientific integrity, and HHS encourages its scientists to respectfully express and engage with differing views as an integral part of the scientific process. Differing scientific opinions are diverging views held by researchers who are substantively engaged in the science subject area. In some cases, such as when a scientific dispute has a significant impact on public health or policy, a formal scientific dispute resolution process may be necessary. The goal of scientific dispute resolution should be to ensure that all perspectives are heard and documented in an unbiased way. A satisfactory resolution may involve adopting one opinion over another, deciding to conduct additional studies, formulating an alternate theory reconciling the differing opinions, or documenting the disagreement for the benefit of policymakers and fellow scientists. HHS OpDivs/StaffDivs may have dispute resolution policies in place; employees of these divisions must follow any such policies and guidelines. If a division does not have a dispute resolution process already in place, the following steps may be used as a guide. These steps may be completed in any order and are not necessarily an exhaustive list of dispute resolution measures. In general:

- A team member or group of team members with a differing opinion may engage with their colleagues to resolve the issue as soon as the difference of opinion is known. HHS recommends this type of internal discussion as a first step in most dispute resolution proceedings.
- A team may choose to consult a manager. First-level managers may defer to an appropriate higher-level manager if the first-level manager has a conflict of interest or cannot offer an impartial opinion for any reason.
- If the matter cannot be satisfactorily resolved by other means, a team may request assistance from their division's SIO. The HHS SIO may be consulted if the division SIO requests their assistance, if there is no division SIO, or if there is a conflict of interest or perceived conflict of interest with the division SIO. The HHS SIO will review the dispute history and may recommend additional internal discussion, peer review, or involvement of subject matter experts. The HHS SIO may also serve as a mediator or engage the services of a professional mediator to help end the dispute. The HHS SIO acting in this capacity serves to uphold scientific integrity and will not advocate for a particular scientific position.

Roles and Responsibilities

Scientific Integrity is everyone's responsibility. The following individuals have specific scientific integrity roles and responsibilities under this policy:

I. The Secretary of Health and Human Services

1. Provides leadership for HHS on scientific integrity, by leading through example, upholding scientific integrity principles, and regularly communicating the importance of scientific integrity.
2. Ensures that all HHS activities associated with scientific and technological processes are conducted in accordance with this policy.
3. Ensures that all supervisors and managers comply with this policy and ensures accountability for those who do not.
4. Ensures that violations of this policy are investigated to the full extent that is described herein, and that appropriate corrective scientific and/or administrative actions are taken as a result of such investigations.
5. Ensures that HHS scientific integrity efforts support HHS plans for making evidence-based policies, including the evidence-building plans required by 5 U.S.C. 312(a) and the annual evaluation plans required by 5 U.S.C. 312(b).
6. Provides adequate resources and funding to implement this policy including staffing, monitoring, evaluation, reporting, and training.
7. Ensures that SIOs are afforded all applicable career employee rights and appeals and are protected against retaliation of any kind.
8. Supports and respects the HHS SIO's independence, recommendations, and designation of and HHS compliance with corrective scientific actions when violations of this policy are substantiated. Assistance may be sought from the National Science and Technology Council (NSTC) Subcommittee on Scientific Integrity (SOSI) in cases of disagreement.
9. In cooperation with the HHS SIO, oversees the implementation and iterative improvement of policies and processes affecting the integrity of scientific activities funded, conducted, or overseen by HHS, as well as policies affecting the Federal and non-Federal scientists who support the scientific activities of HHS, including scientific-integrity policies.
10. Ensures that HHS establishes as necessary clear administrative actions for substantiated violations of this policy, designating responsibility for each aspect of accountability.

II. HHS Scientific Integrity Official

1. Is a designated, full-time equivalent, career employee who holds a permanent appointment and has appropriate scientific credentials and is designated at a senior level.
2. Oversees implementation and iterative improvement of scientific-integrity policies and processes, provides leadership on matters of scientific integrity, and serves as the primary HHS-level contact for questions regarding scientific integrity.
3. Leads training and outreach initiatives to facilitate employee awareness and understanding of this policy.
4. Serves as a neutral point of contact for receiving allegations of loss of scientific integrity, provides informal consultation for employees who have scientific integrity concerns, and adheres to privacy and confidentiality policies, as applicable.
5. Conducts an initial assessment of all formal complaints and submitted materials, following established procedures, to determine whether the allegations pertain to loss of scientific integrity and the appropriate handling of said allegations. Provides independent oversight of HHS responses to allegations of loss of scientific integrity referred for an inquiry or investigation, including:
 - a. Reviewing HHS-submitted reports of allegations and their disposition.
 - b. Maintaining a status report of responses to allegations as a means of monitoring the progress toward resolution.
6. Leads efforts to update this policy and any accompanying guidance, as appropriate.
7. Reports to the HHS Deputy Assistant Secretary for Science and Data Policy on matters involving scientific integrity.
8. Coordinates as necessary with the HHS Offices of Research Integrity (ORI), Human Research Protections (OHRP), Inspector General (OIG), the General Counsel (OGC), Human Resources, Civil Rights, the Assistant Secretary for Public Affairs, and the Chief Information Officer, among others.
9. Reports any potentially criminal behavior related to waste, fraud, abuse, or potential employee misconduct to OIG that is uncovered while responding to an allegation of loss of scientific integrity and coordinates as appropriate related to the referral provided to OIG.
10. Keeps the HHS Secretary informed on the status of the implementation of this policy and any compliance concerns, as warranted.
11. Publishes an annual scientific integrity report as described below.

12. Leads efforts for the iterative improvement of this policy and scientific integrity initiatives overall including development and implementation of an evaluation plan to regularly monitor and evaluate ongoing scientific integrity activities and outcomes.

13. To the extent possible, is involved in high level discussions and strategic planning on the recruitment, retention, development, and advancement of scientists—including scientists from underrepresented communities—to help ensure that scientific integrity is appropriately and carefully considered.

III. HHS Scientific Integrity Council Members

1. As delegated by the HHS SIO, oversees implementation and iterative improvement of scientific integrity policies and processes.

2. Coordinates with the HHS SIO in implementing scientific-integrity policies and processes.

3. Provides oversight for the implementation of the Scientific Integrity Policy at HHS.

4. Acts as liaisons for their respective HHS OpDivs/StaffDivs.

5. Assists with training and policy assessment, updates, and amendments.

6. Is available to address any questions or concerns regarding this policy.

7. Other duties as delegated.

IV. HHS Managers and Supervisors

1. Comply with and ensure HHS and employee compliance with the scientific integrity policy, including reporting or advising others on reporting allegations of loss of scientific integrity.

2. Make themselves aware of and uphold the principles contained in this policy. Lead through example by upholding scientific integrity principles and communicating the importance of doing so.

3. Report any knowledge of potential loss of scientific integrity to the HHS SIO or OpDiv/StaffDiv scientific integrity officials without reprisal.

4. Consult, as appropriate, with the HHS SIO or relevant OpDiv/StaffDiv SIOs, human resources officers, contracting and grant personnel, ethics officers, ORI, OIG, OGC, and the Office for Civil Rights.

V. HHS Employees and Other Covered Individuals

1. Make themselves aware of the principles contained in this policy and how the policy applies to their duties.

2. Comply with this policy.

3. Adhere to accepted professional values and practices of the relevant

research/scientific communities to which they belong.

4. Are encouraged to report to the HHS SIO or OpDiv/StaffDiv SIO any concern of loss of scientific integrity and are encouraged to report retaliation or potential criminal activity to the HHS OIG Hotline.²⁷

Monitoring and Evaluating Scientific Integrity Activities and Outcomes

HHS will develop and implement an evaluation plan to regularly measure, monitor, and evaluate ongoing scientific integrity activities and outcomes. The plan will include a roadmap of activities, evaluation metrics, and methods of measurement for the purpose of ongoing improvement of SI processes, procedures, and policies. The plan will include expected metrics and measurement methods for evaluating the HHS Scientific Integrity Policy; workforce training; scientific integrity leadership, staffing, and communication; and reporting mechanisms. As part of the monitoring and evaluation plan, HHS will publish an annual report on the number and outcomes of investigations and appeals involving allegations of loss of scientific integrity. To the extent possible, all descriptions of investigations and appeals will be anonymized.

The plan shall also include a timeline for implementation and frequency of data collection, analysis, review, recommendations, and implementing recommendations. Monitoring and evaluation results, recommendations, and policy/procedure changes based on results will be reported to HHS leadership and will be made available to HHS staff and the public in a timely manner.

Reporting

The HHS SIO, with input from the Scientific Integrity Council, is responsible for developing and making prominently available on HHS's public facing website, at <https://www.hhs.gov/programs/research/scientificintegrity/index.html>, an annual report to HHS leadership on the status of scientific integrity within HHS. The report shall highlight scientific integrity successes, accomplishments, or progress across HHS and identify areas for improvement and plans for addressing critical weaknesses, if any. The report shall describe progress toward achieving key metrics, including comparisons to the same metrics from prior years to show trends over time, whenever feasible. It will also include the number of investigations and appeals involving alleged or actual violations of this scientific integrity policy, including

pending investigations and appeals. For investigations that have been resolved, the report will include an aggregate summary of the types of corrective actions recommended by the investigation panel to restore scientific integrity, and a summary of the types of actions ultimately taken.

Related Policies and Statutes

Involving SIOs at HHS and its OpDivs/StaffDivs in the writing and updating of related policies can help provide needed perspectives before such policies are issued and better ensure they support scientific integrity. Officials should consider the scientific integrity-related components of other policies (e.g., professional development of scientists, science-related communications, etc.) and determine where those other policies should be referenced, or perhaps reinforced, within the agency scientific integrity policy to help ensure their longevity. Violations of related and supporting policies may result in a loss of scientific integrity and it is appropriate for SIOs to coordinate with their agency counterparts in these matters.

SIOs should have an awareness of policies and programs that intersect with the development of the culture of scientific integrity within the agency. SIOs, where possible, shall be involved in the development or revision of the broader set of policies and practices that affect the culture and applicability of scientific integrity within HHS.

Research Misconduct

Federal Research Misconduct Policy: <https://www.federalregister.gov/documents/2000/12/06/00-30852/executive-office-of-the-president-federal-policy-on-research-misconduct-preamble-for-research>
Public Health Service Policies on Research Misconduct: <https://www.federalregister.gov/d/05-9643>

Diversity, Equity, Inclusion, and Accessibility (DEIA) in Addressing and Strengthening Scientific Integrity and the Disproportional Impact of Scientific Integrity Policy Violations on Underrepresented Groups

HHS Equal Employment Opportunity and Anti-Harassment Policy: <https://www.hhs.gov/about/agencies/asa/eoo/policy/index.html>

Government-Wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce: <https://www.whitehouse.gov/wp-content/uploads/2021/11/Strategic-Plan-to-Advance-Diversity-Equity-Inclusion->

and-Accessibility-in-the-Federal-Workforce-11.23.21.pdf
HHS Diversity, Equity, Inclusion, and Accessibility Strategic Plan 2022: <https://www.hhs.gov/sites/default/files/2022-hhs-deia-strategic-plan.pdf>

Public Access

NIH Public Access Policy: <https://public.access.nih.gov/policy.htm>
OSTP Memorandum on Increasing Access to the Results of Federally Funded Research (2013): https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/ostp_public_access_memo_2013.pdf
OSTP Memorandum on Ensuring Free, Immediate, and Equitable Access to Federally Funded Research (2022): <https://www.whitehouse.gov/wp-content/uploads/2022/08/08-2022-OSTP-Public-Access-Memo.pdf>
5 U.S.C. part 552—Freedom of Information Act: <https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-A/part-5>

Human and Animal Subject Protections

Federal Policy for Protection of Human Research Subjects (the Common Rule): <https://www.hhs.gov/ohrp/regulations-and-policy/regulations/common-rule/index.html#:~:text=Consent%20Posting%20Guidance-,Federal%20Policy%20for%20the%20Protection%20of%20Human%20Subjects%20Common,of%20Biomedical%20and%20Behavioral%20Research.>
FDA Policy for the Protection of Human Subjects: <https://www.fda.gov/science-research/clinical-trials-and-human-subject-protection/fda-policy-protection-human-subjects>
Animal Welfare Act and Regulations: https://www.aphis.usda.gov/animal_welfare/downloads/bluebook-ac-awa.pdf

Public Health Service Policy on Humane Care and Use of Laboratory Animals: <https://olaw.nih.gov/policies-laws/phs-policy.htm>
Guide for the Care and Use of Laboratory Animals: <https://grants.nih.gov/grants/olaw/guide-for-the-care-and-use-of-laboratory-animals.pdf>

Research Security

National Security Presidential Memorandum 33 (NSPM 33): <https://trumpwhitehouse.archives.gov/presidential-actions/presidential-memorandum-united-states-government-supported-research-development-national-security-policy/>
Guidance for Implementing NSPM 33: [NSPM-33-Implementation-Guidance.pdf](https://www.whitehouse.gov/wp-content/uploads/2022/01/010422-</p>
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Whistleblower Protections

5 U.S.C. part 2302—Prohibited personnel practices: <https://uscode.house.gov/view.xhtml?req=29&f=treesort&num=125>
Whistleblower Protection Act of 1989: <https://www.govinfo.gov/content/pkg/STATUTE-103/pdf/STATUTE-103-Pg16.pdf>
Public Law 103–424—Expansion of Whistleblower Protection Act of 1989: <https://www.govinfo.gov/content/pkg/STATUTE-108/pdf/STATUTE-108-Pg4361.pdf#page=3>
Whistleblower Protection Enhancement Act of 2012: <https://www.congress.gov/112/statute/STATUTE-126/STATUTE-126-Pg1465.pdf>
41 U.S.C. part 4712—Enhancement of contractor protection from reprisal for disclosure of certain information: [https://uscode.house.gov/view.xhtml?req=\(title:41%20section:4712%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:41%20section:4712%20edition:prelim))
Presidential Policy Directive 19—Protecting Whistleblowers with Access to Classified Information: <https://www.usda.gov/sites/default/files/documents/ppd.pdf>
US Office of Special Counsel: <https://osc.gov/>
10 U.S.C. part 1034, made applicable to the Public Health Service Commissioned Corps through 42 U.S.C. 213a(a)(18), and implemented by Commissioned Corps Directive (CCD) 121.06: <https://dcp.psc.gov/ccmis/ccis/documents/CCD12106.pdf#:~:text=CCD%20121.06%20EFFECTIVE%20DATE%3A%2010%20February%202022%20By, and%20Human%20Services%3A%20Xavier%20Becerra%20SUBJECT%3A%20Protected%20Communications>
Foundations for Evidence-Based Policymaking Act (“Evidence Act”): <https://www.congress.gov/bill/115th-congress/house-bill/4174/text>
Notification and Federal Employee Antidiscrimination and Retaliation Act (“No FEAR Act”): <https://www.govinfo.gov/content/pkg/PLAW-107publ174/html/PLAW-107publ174.htm>
Dual Use Research of Concern: <https://www.phe.gov/s3/dualuse/documents/durc-policy.pdf>
The Federal Advisory Committee Act: <https://www.gsa.gov/policy-regulations/policy/federal-advisory-committee-management/legislation-and-regulations/the-federal-advisory-committee-act>

Paperwork Reduction Act: <https://www.govinfo.gov/content/pkg/PLAW-104publ13/html/PLAW-104publ13.htm>

HHS Grants Policy Statement: <https://www.hhs.gov/sites/default/files/grants/grants/policies-regulations/hhsgps107.pdf>

ASPA’s Guidelines on the Provision of Information to the News Media: https://www.hhs.gov/sites/default/files/media_policy.pdf

Endnotes

¹ Guidance by the Scientific Integrity Framework Interagency Working Group of the National Science and Technology Council “A Framework for Federal Scientific Integrity Policy and Practice.” January 12, 2023. Available at: <https://www.whitehouse.gov/wp-content/uploads/2023/01/01-2023-Framework-for-Federal-Scientific-Integrity-Policy-and-Practice.pdf>.

² Some HHS Operating and Staff Divisions have or may designate their own Scientific Integrity Officials. This document uses “HHS SIO” to refer to the official designated by HHS to coordinate department-wide implementation of this Policy and “SIO” to refer to all Scientific Integrity Officials, including those at Operating and Staff Divisions.

³ Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policy Making, January 27, 2021. Available at: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/>.

⁴ Presidential Memorandum for the Heads of Executive Departments and Agencies on Scientific Integrity, March 9, 2009. The White House. Available at: <https://obama.whitehouse.archives.gov/the-press-office/memorandum-heads-executive-departments-and-agencies-3-9-09>.

⁵ Presidential Memorandum for the Heads of Executive Departments and Agencies on Scientific Integrity, December 17, 2010. Office of Science and Technology Policy. Available at: <https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/scientific-integrity-memo-12172010.pdf>.

⁶ A report by the Scientific Integrity Fast-Track Action Committee of the National Science and Technology Council. “Protecting the Integrity of Government Science.” January 11, 2022. Available at: https://www.whitehouse.gov/wp-content/uploads/2022/01/01-22-Protecting_the_Integrity_of_Government_Science.pdf.

⁷ Guidance by the Scientific Integrity Framework Interagency Working Group of the National Science and Technology Council “A Framework for Federal Scientific Integrity Policy and Practice.” January 12, 2023. Available at: <https://www.whitehouse.gov/wp-content/uploads/2023/01/01-2023-Framework-for-Federal-Scientific-Integrity-Policy-and-Practice.pdf>.

⁸ Examples may include (1) suppressing a decisionmaker’s ability to offer the best judgment based on scientific information; (2)

preventing the use of best available science; (3) insisting on preclearance of a scientific product for purposes other than providing advance notification or opportunity to review for technical merit; (4) suppressing, altering or delaying the release of a scientific product for any reason other than technical merit or providing advance notification; (5) removing or reassigning scientific personnel for any reason other than performance, conduct or budgetary constraints; (6) using scientific products that are not representative of the current state of scientific knowledge and research (for example because of a lack of appropriate peer review, poor methodology, or flawed analyses) to inform decision making and policy formulation; or (7) misrepresenting the underlying assumptions, uncertainties, or probabilities of scientific products. This is not intended to be an exhaustive list.

⁹ Differences of scientific opinion are not necessarily inappropriate influence.

¹⁰ See Federal Research Misconduct Policy, 65 FR 76260, 76262 (Dec. 6, 2000); see also <https://ori.hhs.gov/definition-research-misconduct>.

¹¹ Public Law 112–199 § 110.

¹² 5 U.S.C. 2302(b)(8).

¹³ See Health Extenders, Improving Access to Medicare, Medicaid, and CHIP, and Strengthening Public Health Act of 2022, Public Law 117–328, Division FF, Title II, Section 2321 (Jan 3, 2023) and Chips and Science Act, Public Law 117–167, Title VI, Subtitle D, Section 10631 (Aug 9, 2022). OSTP guidance and relevant HHS policies to implement this legislation are forthcoming at the time of publication of this policy.

¹⁴ HHS Grants Policy Statement, U.S. Department of Health and Human Services, Office of the Assistant Secretary for Resources and Technology, Office of Grants, January 1, 2007. Available at: <https://www.hhs.gov/sites/default/files/grants/grants/policies-regulations/hhsgps107.pdf>.

¹⁵ HHS Grants Policy Administration Manual Version 1.02. November 13, 2023.

¹⁶ 45 CFR 75.372.

¹⁷ Presidential Memorandum for the Heads of Executive Departments and Agencies on Increasing Access to the Results of Federally Funded Scientific Research. Available at: https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/ostp_public_access_memo_2013.pdf.

¹⁸ Presidential Memorandum for the Heads of Executive Departments and Agencies on Ensuring Free, Immediate, and Equitable Access to Federally Funded Research. Available at: <https://www.whitehouse.gov/wp-content/uploads/2022/08/08-2022-OSTP-Public-Access-Memo.pdf>.

¹⁹ This provision is further outlined in the United States Office of Government Ethics Standards of Conduct and 18 U.S.C. 208 as Applied to Official Social Media Use. Available at: [https://oge.gov/web/oge.nsf/News+Releases/EAE37A7DA3C38BF38525894700775339/\\$FILE/LA-23-03%20The%20Standards%20of%20Conduct%20and%2018%20U.S.C.%20C2%A7%20208%20as%20Applied%20to%20Official%20Social%20Media%20Use.pdf](https://oge.gov/web/oge.nsf/News+Releases/EAE37A7DA3C38BF38525894700775339/$FILE/LA-23-03%20The%20Standards%20of%20Conduct%20and%2018%20U.S.C.%20C2%A7%20208%20as%20Applied%20to%20Official%20Social%20Media%20Use.pdf).

²⁰ Memorandum to Designated Agency Ethics Officials on The Standards of Conduct

as Applied to Personal Social Media Use.

Available at: [https://www.oge.gov/web/oge.nsf/0/195DAE83D38EF6A9852585BA005BEC69/\\$FILE/LA-15-03-2.pdf](https://www.oge.gov/web/oge.nsf/0/195DAE83D38EF6A9852585BA005BEC69/$FILE/LA-15-03-2.pdf).

²¹ Office of Management and Budget. “Final Information Quality Bulletin for Peer Review.” **Federal Register**. Doc. 05–769. Available at: <https://www.federalregister.gov/documents/2005/01/14/05-769/final-information-quality-bulletin-for-peer-review>.

²² 5 U.S.C. 7513, 4303.

²³ Commissioned Corps Directive 111.02.

²⁴ Subject to the limitations and requirements as to participation in foreign talent programs outlined in I.12–13 of this policy.

²⁵ 2010 Memorandum from the White House Office of Science and Technology Policy on Scientific Integrity. Available at: <https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/scientific-integrity-memo-12172010.pdf>.

²⁶ See <https://oig.hhs.gov/fraud/whistleblower/>. Employees can also contact their OpDiv/StaffDiv’s office of Equal Employment Opportunity (“EEO”) for information regarding retaliation based on protected EEO activity or discrimination, or the Office of Special Counsel for information regarding retaliation based on whistleblowing. Additionally, although encouraged to use the process detailed herein, employees may also disclose wrongdoing to their supervisor or another individual higher up in management, the HHS OIG, the Office of Special Counsel, or to Congress. PHSCC officers should also refer to CCD 121.06, “Protected Communications,” CCD 111.01, “Equal Opportunity,” and CCI 211.03, “Equal Opportunity.”

²⁷ <https://oig.hhs.gov/fraud/report-fraud/before-you-submit/>.

Dated: October 28, 2024.

Katherine N. Bent,

Associate Deputy Assistant Secretary, Office of Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services.

[FR Doc. 2024–25810 Filed 11–22–24; 8:45 a.m.]

BILLING CODE 4150–05–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 36

[WCB: CC Docket No. 80–286; FCC 24–118; FR ID 262275]

Jurisdictional Separations and Referral to the Federal-State Joint Board

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) extends, for up to an additional six years, the freeze of the jurisdictional separations category relationships and cost allocation factors

(together, separations rules) for rate-of-return incumbent local exchange carriers (LECs). Further extending the freeze, which is set to expire on December 31, 2024, will enable the Commission to continue to work with the Federal-State Joint Board on Jurisdictional Separations (Joint Board) to determine the future of these rules. The Commission declines to provide carriers an opportunity to unfreeze their current category relationships and refers to the Joint Board to consider whether comprehensive reform is needed at this time or if the Commission should allow these rules to become obsolete over time and whether a permanent freeze is warranted, and if so, whether carriers still using separations should be given the chance to unfreeze their category relationships every few years.

DATES: Effective November 25, 2024.

FOR FURTHER INFORMATION CONTACT:

Marv Sacks, Pricing Policy Division of the Wireline Communications Bureau, at (202) 418–2017 or via email at marvin.sacks@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s Report and Order, in CC Docket No. 80–286, FCC 24–118, adopted and released on November 13, 2024. The full text of this document may be obtained from the following internet address: <https://docs.fcc.gov/public/attachments/FCC-24-118A1.pdf>. 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 and Governmental Affairs Bureau at (202) 418–0530 (voice) or (202) 418–0432 (TTY). This action arises from a Further Notice of Proposed Rulemaking and Order, FCC 24–71, released on July 1, 2024; 89 FR 58692 (July 19, 2024).

Synopsis

I. Introduction

1. In this Report and Order, the Commission extends, for up to an additional six years, the freeze of the separations rules for rate-of-return incumbent LECs. In light of sweeping technological and regulatory changes in the marketplace and the resulting ongoing transition from traditional telephone service to broadband-based voice services, the separations rules play a substantially diminished role in allocating costs between the interstate and intrastate jurisdictions. This extension of the separations rules freeze will enable the Commission to continue to work with the Joint Board to determine the future of these rules, which were last revised more than 35

years ago in a vastly different telecommunications marketplace. We decline, however, to provide carriers an opportunity to change their current category relationships.

2. Given the technological and regulatory changes that have occurred over the past three and a half decades and the compliance burdens that the separations rules impose on the limited and declining number of small rural carriers still subject to them, we also refer to the Joint Board for their consideration the question of whether comprehensive reform is needed at this time or if the Commission should allow these rules to become obsolete over time. Because repeated freeze extensions of the separations rules have yet to produce substantive changes to these rules and consume limited government and industry resources, we also refer to the Joint Board the issue of whether a permanent freeze is warranted and, if so, whether carriers still using separations should be given the chance to unfreeze their category relationships every few years.

II. Background

3. *Jurisdictional Separations Process.* Rate-of-return incumbent LECs use their networks and other resources to provide both interstate and intrastate telecommunications and other services. To prevent the recovery of the same costs from both the interstate and intrastate jurisdictions, the separations rules require that rate-of-return incumbent LECs divide their costs and revenues between the respective jurisdictions. These jurisdictional separations rules were designed to ensure that rate-of-return incumbent LECs apportion the costs of their regulated services between the interstate or intrastate jurisdictions in a manner that reflects the relative use of their networks to provide interstate or intrastate telecommunications services.

4. Jurisdictional separations is the third step in a four-step cost-based regulatory rate-making process. First, a rate-of-return carrier records its costs and revenues in various accounts using the Uniform System of Accounts prescribed by the Commission's part 32 rules. Second, the carrier divides the costs in these accounts between regulated and nonregulated activities in accordance with the Commission's part 64 rules, a step that helps ensure that the costs of nonregulated activities will not be recovered through regulated interstate rates. Third, the carrier separates the regulated costs and revenues between the interstate and intrastate jurisdictions using the Commission's part 36 jurisdictional

separations rules. Finally, the carrier apportions the interstate regulated costs among the interexchange services and the rate elements that form the basis for its cost-based interstate rates. Carriers subject to rate-of-return regulation perform this apportionment in accordance with the Commission's part 69 rules.

5. To comply with the Commission's cost-based ratemaking rules, rate-of-return incumbent LECs must perform annual cost studies that include jurisdictional separations. The cost studies directly assign or allocate the regulated costs and revenues to various part 36 categories. Amounts in categories that are used exclusively for either interstate or intrastate communications are directly assigned to the appropriate jurisdiction. Costs that fall in categories that support both interstate and intrastate services are divided between the jurisdictions using allocation factors developed in accordance with part 36 that reflect relative use or a fixed percentage.

6. In addition to being used for developing cost-based rates, separations is also used as part of the process to determine universal service support. The administrator of the federal universal service support program, the Universal Service Administrative Company, uses separations categorization results for calculating high-cost loop support for certain legacy support carriers. In addition, some states use separations results to determine the amount of intrastate universal service support and to calculate regulatory fees, and some states perform intrastate rate-of-return ratemaking using the assigned or allocated intrastate costs.

7. *Attempts at Separations Reform and Separations Freezes.* In 1997, recognizing that "changes in the law, technology, and market structure of the telecommunications industry" necessitated a thorough reevaluation of the jurisdictional separations process, the Commission initiated a proceeding to comprehensively reform the separations rules. At the same time, pursuant to section 410(c) of the Communications Act of 1934, as amended (the Communications Act), the Commission referred the matter of jurisdictional separations reform to the Joint Board for a recommended decision.

8. In 2000, the Joint Board—comprised of both State and Federal members—issued a recommendation that the Commission freeze the part 36 category relationships and jurisdictional allocation factors pending resolution of comprehensive reform. In 2001, the

Commission adopted an order concluding that a freeze would stabilize the separations process pending reform by minimizing any impact of cost shifts on separations results due to circumstances—such as the growth of internet usage, new technologies, and local competition—not contemplated by the rules. The Commission also determined that a freeze would simplify the separations process by eliminating the need for many separations cost studies until separations reform was implemented. Accordingly, the Commission froze all carriers' part 36 jurisdictional allocation factors at the percentages the carriers were using at that time, and allowed rate-of-return carriers to voluntarily freeze their category relationships, enabling each carrier to determine whether such a freeze would be beneficial "based on its own circumstances and investment plans." Thus, at a minimum, rate-of-return carriers' jurisdictional allocation factors are frozen at the December 31, 2000 level, which allows these carriers to avoid the considerable burdens associated with conducting the traffic studies otherwise needed to comply with the rules for allocating investments and expenses between the intrastate and interstate jurisdictions.

9. The Commission specified that the 2001 freeze would last five years or until the Commission completed comprehensive separations reform, whichever came first. The Commission also concluded that, prior to the expiration of the five-year period, the Commission would, in consultation with the Joint Board, determine whether the freeze period should be extended, explaining that "the determination of whether the freeze should be extended at the end of the five-year period shall be based upon whether, and to what extent, comprehensive reform of separations has been undertaken by that time." Since 2001, the Commission has extended the separations freeze eight times, for periods ranging from one year to six years, with the most recent extension expiring on December 31, 2024.

10. In 2009, the Commission made another referral to the Joint Board, asking it to consider comprehensive jurisdictional separations reform as well as "an interim adjustment of the current jurisdictional separations freeze." In 2018, the Commission referred to the Joint Board two specific interim issues for consideration pending comprehensive reform. These issues included exploring the possibility of amending separations rules to acknowledge that certain carriers are no longer bound by them, as well as

updating existing recordkeeping requirements to align with the current applicability of separations rules. To date, the Joint Board has yet to submit a recommended decision on any interim adjustments or comprehensive separations reform.

11. *2024 Further Notice of Proposed Rulemaking and Order.* On July 1, 2024, the Commission released a Further Notice of Proposed Rulemaking (89 FR 58692; July 19, 2024), inviting comment on its proposal to extend the separations freeze for another six years, given “the limited options available to the Commission under the current circumstances.” The Commission expressed its desire to continue working with the Joint Board and sought comment on its proposed finding that the benefits of an extension far outweigh the potential harm carriers could face if the freeze was not extended, permitting “the long-fallow and outdated separations rules to take effect on January 1, 2025.”

12. In the Order (89 FR 58631; July 19, 2024) that accompanied the Further Notice of Proposed Rulemaking, the Commission renewed the prior referrals to the Joint Board, including both the 1997 and 2009 comprehensive reform referrals and the 2018 interim reform measures referral. The Commission explained that it renewed these referrals in light of the need to achieve reform of the separations rules, given their declining applicability as a result of substantial telecommunications market and federal-state regulatory framework changes since these referrals were first made.

13. Four of the five parties that filed comments or reply comments in this proceeding unconditionally support a six-year or longer freeze extension, and the other commenter stated it would support “a two-year extension or any longer extension endorsed by the majority of the members of the Separations Joint Board.” The four State members, which make up a majority of the Joint Board, made such an endorsement, supporting the proposed six-year freeze in an *ex parte* filing. The State members explained that “all three FCC Commissioners on the Joint Board, including the Chair [Commissioner Starks], voted to propose a six year extension,” and the State members “agree with the federal members of the board that a six-year extension is appropriate.”

III. Discussion

14. We extend the freeze on Part 36 category relationships and jurisdictional allocation factors up through December 31, 2030, if necessary. We find this

extension will best serve the public interest. The record unanimously demonstrates that an extension of the separations freeze beyond its scheduled December 31, 2024 expiration date will provide stability to carriers and further the Commission’s ability to work with the Joint Board to consider how best to address the antiquated separations rules in today’s telecommunications landscape. In determining the extension timeframe, we find that the record supports an extension of up to six additional years unless, after receipt of a Joint Board recommended decision on its referrals, the Commission adopts an order acting on the recommended decision sooner than December 31, 2030.

15. To fully address the future course of the separations rules, we also refer to the Joint Board three additional issues for their consideration in conjunction with the other pending referral issues. First, we ask the threshold question of whether comprehensive reform is even necessary any longer given current market conditions and the fact that the need for separations rules is naturally diminishing while the burden of complying with any new set of rules, were they to be reformed, would be substantial. Second, we refer to the Joint Board the question of whether a permanent freeze is warranted at this time. If so, we finally ask whether carriers still using separations should be given an opportunity, offered periodically, to unfreeze their category relationships.

A. Further Extending the Separations Freeze

16. We find that, based on the record and the fast approaching expiration of the current freeze extension on December 31, 2024, it is imperative to extend the freeze before it expires. All commenters agree that a continuation of the freeze is necessary, and the majority unconditionally support at least a six year extension. Consistent with precedent, the Commission has determined that freeze extensions—which essentially maintain the status quo—are within the scope of the original referral to the Joint Board for a recommended decision in 2001 and has extended the freeze several times without making an additional referral. Instead, the Commission has typically consulted with and received letters supporting freeze extensions from State members of the Joint Board prior to acting. The Commission’s actions here are consistent with NARUC’s and the State members’ position.

17. *Process Considerations.* Section 410(c) of the Communications Act

contemplates a Joint Board recommendation on the pending comprehensive reform referral before the Commission moves forward on comprehensive separations reform. All parties that submitted filings in the record, including the Joint Board’s new State members, generally agree with the Commission’s assessment that recent changes to the composition of the Joint Board, the complex nature of the work required to develop comprehensive recommendations for separations reform, and the fact that the current freeze expires at the end of this calendar year have combined to leave limited and insufficient time within which the Joint Board could develop and advance recommended decisions and the Commission could act on such recommendations. This Joint Board has recently seated several new members who are just beginning their opportunity to delve into the complicated issues inherent in determining the future of the separations rules. Extending the freeze will provide the Commission and the Joint Board the additional time necessary to engage in the work to achieve our goals, and commenters unanimously agree on the importance of extending the freeze.

18. *Benefits Outweigh the Costs.* We continue to find, based on the record here, that an extension of the freeze provides numerous benefits to carriers and is essential to avoid imposing significant costs and burdens on carriers that otherwise would be subject to the rules. Commenters point out that extending the freeze would provide “a measure of consistency and reliability of revenues.” Additionally, according to commenters, the Commission’s regulatory initiatives “have changed the way that rural consumers obtain voice and data services, as they increasingly transition to wholly interstate broadband only services in place of traditional regulated voice services,” which makes reinstating the old separations cost studies for these carriers difficult to justify. Further, commenters indicate that the allocation between interstate and intrastate services naturally balances out as carriers switch to broadband only services, and thus the cost of continuing the use of frozen category relationships and allocation factors for those carriers is not significant. In short, maintaining the current separations regime provides stability to carriers.

19. In contrast, the costs to carriers of complying with part 36 rules if the freeze is allowed to expire are significant. The Commission has consistently found that letting the freeze expire would impose considerable

burdens on carriers, particularly smaller rural carriers, and create undue instability. In extending the most recent freeze in 2018, the Commission explained that lifting the freeze and reinstating the separations rules after an absence of more than two decades, would make it extremely difficult, if not impossible, for most carriers to perform all of the studies needed to remain in full compliance. Parties in this proceeding confirm that is still the case. Commenters confirm that application of the rules would require substantial training and investment by rural incumbent LECs, and could cause significant disruptions to regulated rates, cost recovery, and other operating conditions when applying the outdated separations rules to today's operations. Indeed, we agree with NECA that "[r]emoval of the current freeze would necessitate . . . resources that would better be utilized to deploy advanced networks and provide service to consumers." Thus, we continue to find that extension of the freeze is in the public interest.

20. *Length of the Freeze Extension.* We find that our proposed extension of up to six years is most appropriate under the circumstances and supported by the record. In fact, certain commenters would support an even longer extension. When the Commission extended the freeze for six years in 2018, it concluded that this time period best balances the competing considerations of a longer or shorter extension period. Commenters support an extension that is sufficient to "allow the Commission, the Federal-State Joint Board on Separations, and industry stakeholders time to determine the most effective way to address future separations issues." The Commission has previously explained that a six-year extension enables the Joint Board to focus on solving the complex issues versus the Commission's experience in granting a series of short-term separations extensions in the past. We find that this is particularly true today. Indeed, as several new members of the Joint Board are beginning to engage with the question of how to effectively address separations issues in line with a modern public communications network, all Federal and State members of the Joint Board agree that six years is the appropriate timeframe for an extension.

21. The only commenter, NARUC, that proposed a shorter than six-year extension did so with the caveat that it would also support "any longer extension endorsed by the majority members" of the Joint Board. The State members of the Joint Board, which

constitute the majority of the Joint Board, have endorsed a six-year extension, thus satisfying NARUC's caveat, and making support in the record to a six-year freeze extension unanimous. As the State members note, "all three FCC Commissioners [that are also members of] the Joint Board, including the Chair, voted to propose a six year extension."

B. Declining To Allow a One-Time Category Relationships Unfreeze

22. We decline to grant carriers another one-time option to unfreeze category relationships. Unfreezing category relationships would allow carriers to allocate regulated investments and expenses among the part 36 separations categories/sub-categories based on fresh cost studies. Relatedly, we also decline to grant carriers an option to freeze category relationships. We find that there is insufficient basis in the record to support a need to modify the separations freeze by providing carriers with either of these additional options. Only two commenters proposed possible modifications to the freeze. In 2018, the Commission granted rate-of-return carriers with frozen category relationships a one-time opportunity to unfreeze them going forward. Only three carriers took advantage of that opportunity then and the limited record here suggests a similar result would occur were we to adopt that same option now.

23. We are not persuaded, based on the record, that there is a need to provide an unfreeze option at this time, particularly in light of other opportunities the Commission has provided over the past several years that enabled rate-of-return carriers to opt out of the separations process partially or altogether. For example, since 2018, 348 rate-of return carriers have accepted the Commission's offers to receive model-based Alternative Connect America Cost Model (A-CAM) or fixed high cost universal service support and transition certain business data services (BDS) from rate-of-return to incentive regulation. More generally, as a result of the Commission's intercarrier compensation and universal service reforms, many carriers are no longer subject to cost-based regulation or the separations rules for any of their services. To the extent rate-of-return carriers believe they have a need to address problems or inaccuracies caused by frozen category relationships based on old data, they may seek a waiver of the category relationships freeze rules, as carriers have in the past.

24. As for adopting a new freeze option, either alone or coupled with an unfreeze option, we would also require a more developed record before determining whether to permit carriers that did not freeze their category relationships in 2001 to freeze them or permit carriers that elected to freeze category relationships in 2001 to unfreeze and then refreeze them. In 2001, "[f]ewer than 100 rate-of-return incumbent carriers elected to freeze their category relationships." In 2018, the Commission declined to allow companies to unfreeze and then refreeze their category relationships, explaining that, based on the record at that time, this option risked the possibility of gamesmanship. Although one commenter suggests procedures that possibly could prevent gamesmanship or double-recovery, the record lacks sufficient information to accurately assess the benefits and drawbacks of adopting these options today.

25. In any event, our referral below to the Joint Board includes the question of whether periodic opportunities to unfreeze category relationships are necessary in conjunction with our referral regarding a potential permanent freeze. The Joint Board's recommendation on this issue will provide valuable input to taking future action that give carriers opportunities to recalibrate their category relationships.

C. Joint Board Referrals

26. Both the Commission and commenters have acknowledged that comprehensive reform is an arduous undertaking that would involve revising complex ratemaking rules and numerous Universal Service Fund (USF) programs that rely on the current separations framework. This task is further complicated by the fact that, after more than two decades since the Commission made the original referral of comprehensive reform to the Joint Board, regulatory agencies and the industry have substantially reduced personnel and resources with the expertise to conduct and evaluate full-scale cost studies. In the meantime, regulatory changes and consumer demand have transformed the telecommunications industry from one that was largely reliant on cost-based ratemaking to one where only a small and declining fraction of small rural carriers are still required to use separations to set their rates and calculate USF support. A small subset of rate-of-return carriers are the only remaining carriers required to comply with these rules. As a result of the Commission's intercarrier compensation rate reforms, offers of fixed model-based

A-CAM support programs, and the ongoing technological transition from traditional voice services to broadband, the number of rate-of-return carriers subject to the separations rules have been ever decreasing. Based on internal staff analysis, there are currently, out of approximately 1,107 rate-of-return carriers, only about 247 carriers that receive cost-based USF support and make the full use of separations to set end-user common line, BDS, and Consumer Broadband-Only Loop service rates, as well as to determine the level of USF support.

27. To save carriers, particularly small carriers, from the burden of having to conduct all of the cost studies needed for full compliance with the separations rules, the separations freeze has been extended eight times over the past 23 years. However, these small carriers may face the same, if not a heavier, burden of complying with any potentially revised cost allocation methodology if the Joint Board were to develop a recommended decision on comprehensive reform and the Commission were to adopt it. We agree with concerns in the record by present and past commenters that compliance with comprehensive reform would “necessitate the hiring or retraining of staff—assuming commercial expertise can even be found to do so—and revising of internal procedures in ways that could overwhelm [the small carriers’] operations.” Thus, there is evidence in the record indicating that the expediency of comprehensively reforming the separations rules may have lost its urgency or value over the past 23 years.

28. Some commenters suggest that the Joint Board should assess whether “the separations framework . . . is better viewed as transitioning itself organically toward an eventual sunset, rather than something in need of fundamental reform and revision.” Other commenters also question “the relevance and need for jurisdictional separations processes and rules.” NECA asserts that “[i]n this environment [of naturally transitioning to broadband only services], it makes little sense to reinstate traditional separations rules.” NTCA believes that technological transitions, consumer demand and regulatory reforms have “moot[ed] the need for sweeping separations reform by enacting changes of their own accord.” We agree that the current separations rules may have the effect of promoting and encouraging the transition from traditional voice-only telephone lines to standalone broadband or VoIP services. In fact, we also acknowledge that revamped, comprehensive reform of separations

rules may actually encourage carriers to cling to the old technology.

29. *Clarifying the Scope of the Prior Comprehensive Reform Referral.* Although the scope of the 1997 referral is quite broad—asking the Joint Board to explore questions ranging from specific comprehensive reform proposals to questions on “whether separations rules are still needed during the transition from a regulated to a competitive marketplace”—we find it appropriate to specifically reiterate a prior referral question and ask the Joint Board to consider, in particular, whether it should still pursue comprehensive reform especially given the diminishing relevance of the separations rules. Accordingly, we ask the Joint Board for a recommended decision on whether comprehensive reform is still in the public interest when the industry is naturally transitioning away from legacy technologies and cost-based ratemaking, and the burdens of compliance with any revised separations rules would be significant for the limited number of small carriers still subject to the separations rules.

30. *Referral of Considering a Permanent Freeze Extension.* Given the record emphasis by commenters advocating for a longer than six-year freeze or even a freeze of unlimited duration, we refer to the Joint Board the question of whether a permanent freeze of the separations rules is appropriate at this time. As we have explained, over the past 23 years, the Commission has gone through eight full rulemaking cycles to continually extend the freeze; this current proceeding is its ninth such rulemaking. The Commission has never permitted the freeze to expire because allowing it to lapse would reinstate overnight obsolete rules, and would impose undue instability, disruption, and administrative burdens on affected carriers. We agree with commenters that these “repeated short-term extensions consume valuable and limited government and industry resources.” Accordingly, we find that exploring the possibility of a permanent freeze is warranted.

31. This referral to the Joint Board to consider a permanent freeze is particularly relevant in light of our referral to the Joint Board on whether the separation rules still need to be reformed. If the Joint Board decides that comprehensive reform of the separations rules is no longer necessary, and the separations rules should be allowed to become obsolete through technological transitions and regulatory reforms, then a permanent freeze appears to be prudent. Accordingly, we ask the Joint Board for a recommended

decision on whether it would be in the public interest to adopt a permanent freeze of the separations rules while it considers the future course of the separations rules and framework.

32. In addition, if the Joint Board recommends a permanent separations freeze, we ask the Joint Board to assess whether the Commission should allow carriers to unfreeze their category relationships, and if so, consider related questions—such as whether this should be a one-time opportunity or an option that is extended every few years, and whether or not these carriers should be permitted to refreeze their category relationships. We recognize that if the Joint Board recommends, and the Commission adopts, a permanent separations freeze, some carriers may have a greater need to adjust their category relationships to provide more accurate data for categorizing their investments, and we look forward to the Joint Board’s input.

IV. Procedural

33. *Paperwork Reduction Act.* This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198.

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

35. *Final Regulatory Flexibility Certification (FRFC).* The Regulatory Flexibility Act of 1980 (RFA) requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.” The two statutorily mandated criteria to be applied in determining the need for RFA analysis are (1) whether the adopted rules would have a significant economic effect, and (2) if so, whether the economic effect would directly affect a substantial number of small entities. In this FRFC, the Commission has determined that extending the

separations rules freeze will not have a significant economic impact on a substantial number of small entities.

36. The purpose of the current extension of the freeze is to allow the Commission and the Joint Board additional time to consider the future course of the separations rules and process in light of changes in the law, technology, and market structure of the telecommunications industry without creating the undue instability and administrative burdens that would occur were the Commission to eliminate the freeze. Implementation of the freeze extension will ease the administrative burden of regulatory compliance for LECs, including small incumbent LECs. The freeze has eliminated the need for all incumbent LECs, including incumbent LECs with 1500 employees or fewer, to complete certain annual studies formerly required by the Commission's rules. The effect of the freeze extension is to reduce a regulatory compliance burden for small incumbent LECs, by abating the aforementioned separations studies and providing these carriers with greater regulatory certainty.

37. Accordingly, based on our application of the two statutorily mandated criteria to the new extension of the freeze adopted in this Order, which essentially maintains the status quo, we certify that the rules and/or policy changes adopted in this Order will not have a significant economic impact on a substantial number of small entities.

38. The Commission will send a copy of this document, including a copy of this Final Regulatory Flexibility Certification, in a report to Congress pursuant to the Congressional Review Act. In addition, this document and final certification will be sent to the Chief Counsel for Advocacy of the SBA, and will be published in the **Federal Register**.

39. *Contact Person.* For further information regarding this proceeding, please contact Marv Sacks, Pricing Policy Division, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, (202) 418–2017, or marvin.sacks@fcc.gov.

40. *Effective Date.* We find good cause to make the extension of the separations freeze effective immediately upon publication of a summary of this Report and Order in the **Federal Register**. The current freeze is scheduled to expire on December 31, 2024, and making the freeze extension effective immediately upon publication is necessary to ensure that the separations freeze remains in place without interruption. Further, as the rules we adopt in this Report and

Order maintain the current status quo for all affected parties, we find that ensuring the separations freeze remains uninterrupted outweighs any benefit that might accrue from an effective date later than the date of publication in the **Federal Register**.

V. Ordering Clauses

41. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1, 4(i) and (j), 201, 205, 220, 221(c), 254, 303(r), 403, and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i) and (j), 201, 205, 220, 221(c), 254, 303(r), 403, 410, and part 36 of the Commission's rules, 47 CFR part 36, this Report and Order *is adopted*.

42. *It is further ordered* that, pursuant to the authority contained in sections 1, 4(i) and (j), 201, 205, 220, 221(c), 254, 303(r), 403, and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i) and (j), 201, 205, 220, 221(c), 254, 303(r), 403, 410, and Part 36 of the Commission's rules, 47 CFR part 36, *is amended*.

43. *It is further ordered* that, pursuant to the authority contained in sections 1, 4(i) and (j), 201, 205, 220, 221(c), 254, 303(r), 403, and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i) and (j), 201, 205, 220, 221(c), 254, 303(r), 403, 410, the amendments to 47 CFR part 36 shall be effective on the date of publication of a summary of this Report and Order in the **Federal Register**.

44. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Report and Order, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

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

List of Subjects in 47 CFR Part 36

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone, Uniform System of Accounts.

Federal Communications Commission.

Marlene Dortch,
Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 36 as follows:

PART 36—JURISDICTIONAL SEPARATIONS PROCEDURES; STANDARD PROCEDURES FOR SEPARATING TELECOMMUNICATIONS PROPERTY COSTS, REVENUES, EXPENSES, TAXES AND RESERVES FOR TELECOMMUNICATIONS COMPANIES

■ 1. The authority citation for part 36 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154(i) and (j), 201, 205, 220, 221(c), 254, 303(r), 403, 410, and 1302 unless otherwise noted.

§§ 36.3, 36.123 through 36.126, 36.141, 36.142, 36.152, 36.154 through 36.157, 36.191, 36.212, 36.214, 36.372, 36.374, 36.375, and 36.377 through 36.382
[Amended]

■ 2. In the following sections, remove the date “December 31, 2024” and add in its place the date “December 31, 2030” wherever it appears:

- a. Section 36.3(a) through (c), (d) introductory text, and (e);
- b. Section 36.123(a)(5) and (6);
- c. Section 36.124(c) and (d);
- d. Section 36.125(h) and (i);
- e. Section 36.126(b)(5) and (6), (c)(4), (e)(4), and (f)(2);
- f. Section 36.141(c);
- g. Section 36.142(c);
- h. Section 36.152(d);
- i. Section 36.154(g);
- j. Section 36.155(b);
- k. Section 36.156(c);
- l. Section 36.157(b);
- m. Section 36.191(d);
- n. Section 36.212(c);
- o. Section 36.214(a);
- p. Section 36.372;
- q. Section 36.374(b) and (d);
- r. Section 36.375(b)(4) and (5);
- s. Section 36.377(a) introductory text, (a)(1)(ix), (a)(2)(vii), (a)(3)(vii), (a)(4)(vii); (a)(5)(vii), and (a)(6)(vii);
- t. Section 36.378(b)(1);
- u. Section 36.379(b)(1) and (2);
- v. Section 36.380(d) and (e);
- w. Section 36.381(c) and (d); and
- x. Section 36.382(a).

[FR Doc. 2024–27480 Filed 11–22–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 36 and 54**

[WC Docket Nos. 10–90, 23–328, 14–58, 09–197; WT Docket No. 10–208; FCC 23–87; FR ID 262480]

Connect America Fund, Alaska Connect Fund, ETC Annual Reports and Certifications, Telecommunications Carriers Eligible To Receive Universal Service Support, Universal Service Reform—Mobility Fund

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, an information collection associated with the rules for the Connect America Fund contained in the Commission's *Connect America Fund Order* (Order) published April 10, 2024, WC Docket No. 10–90 et al., FCC 23–87. This document is consistent with the *Order*, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of the revised information collection requirement.

DATES: The amendments to §§ 36.4 (amendatory instruction 2), 54.903 (amendatory instruction 18), and the removal and reservation of 54.1306 (amendatory instruction 22), published at 89 FR 25147, on April 10, 2024, are effective November 25, 2024.

FOR FURTHER INFORMATION CONTACT: Jesse Jachman, Wireline Competition Bureau at (202) 418–7400 or TTY (202) 418–0484. For additional information concerning the Paperwork Reduction Act information collection requirements contact Nicole Ongele at (202) 418–2991 or via email at Nicole.Ongele@fcc.gov.

SUPPLEMENTARY INFORMATION: The Commission submitted revised information collection requirements for review and approval by OMB, as required by the Paperwork Reduction Act (PRA) of 1995, on April 10, 2024. OMB approved the revised information collection requirements on October 16, 2024. The information collection requirements are contained in the Commission's *Connect America Fund Order*, FCC 23–87, published at 89 FR 25147, April 10, 2024. The OMB Control Number is 3060–0233. The Commission publishes this document as an

announcement of the effective date of the rules published on April 10, 2024. If you have any comments on the burden estimates listed in the following, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, 45 L Street NE, Washington, DC 20554. Please include the OMB Control Number, 3060–0233, in your correspondence. The Commission will also accept your comments via email at PRA@fcc.gov. 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 and Governmental Affairs Bureau at (202) 418–0530 (voice).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received OMB approval on October 16, 2024, for the amendments to 47 CFR 36.4, 54.903 and the removal and reservation of 47 CFR 54.1306 published at 89 FR 25147, April 10, 2024.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–0233.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–0233.

OMB Approval Date: October 16, 2024.

OMB Expiration Date: October 31, 2027.

Title: Rate-of-Return Carrier Universal Service Reporting Requirements; Waiver of Local Exchange Carrier Study Area Boundary Changes.

Form Number: FCC Form 507, FCC Form 508 and FCC Form 509.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions.

Number of Respondents and Responses: 1,098 respondents; 3,627 responses.

Estimated Time per Response: 1 hours–22 hours.

Frequency of Response: Annual reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 214, 218–220, 221(c), 254, and 303(r).

Total Annual Burden: 34,404 hours.

Total Annual Cost(s): No Cost.

Needs and Uses: In order to determine which carriers are entitled to universal service support, all rate-of-return regulated (rate-of-return) incumbent local exchange carriers (LECs) must provide the National Exchange Carrier Association (NECA) with the loop cost and loop count data required by section 54.1305 for each of its study areas and, if applicable, for each wire center as that term is defined in 47 CFR part 54. See 47 CFR 54.1305, 54.5. The loop cost and loop count information is to be filed annually with NECA by July 31st of each year. See 47 CFR 54.1305. Pursuant to section 54.1307, the information filed on July 31st of each year will be used to calculate universal service support for each study area and is filed by NECA with the Commission on October 1 of each year. See 47 CFR 54.1307. An incumbent LEC is defined as a carrier that meets the definition of “incumbent local exchange carrier” in section 51.5 of the Commission's rules. See 47 CFR 51.5.

In March 2016, the Commission adopted the Rate-of-Return Reform Order to continue modernizing the universal service support mechanisms for rate-of-return carriers. Connect America Fund et al., Report and Order et al., 31 FCC Rcd 3087 (2016) (Rate-of-Return Reform Order). The Rate-of-Return Reform Order replaced the Interstate Common Line Support (ICLS) mechanism with the Connect America Fund—Broadband Loop Support (CAF–BLS) mechanism. Id. at 3117–57, paras. 80–187. While ICLS supported only lines used to provide traditional voice service (including voice service bundled with broadband service), CAF–BLS also supports consumer broadband-only loops. Id. at 3157–62, paras. 188–204. For the purposes of calculating and monitoring CAF–BLS, rate-of-return carriers that receive CAF–BLS must file common line and consumer broadband-only loop counts on FCC Form 507, forecasted common line and consumer broadband-only loop costs and revenues on FCC Form 508, and actual common line and consumer broadband-only loop costs and revenues on FCC Form 509. See 47 CFR 54.903(a).

In December 2018, the Commission adopted the December 2018 Rate-of-Return Reform Order to require rate-of-return carriers that receive Alternative

Connect American Model (A-CAM) or Alaska Plan support to file line count data on FCC Form 507 as a condition of high-cost support. Connect America Fund et al., WC Docket No. 10–90 et al., Report and Order, Further Notice of Proposed Rulemaking and Order on Reconsideration, 33 FCC Rcd 11893 (2018) (2018 Rate-of-Return Reform Order). Historically, all rate-of-return carriers that received CAF–BLS or, prior to that, ICLS, were required to file line count data on FCC Form 507 as a condition of that support but Rate-of-return carriers that had elected to receive A–CAM I, A–CAM II, or Alaska Plan instead were not. *Id.* at 11937, para. 148. In order to restore a data set that the Commission relied on to evaluate the effectiveness of its high-cost universal service programs, the Commission revised its rules in that Order to require all rate-of-return carriers to file that data. *See id.* at 11937, para. 51. While carriers receiving CAF–BLS must file the line count data on March 31 for line counts as of the prior December 31, the A–CAM I, A–CAM II, and Alaska Plan carriers will be required to file on July 1 of each year to coincide with other existing requirements in OMB Control No. 3060–0986. 47 CFR 54.903(a)(1), 54.313(f)(5).

On October 20, 2023, the Commission made changes to rate-of-return reporting rules by eliminating optional unseparated loop cost data quarterly updates. Connect America Fund et al., WC Docket No. 10–90 et al. WT Docket No. 10–208, Notice of Proposed Rulemaking and Report and Order, FCC 23–87 at 79–80, paras. 181–82 (Oct. 20, 2023). In addition, the Commission amended section 36.4 of the Commission’s rules, 47 CFR 36.4, to require local exchange carriers seeking a change in study area boundaries to submit a petition for waiver of these boundary changes notwithstanding any prior exemptions from such waiver requests including, but not limited to, when a company is combining previously unserved territory with one of its study areas or a holding company is consolidating existing study areas within the same state. *See id.* at 176–180, paras. 77–79.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2024–27481 Filed 11–22–24; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF HOMELAND SECURITY

48 CFR Parts 3009 and 3052

[Docket No. DHS–2024–0023]

RIN 1601–AB14

Homeland Security Acquisition Regulation, Rescinding Reserve Officer Training Corps and Military Recruiting on Campus Clause (HSAR Case 2024–001)

AGENCY: Office of the Chief Procurement Officer, Department of Homeland Security (DHS).

ACTION: Final rule.

SUMMARY: DHS is issuing a final rule to amend the Homeland Security Acquisition Regulation (HSAR) to remove and reserve an HSAR clause and subpart. These provisions contain regulatory requirements, which prohibits the award of certain Federal contracts to institutions of higher education that prohibit Reserve Officer Training Corps units or military recruiting on campus. These HSAR provisions are no longer needed in light of amendments made in the Federal Acquisition Regulation (FAR), which DHS has adhered to since December 2020.

DATES: This final rule is effective December 26, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Murray, Procurement Analyst, DHS, Office of the Chief Procurement Officer, Acquisition Policy and Legislation at (202) 282–8000 or email HSAR@hq.dhs.gov. When using email, include HSAR Case 2024–001 in the “Subject” line.

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

- I. Background
- II. Discussion of Comments and the Final Rule
- III. Regulatory Analyses
 - A. Executive Orders 12866, 13563, and 14094
 - B. Regulatory Flexibility Act
 - C. Paperwork Reduction Act
 - D. National Environmental Policy Act

I. Background

In a Notice of Proposed Rulemaking (NPRM), published in the **Federal Register** on July 31, 2024, DHS proposed to amend certain Homeland Security Acquisition Regulation (HSAR) provisions prohibiting the award of certain Federal contracts to institutions of higher education that prohibit

Reserve Officer Training Corps units or military recruiting on campus.¹

As explained in the NPRM, on December 4, 2003, DHS published an interim final rule to establish the HSAR.² On May 2, 2006, DHS published a final rule, which adopted the interim rule with some changes in response to public comment (HSAR final rule).³ The HSAR final rule finalized, among other provisions, HSAR clause 3052.209–71, Reserve Officer Training Corps and Military Recruiting on Campus (48 CFR 3052.209–71). This prohibited the award of certain Federal contracts to institutions of higher education that prohibit Reserve Officer Training Corps units or military recruiting on campus.

HSAR clause 3052.209–71 required certain contractors to represent at time of contract award that it did not have and agree that during performance of a contract to not adopt, any policy or practice that prohibits or prevents the maintenance, establishment, or operation of a Senior Reserve Officer Training Corps (ROTC) unit at the institution; students at that institution from enrolling in a unit of the Senior ROTC at another institution of higher education; the Secretary of a military department or Secretary of Homeland Security from gaining access to campuses, or students on campuses, for military recruiting purposes; or access by military recruiters, for the purposes of military recruiting, to certain information pertaining to students enrolled at the institution. The clause also listed the two statutory exceptions to the prohibition concerning the award of a contract found in 10 U.S.C. 983(c).

On October 23, 2020, the Department of Defense (DoD), the General Services Administration (GSA), and National Aeronautics and Space Administration (NASA) jointly issued a final rule entitled Federal Acquisition Regulation (FAR) Reserve Officer Training Corps and Military Recruiting on Campus (“FAR final rule”).⁴ The FAR final rule, among other amendments, codified for all affected Federal agencies a requirement to include, where applicable, a clause that prohibits the award of certain Federal contracts to institutions of higher education that

¹ See *Homeland Security Acquisition Regulation, Rescinding Reserve Officer Training Corps and Military Recruiting on Campus Clause (HSAR Case 2024–001)*, 89 FR 61384 (Jul. 31, 2024).

² See *Department of Homeland Security Acquisition Regulation*, 68 FR 67868 (Dec. 4, 2003).

³ See *Revision of Department of Homeland Security Acquisition Regulation*, 71 FR 25759 (May 2, 2006).

⁴ See 85 FR 67619 (Oct. 23, 2020).

prohibit Reserve Officer Training Corps units or military recruiting on campus.⁵

On December 8, 2020, DHS issued HSAR Class Deviation 21–02, Reserve Officer Training Corps and Military Recruiting on Campus.⁶ The deviation explained that the FAR final rule “effective November 23, 2020, added FAR 9.110 that provides the policy and procedures for complying with the 10 U.S.C. 983 prohibition, including FAR clause 52.209–14.”⁷ The deviation then directed DHS contracting officers to follow the FAR when complying with the requirements of 10 U.S.C. 983 and suspended use of HSAR 3009.470 and HSAR clause 3052.209–71. As a result of the FAR revision and HSAR Class Deviation 21–02, HSAR clause 3052.209–71 has not been used to comply with 10 U.S.C. 983 since 2020.

II. Discussion of Comments and the Final Rule

Interested parties were given until September 30, 2024, to comment on the NPRM. DHS received one public comment that was not substantive. The one public comment received provided support for the rule.

As explained previously, since 2020 DHS has complied with the requirements of 10 U.S.C. 983 by following the regulatory provisions of the FAR final rule; not 48 CFR 3052.209–71 and 48 CFR 3009.470. This final rule amends the HSAR to remove and reserve 48 CFR 3052.209–71 and subpart 3009.4 of 48 CFR part 3009.

III. Regulatory Analyses

A. Executive Orders 12866, 13563, and 14094

Executive Orders 12866 (Regulatory Planning and Review), as amended by Executive Order 14094 (Modernizing Regulatory Review), and 13563 (Improving Regulation and Regulatory Review) 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 (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of

quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action, under section 3(f) of Executive Order 12866, as amended by Executive Order 14094. Accordingly, OMB has not reviewed this regulatory action.

Need for the Rule

This final rule codifies the requirements set forth in the HSAR Class Deviation 21–02, Reserve Officer Training Corps and Military Recruiting on Campus, that directs DHS contracting officers to follow the FAR when complying with the requirements of 10 U.S.C. 983 and suspends use of HSAR 3009.470 and HSAR clause 3052.209–71. As stated previously, because of the amendments made in the FAR final rule that standardized compliance with 10 U.S.C. 983 for all affected Federal agencies, DHS determined that HSAR clause 3052.209–71 and subpart 3009.4 are not needed to comply with the requirements of 10 U.S.C. 983. Therefore, this final rule amends the HSAR to remove and reserve this clause and its corresponding policy.

Benefits and Costs of the Final Rule

There are no quantified costs or cost savings to this rule as it simply rescinds HSAR requirements that DoD, GSA and NASA have already incorporated in the FAR. DHS believes there will be efficiency and streamlining benefits from this rule as it will remove agency specific provisions from the HSAR.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, (Mar. 29, 1996), requires Federal agencies to consider the potential impact of regulations on small businesses, small governmental jurisdictions, and small organizations during the development of their rules. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, or governmental jurisdictions with populations of less than 50,000. This final rule rescinds HSAR clause 3052.209–71 and does not impose new requirements on small entities. As such, DHS certifies this final rule will not result in a significant economic impact on a substantial number of small entities

within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

C. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501–3521).

D. National Environmental Policy Act

Section 102 of the National Environmental Policy Act of 1969 (NEPA), Public Law 91–190, 83 Stat. 852 (Jan. 1, 1970) (42 U.S.C. 4321 *et seq.*), as amended, requires Federal agencies to evaluate the impacts of a major Federal action that may significantly affect the human environment, consider alternatives to the proposed action, provide public notice and opportunity to comment, and properly document its analysis. DHS and its agency components analyzed the actions in this rule to determine whether NEPA applies to them and, if so, what level of documentation and analysis is required.

DHS Directive 023–01, Rev. 01 and DHS Instruction Manual 023–01–001–01, Rev. 01 (Instruction Manual) establish the policies and procedures DHS and its component agencies use to comply with NEPA and the Council on Environmental Quality regulations for implementing NEPA codified in 40 CFR parts 1500–1508. The CEQ regulations allow Federal agencies to establish, in their implementing procedures, with CEQ review and concurrence, categories of actions (“categorical exclusions”) that experience has shown do not, individually or in the aggregate, have a significant effect on the human environment and, therefore, do not require preparation of an environmental assessment or environmental impact statement. 40 CFR 1501.4, 1507.3(e)(2)(ii). Appendix A of the Instruction Manual lists the DHS categorical exclusions.

Under DHS NEPA implementing procedures, for an action to be categorically excluded, it must satisfy each of the following three conditions: (1) the entire action clearly fits within one or more categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect.

This final rule amends the HSAR to remove and reserve HSAR clause 3052.209–71 and subpart 3009.4. As stated previously, this HSAR clause and its corresponding policy that this rule removes are now obsolete given that a

⁵ See 85 FR 67619 (Oct. 23, 2020).

⁶ See HSAR Deviation 21–02, Reserve Officer Training Corps and Military Recruiting on Campus, available at: https://www.dhs.gov/sites/default/files/publications/hsarclassdeviation_21_02_3009.470_12-8-2020.pdf (last accessed May 28, 2024).

⁷ See HSAR Deviation 21–02, Reserve Officer Training Corps and Military Recruiting on Campus, available at: https://www.dhs.gov/sites/default/files/publications/hsarclassdeviation_21_02_3009.470_12-8-2020.pdf (last accessed May 28, 2024).

FAR clause has been implemented to create a single standard for all agencies subject to 10 U.S.C. 983 to comply with the statutory requirements.

DHS is not aware of any significant impact on the environment, or any change in environmental effect that will result from this final rule. DHS finds promulgation of the rule clearly fits within categorical exclusion A3, established in the Department's NEPA implementing procedures as removing and reserving HSAR clause 3052.209–71 and subpart 3009.4 is strictly administrative in nature.

This final rule is a standalone rule and is not part of any larger action. This final rule will not result in any major Federal action that will significantly affect the quality of the human environment. Furthermore, DHS has determined that no extraordinary circumstances exist that will create the potential for significant environmental effects. Therefore, this final rule is categorically excluded from further NEPA review and documentation.

List of Subjects in 48 CFR Parts 3009 and 3052

Government procurement.

For the reasons set forth in the preamble, DHS amends 48 CFR parts 3009 and 3052 as follows:

PART 3009—CONTRACTOR QUALIFICATIONS

- 1. The authority citation for part 3009 continues to read as follows:

Authority: 5 U.S.C. 301–302, 41 U.S.C. 1303, 41 U.S.C. 1707, 41 U.S.C. 1702, and 48 CFR subpart 1.3.

3009.4 [Removed and Reserved]

- 2. Remove and reserve subpart 3009.4.

PART 3052—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

- 3. The authority citation for part 3052 continues to read as follows:

Authority: 5 U.S.C. 301–302, 41 U.S.C. 1707, 41 U.S.C. 1702, 41 U.S.C. 1303(a)(2), 48 CFR part 1, subpart 1.3, and DHS Delegation Number 0702.

3052.209–71 [Removed and Reserved]

- 4. Remove and reserve section 3052.209–71.

Paul Courtney,

Chief Procurement Officer, Department of Homeland Security.

[FR Doc. 2024–27631 Filed 11–22–24; 8:45 am]

BILLING CODE 9112–FE–P

DEPARTMENT OF HOMELAND SECURITY

48 CFR Parts 3025 and 3052

[Docket No. DHS–2024–0022]

RIN 1601–AB13

Homeland Security Acquisition Regulation, Restrictions on Foreign Acquisition Update (HSAR Case 2024–002)

AGENCY: Office of the Chief Procurement Officer, Department of Homeland Security (DHS).

ACTION: Final rule.

SUMMARY: DHS is issuing a final rule to amend the Homeland Security Acquisition Regulation (HSAR) provisions that relate to the Kissell Amendment, a section of the American Recovery and Reinvestment Act of 2009, that deals with the acquisition of certain clothing, canvas or textile products and natural and synthetic fabrics. These changes are intended to reduce confusion and provide clarity to the requirements under the Kissell Amendment.

DATES: This final rule is effective December 26, 2024.

FOR FURTHER INFORMATION CONTACT:

Nancy Harvey, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, at (202) 282–8000 or email at HSAR@hq.dhs.gov. Include HSAR Case 2024–002 in the subject line.

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

- I. Background
- II. Discussion of Comments and the Final Rule
- III. Regulatory Analyses
 - A. Executive Orders 12866, 13563, and 14094
 - B. Regulatory Flexibility Act
 - C. Paperwork Reduction Act
 - D. National Environmental Policy Act

I. Background

In a Notice of Proposed Rulemaking (NPRM), published in the **Federal Register** on July 24, 2024, DHS proposed to amend the Homeland Security Acquisition Regulation (HSAR) provisions that relate to the Kissell Amendment, a section of the American Recovery and Reinvestment Act of 2009 (Recovery Act), that deals with the acquisition of certain clothing, canvas or textile products and natural and synthetic fabrics.¹

¹ See 89 FR 59877, Homeland Security Acquisition Regulation, Restrictions on Foreign

As explained in the NPRM, the Recovery Act was enacted in 2009.² Section 604 of the Recovery Act is also known as the Kissell Amendment.³ The Kissell Amendment requires, with limited exceptions, that funds appropriated or otherwise available to DHS may not be used for the procurement of certain textiles, clothing and footwear, if that item is directly related to the national security interests of the United States, unless the item is grown, reprocessed, reused, or produced in the United States.⁴ One of the exceptions is a De Minimis Exception, which allows the Secretary of Homeland Security to accept delivery of the aforementioned textiles, clothing and footwear “that contain non-compliant fibers if the total value of non-compliant fibers contained in the end item does not exceed 10 percent of the total purchase price of the end item.”⁵

The Kissell Amendment further requires DHS to apply it in a manner consistent with United States obligations under international agreements.⁶ As DHS has explained in prior notices, this includes free trade agreements and the World Trade Organization Agreement on Government Procurement.⁷ These requirements apply with respect to contracts entered into by DHS on or after August 16, 2009.⁸

As discussed in the NPRM, in 2009, DHS published an interim rule (“2009 Interim Rule”) amending the Homeland Security Acquisition Regulation (HSAR) at 48 CFR part 3025, Foreign Acquisitions, and part 3052, Solicitation Provisions and Contract Clauses, incorporating the Kissell Amendment requirements.⁹ In 2010, DHS published a final rule (“2010 Final Rule”) adopting the 2009 Interim Rule as final without change.¹⁰ The 2009 Interim Rule made amendments to the HSAR “to add solicitation provisions, contract clauses and related policy statements implementing these requirements and

Acquisition Update (HSAR Case 2024–002) (Jul. 24, 2024).

² See Public Law 111–5, 123 Stat. 115,165–166 (Feb. 17, 2009).

³ Section 604 of the Recovery Act is codified at 6 U.S.C. 453b.

⁴ See 6 U.S.C. 453b.

⁵ See 6 U.S.C. 453b(d).

⁶ See 6 U.S.C. 453b(k).

⁷ See, e.g., 75 FR 32676, (June 9, 2010).

⁸ See 6 U.S.C. 453b(l).

⁹ See *Revision of Department of Homeland Security Acquisition Regulation; Restrictions on Foreign Acquisition* (HSAR Case 2009–004), 74 FR 41346 (Aug. 17, 2009).

¹⁰ See *Revision of Department of Homeland Security Acquisition Regulation; Restrictions on Foreign Acquisition* (HSAR Case 2009–004), 75 FR 32676 (June 9, 2010).

exceptions for certain DHS contracts, option exercises and orders.”¹¹

The regulations also provided an exception for “incidental amounts of cotton, other natural fibers, or wool incorporated in an end product, for which the estimated value of the cotton, other natural fibers, or wool is not more than 10 percent of the total price of the end product.”¹²

On March 5, 2013, DHS issued a deviation regarding the applicability of the Kissell Amendment (Deviation 13–01).¹³ Under Deviation 13–01, DHS deviates from the language of 48 CFR 3025.7000 that restricted application of certain Kissell provisions to those actions with funds appropriated or otherwise provided on or before February 17, 2009.¹⁴

In addition, on March 14, 2013, DHS issued an amendment to Deviation 13–01 (“Deviation Amendment 1”).¹⁵ Under Deviation Amendment 1, the De Minimis Exception described above was to be read as applying to “incidental amounts of non-compliant fibers if the total value of non-compliant fibers contained in the end item does not exceed 10 percent of the total purchase price of the end item . . .”.¹⁶ Deviation 13–01 and Deviation Amendment 1 were both effective immediately at the time of their publication in 2013 and are still in effect.¹⁷

¹¹ See 74 FR 41346 (Aug. 17, 2009).

¹² See 48 CFR 3052.225–70(d)(2).

¹³ See HSAR class deviation, 13–01, *Applicability of the “Kissell Amendment” to Department of Homeland Security Acquisitions* (Mar. 5, 2013) (“Deviation 13–01”) available at: https://www.dhs.gov/sites/default/files/publications/cpo-HSARclassdeviation13-01_0_0_0_0.pdf (last accessed May 31, 2024).

¹⁴ “Effective immediately, the scope of the subpart 3025.70 shall apply as follows . . . This subpart contains restrictions on the acquisition of certain foreign textile products imposed by the American Recovery and Reinvestment Act of 2009 on contracts, exercising of an option and orders entered into on or after August 16, 2009.”

See Deviation 13–01, available at: https://www.dhs.gov/sites/default/files/publications/cpo-HSARclassdeviation13-01_0_0_0_0.pdf (last accessed May 31, 2024).

¹⁵ See HSAR class deviation, 13–01, *Amendment 1, Homeland Security Acquisition Regulation 3052.225–70, Requirement for Use of Certain Domestic Commodities*, (March 14, 2013) (“Deviation Amendment 1”), available at: https://www.dhs.gov/sites/default/files/publications/cpo-HSARclassdeviation13-01%E2%80%9393amendment1_0_0_0_0_0_0.pdf (last accessed May 31, 2024).

¹⁶ The clause would not apply to “incidental amounts of cotton, other natural fibers, or wool incorporated in an end product, for which the estimated value of the cotton, other natural fibers, or wool is not more than 10 percent of the total price of the end product.”

¹⁷ See Deviation 13–01, available at: https://www.dhs.gov/sites/default/files/publications/cpo-HSARclassdeviation13-01_0_0_0_0_0_0.pdf (last accessed Apr. 23, 2024); see also Deviation Amendment available at: <https://www.dhs.gov/>

II. Discussion of Comments and the Final Rule

Interested parties were given until September 23, 2024, to comment on the NPRM. DHS received two public comments, neither of which were substantive. DHS received one comment that was outside the scope of the rule, and another comment that supported the rule. This final rule amends the HSAR to better clarify how DHS complies with the Kissell Amendment including codifying certain requirements from Deviation 13–01 and Deviation Amendment 1.

Consistent with Deviation 13–01 this final rule, defines the term “end item” to mean “supplies delivered under a line item of a contract.” See 48 CFR 3025.7001(c). As “end item” is the term used in the Kissell Amendment, DHS believes that defining and using the statutory term “end item” in the HSAR provisions applicable to the Kissell Amendment will also provide clarity.

This final rule also amends 48 CFR 3025.7000 to explain that this provision applies to the Kissell Amendment, the subject of this subpart; as well as the description of the type of funds to which the Kissell Amendment applies consistent with current practice and Deviation 13–01. As explained in the NPRM, DHS issued Deviation 13–01 on March 5, 2013, and since then the Kissell Amendment has applied to “contracts, exercising of an option and orders entered into on or after August 16, 2009.”¹⁸

Consistent with Deviation 13–01 and current practice this final rule clarifies that the Kissell restrictions apply to all contracts, options and orders entered into on or after August 16, 2009. See 48 CFR 3025.7002–1. In addition, this final rule updates the provisions impacting the De Minimis Exception consistent with Deviation Amendment 1 to use the statutory term ‘end item’ where appropriate. See, e.g., 48 CFR 3025.7002–2 and 3052.225–70(d)(2).

Further, this final rule includes the Kissell amendment under the applicable legal authorities. It also fixes a typographical error to correctly reference 48 CFR 3025.7002–3 when mentioning the regulatory provision for specific application of trade agreements. See 48 CFR 3025.7002–2(h).

Accordingly, DHS adopts the NPRM as final, amending 48 CFR part 3025,

[sites/default/files/publications/cpo-HSARclassdeviation13-01%E2%80%9393amendment1_0_0_0_0_0_0.pdf](https://www.dhs.gov/sites/default/files/publications/cpo-HSARclassdeviation13-01%E2%80%9393amendment1_0_0_0_0_0_0.pdf) (last accessed May 31, 2024).

¹⁸ See Deviation 13–01, available at: https://www.dhs.gov/sites/default/files/publications/cpo-HSARclassdeviation13-01_0_0_0_0_0_0.pdf (last accessed May 31, 2024).

Foreign Acquisitions, and 48 CFR part 3052, Solicitation Provisions and Contract Clauses.

III. Regulatory Analyses

A. Executive Orders 12866, 13563, and 14094

Executive Order 12866 (Regulatory Planning and Review), as amended by Executive Order 14094 (Modernizing Regulatory Review), and Executive Order 13563 (Improving Regulation and Regulatory Review) 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 (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866, as amended by Executive Order 14094. Accordingly, OMB has not reviewed this regulatory action.

Need for the Rule

This final rule codifies the requirements as set forth in the Deviation 13–01 and Deviation Amendment 1, to provide clarity and consistency, and align the HSAR with existing DHS practice. DHS is not newly implementing the Kissell Amendment, but is, as described above, amending the existing regulation to clarify the type of funds to which the Kissell Amendment, including the De Minimis Exception, applies.

Benefits and Costs of the Final Rule

The benefits and costs of a regulation are generally measured against a no-action baseline, which is a reasonable forecast of the way the world would look absent the regulatory action being assessed.¹⁹ This final rule will not result in new costs since DHS has implemented the changes through Deviation 13–01 and Deviation Amendment 1, both issued in 2013. The changes to the HSAR will promote clarity and fuller understanding of the Kissell Amendment regulatory requirements by agency contracting officers as well as potential DHS vendors. This additional clarity will be a benefit to industry as improved

¹⁹ See OMB Circular A–4, p. 11 (Nov. 9, 2023) (accessible at <https://www.whitehouse.gov/wp-content/uploads/2023/11/CircularA-4.pdf>).

contracting officer understanding of the regulatory requirements helps ensure that DHS applies standards similarly

across contracting actions, making it easier for industry to comply with DHS requirements. A summary of the costs

and benefits of the rule is shown below in Exhibit 1.

EXHIBIT 1—SUMMARY OF FINAL RULE CHANGES AND ECONOMIC IMPACTS OF THE FINAL RULE

Final CFR provision	Description of the change	Costs	Benefits
48 CFR 3025.7000 Scope of Subpart; and CFR 3025.7002–1 Restrictions.	Corrects language to clarify that Kissell Amendment applies to all contracts, options and orders entered into on or after August 16, 2009, and removes appropriation date from the scope criteria.	No new costs since DHS has already implemented the changes via Deviation 13–01 issued in March 2013.	Provides clarification on applicability and ensures consistency between the HSAR and existing DHS practice.
48 CFR 3025.7001 Definitions; 48 CFR 3025.7002–1 Restrictions; 48 CFR 3025.7002–2 Exceptions; 48 CFR 3052.225–70 Requirement for Use of Certain Domestic Commodities.	Changes terminology from “end product” to “end item” to consistently reflect Kissell Amendment applicability of 10% De Minimis Exception.	No new costs since DHS has already incorporated the “end item” definition through Deviation Amendment 1 issued in March 2013.	Provides clarity on terminology and ensures consistency between the HSAR and existing DHS practice.
48 CFR 3025.7002–2 Exceptions	Editorial correction to CFR reference relating to application of trade agreements.	No cost	Provides clarification.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, (Mar. 29, 1996), requires Federal agencies to consider the potential impact of regulations on small businesses, small governmental jurisdictions, and small organizations during the development of their rules. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, or governmental jurisdictions with populations of less than 50,000. This final rule will provide clarity and consistency between the HSAR and existing DHS practice as set forth in Deviation 13–01 and Deviation Amendment 1; and does not directly mandate any actions or requirements that will result in burdens for small entities. Therefore, DHS certifies this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

C. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501–35210).

D. National Environmental Policy Act

Section 102 of the National Environmental Policy Act of 1969 (NEPA), Public Law 91–190, 83 Stat. 852 (Jan. 1, 1970) (42 U.S.C. 4321 *et seq.*), as amended, requires Federal agencies to evaluate the impacts of major Federal actions that may significantly affect the human

environment, consider alternatives actions provide public notice and opportunity to comment, and properly document its analysis. DHS and its agency components analyzed the actions in this rule to determine whether NEPA applies to them and, if so, what level of documentation and analysis is required.

DHS Directive 023–01, Rev. 01 and DHS Instruction Manual 023–01–001–01, Rev. 01 (Instruction Manual) establish the policies and procedures DHS and its component agencies use to comply with NEPA and the Council on Environmental Quality regulations for implementing NEPA codified in 40 CFR parts 1500–1508. The CEQ regulations allow Federal agencies to establish, in their implementing procedures, with CEQ review and concurrence, categories of actions (“categorical exclusions”) that experience has shown do not, individually or in the aggregate, have a significant effect on the human environment and, therefore, do not require preparation of an environmental assessment or environmental impact statement. 40 CFR 1501.4, 1507.3(e)(2)(ii). Appendix A of the Instruction Manual lists the DHS categorical exclusions.

Under DHS NEPA implementing procedures, for an action to be categorically excluded, it must satisfy each of the following three conditions: (1) the entire action clearly fits within one or more categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect.

This final rule amends the HSAR to better clarify how DHS complies with the Kissell Amendment. This includes codifying requirements as set forth in Deviation 13–01 and Deviation

Amendment 1 that are currently in effect.

DHS is not aware of any significant impact on the environment, or any change in environmental effect that will result from this final rule. DHS finds promulgation of the rule clearly fits within categorical exclusion A3, established in the Department’s NEPA implementing procedures.

This final rule is a standalone rule and is not part of any larger action, and will not result in any major Federal action that will significantly affect the quality of the human environment. Furthermore, DHS has determined that no extraordinary circumstances exist that will create the potential for significant environmental effects. Therefore, this final rule is categorically excluded from further NEPA review and documentation.

List of Subjects in 48 CFR Parts 3025 and 3052

Government procurement.

Accordingly, for the reasons set forth in the preamble, DHS amends 48 CFR parts 3025 and 3052 as follows:

PART 3025—FOREIGN ACQUISITION

■ 1. The authority citation for part 3025 is revised to read as follows:

Authority: 5 U.S.C. 301–302, 6 U.S.C. 453b, 41 U.S.C. 1303, 41 U.S.C. 1707, 41 U.S.C. 1702, and 48 CFR subpart 1.3.

■ 2. Revise section 3025.7000 to read as follows:

3025.7000 Scope of subpart.

This subpart implements section 604 of the American Recovery and Reinvestment Act of 2009, Public Law 111–5.

■ 3. In section 3025.7001, revise paragraphs (a) through (d) to read as follows:

3025.7001 Definitions.

* * * * *

(a) “Commercial,” as applied to an item described in (HSAR) 48 CFR 3025.7002–1, means an item of supply, whether an end item or component, that meets the definition of “commercial item” set forth in (FAR) 48 CFR 2.101.

(b) “Component” means any item supplied to the Government as part of an end item or of another component.

(c) “End item” means supplies delivered under a line item of a contract.

(d) “Non-commercial,” as applied to an item described in (HSAR) 48 CFR 3025.7002–1, means an item of supply, whether an end item or component, that does not meet the definition of “commercial item” set forth in (FAR) 48 CFR 2.101.

* * * * *

■ 4. In section 3025.7002–1, revise the introductory text to read as follows:

3025.7002–1 Restrictions.

The following restrictions implement section 604 of the American Recovery and Reinvestment Act of 2009, Public Law 111–5, and they apply to all contracts, options and orders entered into on or after August 16, 2009. Except as provided in (HSAR) 48 CFR 3025.7002–2, do not acquire, either as end items or components, any item listed in paragraph (a) or (b) of this section, if the item is directly related to the national security interests of the United States and the item has not been grown, reprocessed, reused, or produced in the United States:

* * * * *

■ 5. In section 3025.7002–2, revise paragraphs (d), (g), and (h) to read as follows:

3025.7002–2 Exceptions.

* * * * *

(d) Acquisitions of items listed in (FAR) 48 CFR 25.104.

* * * * *

(g) The acquisition of covered items in 3052.7002–1(a) and (b) containing non-compliant fibers when the total value of the non-compliant fibers contained in the end item does not exceed 10 percent of the total purchase price of the end item.

(h) Acquisitions of items otherwise covered by (HSAR) 48 CFR 3025.7002–1(a) and (b) for which restricting a procurement of the items to those that have been grown, reprocessed, reused, or produced in the United States would be inconsistent with United States obligations under international agreements. Acquisitions of products that are eligible products per (FAR) 48 CFR subpart 25.4 are not covered by these restrictions; see (HSAR) 48 CFR 3025.7002–3 for specific application of trade agreements.

PART 3052—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 6. The authority citation for part 3052 is revised to read as follows:

Authority: 5 U.S.C. 301–302, 6 U.S.C. 453b, 41 U.S.C. 1707, 41 U.S.C. 1702, 41 U.S.C. 1303(a)(2), 48 CFR part 1, subpart 1.3, and DHS Delegation Number 0702.

■ 7. In section 3052.225–70, revise the clause date and paragraphs (a)(1) through (4), (b) introductory text, (c) introductory text, and (d)(2) to read as follows:

3052.225–70 Requirement for Use of Certain Domestic Commodities.

* * * * *

Requirement for Use of Certain Domestic Commodities NOV 2024

(a) * * *

(1) “Commercial,” as applied to an item described in paragraph(b) of this

clause, means an item of supply, whether an end item or component, that meets the definition of “commercial item” set forth in (FAR) 48 CFR 2.101.

(2) “Component” means any item supplied to the Government as part of an end item or of another component.

(3) “End item” means supplies delivered under a line item of this contract.

(4) “Non-commercial,” as applied to an item described in paragraph (b) or (c) of this clause, means an item of supply, whether an end item or component, that does not meet the definition of “commercial item” set forth in (FAR) 48 CFR 2.101.

* * * * *

(b) The Contractor shall deliver under this contract only such of the following commercial or non-commercial items, either as end items or components, that have been grown, reprocessed, reused, or produced in the United States:

* * * * *

(c) The Contractor shall deliver under this contract only such of the following non-commercial items, either as end items or components, that have been grown, reprocessed, reused, or produced in the United States:

* * * * *

(d) * * *

(2) To the covered items in paragraphs (b) and (c) of this clause containing non-compliant fibers when the total value of the non-compliant fibers contained in the end item does not exceed 10 percent of the total purchase price of the end item; or

* * * * *

Paul Courtney,
Chief Procurement Officer, U.S. Department of Homeland Security.

[FR Doc. 2024–27456 Filed 11–22–24; 8:45 am]

BILLING CODE 9112–FE–P

Proposed Rules

Federal Register

Vol. 89, No. 227

Monday, November 25, 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

9 CFR Part 201

[Doc. No. AMS–FTPP–24–0013]

RIN 0581–AE30

Price Discovery and Competition in Markets for Fed Cattle; Extension of Comment Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: The Agricultural Marketing Service (AMS) is extending the public comment period on its advance notice of proposed rulemaking (ANPR) by an additional 30 days. The ANPR requests advance comments on proposals to amend the regulations under the Packers and Stockyards Act to address concerns regarding price discovery and fairness in fed cattle markets.

DATES: The comment period for the document originally published on October 11, 2024 (89 FR 82519) is extended 30 days. Comments must be submitted on or before January 10, 2025.

ADDRESSES: Comments can be submitted through the Federal e-rulemaking portal at <https://www.regulations.gov> and should reference the document number and the date and page number of this issue of the **Federal Register**. AMS strongly prefers comments be submitted electronically. However, written comments may be submitted (*i.e.*, delivered, not postmarked) via mail on or before January 10, 2025, to Docket No. AMS–FTPP–24–0013, S. Brett Offutt, Chief Legal Officer, Packers and Stockyards Division, USDA, AMS, FFTP; Room 2097–S, Mail Stop 3601, 1400 Independence Ave. SW, Washington, DC 20250–3601. All comments submitted in response to this ANPR will be included in the record and will be made available to the public, as submitted, including any

identifying information. Comments can be submitted anonymously by entering “N/A” in the fields that would identify the commenter. Pursuant to 5 U.S.C. 553(b)(4), a plain language summary of the ANPR is available on <https://www.regulations.gov> in the docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: S. Brett Offutt, Chief Legal Officer/Policy Advisor, Packers and Stockyards Division, USDA AMS Fair Trade Practices Program, 1400 Independence Ave. SW, Washington, DC 20250; Phone: (202) 690–4355; or email: s.brett.offutt@usda.gov.

SUPPLEMENTARY INFORMATION: An ANPR published in the **Federal Register** on October 11, 2024 (89 FR 82519), seeks public feedback on an identified set of regulatory options that AMS could employ to address concerns regarding price discovery and fairness in fed cattle markets. Information from public comments would inform AMS’s approach to this topic, including any future regulatory changes.

The ANPR established a 60-day comment period, ending December 10, 2024. During the initial comment period, AMS received requests from several industry organizations asking for additional time to submit comments and citing the various proposals’ complexity and wide-ranging impacts that could cause significant legal and economic changes in relationships between packers and their suppliers. AMS is extending the comment period related to the ANPR by an additional 30 days. Comments must be submitted on or before January 10, 2025.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2024–27556 Filed 11–22–24; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM–50–126; NRC–2024–0173]

Technical Specifications for Nuclear Power Reactors

AGENCY: Nuclear Regulatory Commission.

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

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received a petition for rulemaking (PRM) from Brian D. Mann on behalf of the Technical Specifications Task Force, the Pressurized Water Reactor Owners Group, and the Boiling Water Reactor Owners’ Group, dated September 13, 2024, requesting that the NRC revise its regulations to apply risk insights to the selection of technical specifications Limiting Conditions for Operation and to update the regulation to be consistent with the guidance in the NRC’s Standard Technical Specifications. The petition was docketed by the NRC on October 1, 2024, and has been assigned Docket No. PRM–50–126. The NRC is examining the issues raised in PRM–50–126 to determine whether they should be considered in rulemaking. The NRC is requesting public comment on this petition at this time.

DATES: Submit comments by February 10, 2025. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

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

- **Federal Rulemaking website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0173. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: Helen.Chang@nrc.gov. For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **Email comments to:**

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

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

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

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

You can read a plain language description of this petition for rulemaking at <https://www.regulations.gov/docket/NRC-2024-0173>. For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Denise Edwards, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 404-997-4432, email: Denise.Edwards@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2024-0173 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0173.
- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC’s PDR:* The NRC 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. ET, Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2024-0173 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission.

The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

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

II. The Petitioner and Petition

The PRM was filed by Brian D. Mann on behalf of the Technical Specifications Task Force, the Pressurized Water Reactor Owners Group, and the Boiling Water Reactor Owner’s Group. The PRM requests that the NRC revise its regulations at title 10 of the *Code of Federal Regulations* (10 CFR), section 50.36, “Technical specifications,” to apply risk insights to the selection of technical specifications (TS) Limiting Conditions for Operation (LCO) and to update the regulation to be consistent with the guidance in the NRC’s Standard Technical Specifications (STS). The PRM may be found in ADAMS under Accession number ML24274A209.

III. Discussion of the Petition

The petitioner requests the NRC revise 10 CFR 50.36 to apply risk insights to the selection of technical specifications TS LCO and to update the regulation to be consistent with the guidance in the NRC’s STS. The petitioner proposes the following specific changes to risk-inform the criteria for selection of LCOs:

- Revise the selection criteria for LCOs to state that items that satisfy 10 CFR 50.36(c)(2)(ii)(B) and (C) (*i.e.*, Criterion 2 and Criterion 3) must also be shown by probabilistic risk assessment to be significant to public health and safety.
- Update the description of 10 CFR 50.36(c)(2)(ii)(D) (*i.e.*, Criterion 4) to eliminate the reference to operating experience and to distinguish Criterion 4 from the revised Criteria 2 and 3.
- Although not part of the proposed rule changes, the Petitioner also suggests that in conjunction with the rule change the Commission update the “Final Policy Statement on Technical Specifications Improvements for

Nuclear Power Reactors” (58 FR 39132, July 22, 1993), to reflect changes made to 10 CFR 50.36.

The petitioner states that these changes will allow future improvements to plant safety and operation to be made based on the application of risk to the TS selection criteria. The rule as currently written does not allow for these types of improvements.

The petitioner also proposes updates to 10 CFR 50.36 to make the rule more consistent with the NRC’s STS and to remove information that is no longer applicable. These changes are proposed on a “not-to-interfere” basis with the primary change to risk-inform the TS LCO selection criteria. To align the rule with the NRC’s STS, the petitioner proposed the following specific changes:

- Revise the regulation to not require TS bases for the Design Features. The petitioner points out that neither the STS nor plant TS approved by the NRC include Bases for Design Features. The petitioner states that this change would align the regulation with over 50 years of Commission practice.
- Eliminate the requirement that the TS include requirements designated as limiting safety system settings (LSSS). The petitioner states that in the STS, LSSS have been merged with the LCO requirements for instrumentation. Additionally, the petitioner states that the industry and the NRC have disagreed on what constitutes an LSSS causing confusion in the application of the regulation. Based on this, the petitioner recommends deletion of this requirement.

- Revise the description of Surveillance Requirements (SRs) to no longer state that SRs assure that the necessary quality of systems and components is maintained. The petitioner states that the regulation is inaccurate in stating that SRs assure the quality of systems and components is maintained because there are many aspects of system or component quality that are not monitored by TS SRs and are instead verified by other means, such as the American Society of Mechanical Engineers Code, vendor quality assurance audits, licensee receipt inspections, and the licensee’s NRC-approved Quality Assurance Program. Based on this, the petitioner concludes that none of the actions to assure quality are confirmed by TS SRs, so the description of SRs should be revised.

- Revise the Administrative Controls description to remove the requirement to include recordkeeping, and review and audit, and to include a requirement for licensee programs. The petitioner

states that in 1993, these requirements were removed from the STS. In addition, the Administrative Controls section of the STS includes programs not described in the regulation. Based on this, the petitioner proposed to update the description of Administrative Controls to be consistent with the STS.

- Eliminate the unnecessary exceptions for plants licensed prior to 1969. The petitioner states that these exceptions are no longer applicable as all operating plants have TS included in the license. The petitioner suggests that this provision be removed to simplify the regulations.

IV. Conclusion

The NRC has determined that the petition meets the sufficiency requirements for docketing a PRM under 10 CFR 2.803, "Petition for rulemaking-NRC action." The NRC will examine the issues raised in PRM-50-126 and any comments received in response to this comment request to determine whether these issues should be considered in rulemaking. The public can monitor further action on the rulemaking that will address this petition by searching Docket ID NRC-2024-0173 on the Federal rulemaking website, <https://www.regulations.gov>. The site allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC-2024-0173); (2) click the "Subscribe" link; and (3) enter an email address and click on the "Subscribe" link. The NRC also tracks the status of all NRC rules and PRMs on its website at <https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html>.

Dated: November 19, 2024.

For the Nuclear Regulatory Commission.

Carrie Safford,

Secretary of the Commission.

[FR Doc. 2024-27422 Filed 11-22-24; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 430

[EERE-2024-BT-TP-0010]

RIN 1904-AF67

Energy Conservation Program: Test Procedure for General Service Lamps

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

ACTION: Notice of proposed rulemaking and announcement of public meeting.

SUMMARY: The U.S. Department of Energy ("DOE") proposes several clarifications to the test procedures for general service lamps ("GSLs") located in appendix W, appendix BB and appendix DD. Specifically, DOE proposes to clarify that GSLs must not be tested as colored lamps, GSLs that can operate at multiple correlated color temperatures ("CCTs") be tested at one specific CCT, and that lamps with additional components that do not affect light output must be turned off during testing. The proposed clarifications specify that non-integrated lamps be tested with a fluorescent lamp ballast or external driver selected based on compatibility lists and availability; and provide specifications regarding the starting method, ballast factor, number of lamps and references to the relevant industry standards. This rulemaking is limited in scope and is considering clarifications to the current test procedures that are required for certification of compliance with existing applicable GSL energy conservation standards. Further, this rulemaking does not satisfy the Energy Policy and Conservation Act (EPCA) requirement that, at least once every 7 years, DOE review the test procedures for GSLs. DOE is seeking comment from interested parties on the proposal.

DATES: DOE will accept comments, data, and information regarding this proposal no later than December 26, 2024. See section V of this document, "Public Participation," for details.

DOE will hold a public meeting if one is requested by December 2, 2024. If a public meeting is requested, DOE will announce its date and participation information on the DOE website and via email.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at www.regulations.gov under docket number EERE-2024-BT-TP-0010. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE-2024-BT-TP-0010, by any of the following methods:

(1) *Email:* GSL2024TP0010@ee.doe.gov. Include the docket number EERE-2024-BT-TP-0010 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, Mailstop EE-5B, 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 V of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, public meeting attendee lists and transcripts (if a public meeting is held), comments, and other supporting documents/materials, is available for review at www.regulations.gov. All documents in the docket are listed in the www.regulations.gov index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The docket web page can be found at www.regulations.gov/docket/EERE-2024-BT-TP-0010. The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section V of this document for information on how to submit comments through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Mr. Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-2J, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-0371. Email: ApplianceStandardsQuestions@ee.doe.gov.

Ms. Kiana Daw, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-4798. Email: kiana.daw@hq.doe.gov.

For further information on how to submit a comment, review other public comments and the docket, or participate in a public meeting (if one is held), contact the Appliance and Equipment Standards Program staff at (202) 287-1445 or by email: ApplianceStandardsQuestions@ee.doe.gov.

SUPPLEMENTARY INFORMATION: DOE proposes to maintain previously approved incorporations by reference and to incorporate by reference the

following industry standards into title 10 of the Code of Federal Regulations (“CFR”) part 430:

ANSI C78.53–2019 (R2023), “ANSI C78.53–2023”, “American National Standard for Electric Lamps—Performance Specifications for Direct Replacement LED (Light Emitting Diode) Lamps” approved August 24, 2023.

ANSI C78.901–2016, “ANSI C78.901–2016”, “American National Standard for Electric Lamps—Single-Based Fluorescent Lamps—Dimensional and Electrical Characteristics” approved August 23, 2016.

Copies of ANSI C78.53–2023 and ANSI C78.901–2016 are available at <https://webstore.ansi.org/> or <https://www.ansi.org> or <https://www.nema.org>.

See section IV.M of this document for a further discussion of these standards.

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I. Authority and Background

GSLs are included in the list of “covered products” for which DOE is authorized to establish and amend energy conservation standards and test procedures. (42 U.S.C. 6291(30)(BB); 42 U.S.C. 6291(30)(DD); 42 U.S.C. 6295(i)(6)) GSLs include but are not limited to general service incandescent lamps (“GSILs”), incandescent reflector lamps (“IRLs”), compact fluorescent lamps (“CFLs”), integrated light-emitting diode (“LED”) lamps. DOE’s test procedure for GSILs and IRLs are set forth at 10 CFR part 430, subpart B, appendix R (“appendix R”). DOE’s test procedure for CFLs is set forth at 10 CFR part 430, subpart B, appendix W (“appendix W”). DOE’s test procedure for integrated LED lamps is set forth at 10 CFR part 430, subpart B, appendix BB (“appendix BB”). DOE’s test procedure for GSLs that are not GSILs, IRLs, CFLs, or integrated LED lamps is set forth at 10 CFR part 430, subpart B, appendix DD (“appendix DD”).

The following sections discuss DOE’s authority to establish and amend test procedures for GSLs and relevant background information regarding DOE’s consideration of test procedures for this product.

A. Authority

The Energy Policy and Conservation Act, Public Law 94–163, as amended (“EPCA”),¹ authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317, as codified) Title III, Part B of EPCA² established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency. These products include GSLs, the subject of this document. (42 U.S.C. 6295(6))

The energy conservation program under EPCA consists essentially of four parts: (1) testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and

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.

² For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

reports from manufacturers (42 U.S.C. 6296).

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for: (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6295(s)), and (2) making other representations about the efficiency of those consumer products (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the products comply with relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6297(d))

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 estimated annual operating cost of a covered product during a representative average use cycle or period of use and not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

EPCA also requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered product, including GSLs, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to not be unduly burdensome to conduct and be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle or period of use. (42 U.S.C. 6293(b)(1)(A))

If the Secretary determines, on her own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the **Federal Register** proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. The comment period on a proposed rule to amend a test procedure

shall be at least 60 days and may not exceed 270 days. In prescribing or amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy use or energy efficiency of the type (or class) of covered products involved. (42 U.S.C. 6293(b)(2)). If DOE determines that test procedure revisions are not appropriate, DOE must publish its determination not to amend the test procedures. (42 U.S.C. 6293(b)(1)(A)(ii))

In addition, EPCA requires that DOE amend its test procedures for all covered products to integrate measures of standby mode and off mode energy consumption into the overall energy efficiency, energy consumption, or other energy descriptor, unless the current test procedure already incorporates the standby mode and off mode energy consumption, or if such integration is technically infeasible. (42 U.S.C. 6295(gg)(2)(A)(i)–(ii)) If an integrated test procedure is technically infeasible, DOE must prescribe separate standby mode and off mode energy use test procedures for the covered product, if a separate test is technically feasible. (42 U.S.C. 6295(gg)(2)(A)(ii)). Any such amendment must consider the most current versions of the International Electrotechnical Commission (IEC) Standard 62301³ and IEC Standard 62087⁴ as applicable. (42 U.S.C. 6295(gg)(2)(A))

DOE is publishing this notice of proposed rulemaking (“NOPR”) to address specific issues and to make minor clarifications to the current test procedures that are required for certification of compliance with applicable GSL energy conservation standards. Further, this proposed rulemaking does not satisfy the EPCA requirement that, at least once every 7 years, DOE review the test procedures for GSLs. (42 U.S.C. 6293(b)(1)(A)).

B. Background

DOE’s existing test procedures for GSLs appear at 10 CFR part 430, subpart B, appendix R for GSILs and IRLs, appendix W for CFLs, appendix BB for integrated LED lamps and appendix DD for all GSLs that are not GSILs, IRLs, CFLs, or integrated LED lamps. In this NOPR, DOE proposes clarifications to appendix W, appendix BB, and appendix DD.

On July 1, 2016, DOE published a final rule adopting a test procedure for integrated LED lamps in appendix BB. 81 FR 43404. On August 19, 2016, DOE published a final rule amending test procedures for medium base CFLs and adopting test procedures for new metrics for all CFLs including hybrid CFLs and CFLs with bases other than medium screw base in appendix W. 81 FR 59386. On October 20, 2016, DOE published a final rule adopting new test procedures for GSLs that are not integrated LED lamps, CFLs, or GSILs in appendix DD. 81 FR 72493.

On May 9, 2022, DOE published a final rule codifying the 45 lumens per watts (“lm/W”) backstop requirement for GSLs that Congress prescribed in amendments to EPCA. 89 FR 27439. DOE issued a phased-in enforcement policy for the 45 lm/W backstop requirement.⁵ On October 14, 2022, DOE issued a guidance document⁶ stating that manufacturers and importers are not currently required to certify compliance to the 45 lm/W backstop requirement and that DOE may address the certification requirements for the backstop in a separate, future rulemaking. On October 9, 2024, DOE published a final rule stating that because DOE has reached the full enforcement phase of the enforcement policy, manufacturers and importers must certify compliance to the backstop requirement for GSLs. 89 FR 81994, 82052–82053.

On January 11, 2023, DOE published a notice of proposed rulemaking (“January 2023 NOPR”) proposing amended energy conservation standards for GSLs. 88 FR 1638. On April 19, 2024, DOE published a final rule adopting amended energy conservation standards for GSLs (“April 2024 Final Rule”). 89 FR 28856. Note, in the April 2024 Final Rule, for certain lamps, DOE determined that because the market is rapidly developing it was unable to make a clear and accurate determination regarding the consumer utility, how various technology options would affect the efficiency, and maximum technologically feasible efficiency of these lamps, which prevented DOE from determining whether a specific standard for these lamps would be economically justified. Accordingly, the standards adopted in the April 2024 Final Rule do not apply to these lamps (see 10 CFR 430.32(dd)(1)(iv)(C)). DOE did note that these lamps are still subject to the 45

lm/W sales prohibition at 10 CFR 430.32(dd). 89 FR 28886–28888.

DOE received comments in response to the January 2023 NOPR from the National Electrical Manufacturers Association (“NEMA”) regarding test procedures for certain GSLs. 88 FR 28856, 28882. In the April 2024 Final Rule, DOE summarized these comments and noted that it is not amending any test procedure in that final rule. 88 FR 28856, 28882. To the extent that the comments received are relevant to the topics addressed in this document, those comments are discussed in this NOPR. A parenthetical reference at the end of a comment quotation or paraphrase provides the location of the item in the public record.⁷

C. Deviation From Appendix A

In accordance with section 3(a) of 10 CFR part 430, subpart C, appendix A (“appendix A”), DOE notes that it is deviating from the provision in appendix A regarding the NOPR stages for a test procedure rulemaking. Section 8(a)(1) of appendix A states that in determining whether to consider establishing or amending any test procedure, DOE will publish one or more preliminary documents in the **Federal Register** (e.g., a request for information or notice of data availability) intended to gather information on key issues. Section 8(b)(2) of appendix A also states that the public comment period for NOPR documents is no less than 60 days with at least one public meeting or workshop. As discussed, DOE is proposing limited clarifications to the test procedure in this document rather than a complete review under the 7-year lookback provision in EPCA. As a result, DOE has determined that a preliminary rulemaking document is not necessary and, considering the limited scope of the proposed clarifications, 30 days is an appropriate period for providing comments.

II. Synopsis of the Notice of Proposed Rulemaking

In this NOPR, DOE proposes to make clarifications to appendix W, “Uniform Test Method for Measuring the Energy Consumption of Compact Fluorescent Lamps;” appendix BB, “Uniform Test Method for Measuring the Input Power, Lumen Output, Lamp Efficacy,

⁷ The parenthetical reference provides a reference for information located in the docket of DOE’s rulemaking to develop test procedures for insert product. (Docket NO. EERE–2022–BT–STD–0022, which is maintained at: www.regulations.gov). The references are arranged as follows: (commenter name, comment docket ID number at page of that document).

³ IEC 62301, *Household electrical appliances—Measurement of standby power* (Edition 2.0, 2011–01).

⁴ IEC 62087, *Audio, video and related equipment—Methods of measurement for power consumption* (Edition 1.0, Parts 1–6: 2015, Part 7: 2018).

⁵ See https://www.energy.gov/sites/default/files/2022-04/GSL_EnforcementPolicy_4_25_22.pdf.

⁶ See https://www1.eere.energy.gov/buildings/appliance_standards/pdfs/GSL_Cert_Guidance_Final.pdf.

Correlated Color Temperature (CCT), Color Rendering Index (CRI), Power Factor, Time to Failure, and Standby Mode Power of Integrated Light-Emitting Diode (LED) Lamps;" and appendix DD, "Uniform Test Method for Measuring the Energy Consumption and Energy Efficiency of General Service Lamps That Are Not General Service Incandescent Lamps, Compact Fluorescent Lamps, or Integrated LED Lamps." DOE proposes to amend appendices W, BB and DD to specify: (1) lamps must not be tested as a colored lamp and those that can operate at multiple CCTs must be tested at 2700 Kelvin ("K") or the closest available

CCT greater than 2700 K; and (2) lamps with additional components that do not affect the light output of the lamp (e.g., camera, speaker) must be tested with as many components turned off as possible.

Additionally, in this NOPR, DOE proposes to make clarifications to appendix DD as follows: (1) remove the instruction to operate non-integrated LED lamps at the manufacturer-declared input voltage and current; (2) specify that non-integrated lamps be tested on a fluorescent lamp ballast or external driver, in an order of preference based on being on a manufacturer-provided compatibility list and/or commercially

available; (3) specify the starting method and ballast factors for the fluorescent lamp ballasts used in testing; (4) specify that fluorescent lamp ballasts used in testing operate the maximum number of lamps and instructions for calculating individual lamp values where more than one lamp is operated; and (5) incorporate by reference American National Standards Institute ("ANSI") C78.901–2016⁸ and ANSI C78.53–2023.⁹

DOE's proposed actions are summarized in Table II.1 compared to the current test procedure as well as the reason for the proposed change.

TABLE II.1—SUMMARY OF CHANGES IN PROPOSED TEST PROCEDURE RELATIVE TO CURRENT TEST PROCEDURE

Current DOE test procedure	Proposed test procedure	Attribution
Does not include instruction to ensure lamps are not tested as a colored lamp.	Provides instructions that lamps must not be tested as colored lamps and lamps that can operate multiple CCTs must be tested at 2700 K or the closest available CCT greater than 2700 K.	Response to industry comments.
Does not include instructions to test lamps with additional components that do not affect the light output of the lamp (e.g., camera, speaker) with as many features turned off as possible.	Provides instructions to turn off as many components as possible during testing for lamps with additional components that do not affect the light output of the lamp (e.g., camera, speaker).	Response to industry comments.
Includes instructions to test non-integrated LED lamps at the manufacturer-declared input voltage and current.	Removes instructions to test non-integrated LED lamps at the manufacturer-declared input voltage and current and instead specifies to test non-integrated lamps with a fluorescent lamp ballast or external driver selected in order of preference based on compatibility list and availability.	Response to industry comments.
Does not include instructions for starting method and ballast factor for a fluorescent lamp ballast used in testing non-integrated lamps.	Specifies that a fluorescent lamp ballast used in testing non-integrated lamps must have certain starting method and ballast factors.	Response to industry comments.
Does not include instructions for number of lamps for a fluorescent lamp ballast used in testing non-integrated lamps.	Specifies that a fluorescent lamp ballast used in testing non-integrated lamps must operate the maximum number of lamps and provides instructions for calculating individual lamp values where more than one lamp is operated.	Response to industry comments.
Does not reference ANSI C78.901–2016 for testing non-integrated lamps.	References ANSI C78.901–2016 for setup instructions when testing non-integrated lamps that only operate on a low frequency, preheat start fluorescent lamp ballast.	Response to industry comments.
Does not reference ANSI C78.53–2023 for testing non-integrated lamps.	References ANSI C78.53–2023 sections 5.6.3 (Thermal), 5.6.4 (Electrical Characteristics), 5.7.2.1 (Thermal), 5.7.3 (Electrical Characteristics), and 5.7.5 (Compatibility Criteria), as an applicable industry standard for setup instructions when testing non-integrated lamps that are marketed to replace fluorescent lamps and high intensity discharge lamps.	Response to industry comments.

DOE has tentatively determined that the proposed clarifications described in section III of this NOPR would not alter the measured efficiency of GSLs or require retesting or recertification solely as a result of DOE's adoption of the proposed clarifications to the test procedures, if made final. Additionally, DOE has tentatively determined that the proposed clarifications, if made final, would not increase the cost of testing.

Discussion of DOE's proposed actions are addressed in detail in section III of this NOPR.

III. Discussion

In the following sections, DOE proposes certain clarifications to its test procedures for GSLs. For each proposed amendment, DOE provides relevant background information, explains why the amendment merits consideration,

discusses relevant public comments, and proposes a potential approach.

A. Scope of Applicability

This rulemaking applies to GSLs. DOE defines a GSL as a lamp that has an ANSI base; is able to operate at a voltage of 12 volts or 24 volts, at or between 100 to 130 volts, at or between 220 to 240 volts, or of 277 volts for integrated lamps (as set out in this definition), or

⁸ American National Standards Institute, *ANSI C78.901–2016 American National Standard for Electric Lamps—Single-Based Fluorescent Lamps*—

Dimensional and Electrical Characteristics, Approved August 23, 2016.

⁹ American National Standards Institute, *ANSI C78.53–2019 (R2023) American National Standard*

for Electric Lamps—Performance Specifications for Direct Replacement LED (Light Emitting Diode) Lamps, Approved August 24, 2023.

is able to operate at any voltage for non-integrated lamps (as set out in this definition); has an initial lumen output of greater than or equal to 310 lumens (or 232 lumens for modified spectrum general service incandescent lamps) and less than or equal to 3,300 lumens; is not a light fixture; is not an LED downlight retrofit kit; and is used in general lighting applications. General service lamps include, but are not limited to, general service incandescent lamps, compact fluorescent lamps, general service light-emitting diode lamps, and general service organic light emitting diode lamps. 10 CFR 430.2. There are 26 lamp types exempt from GSL definition.¹⁰

B. Proposed Clarifications to Appendix W, Appendix BB, and Appendix DD

DOE has identified certain aspects of the existing test procedures for GSLs that require clarification to ensure consistent testing to comply with the 45 “lm/W” backstop requirement for GSLs that Congress prescribed in amendments to EPCA. (42 U.S.C. 6295(i)(6)(A)(v)). To the extent that other GSLs may not be able to be tested in accordance with DOE’s test procedures, manufacturers may petition DOE for test procedure waivers in accordance with 10 CFR 430.27.

1. Lamps With Multiple Modes

Appendices W, BB, and DD specify instructions to test at maximum input power for all lamps, including those that may operate in multiple modes. Section 3.1.4 of appendix BB and section 3.5 of appendix DD specify to operate the lamp at the maximum input power; and if multiple modes occur at the same maximum input power (such as variable CCT or color rendering index (“CRI”)) select any of these modes and ensure all measurements are taken at the same selected mode. Section 3.1.4 of appendix W specifies to operate the lamp, including those that are dimmable or multi-level, at the labeled wattage, defined as the highest wattage marked on the lamp and/or lamp packaging.

In response to the January 2023 NOPR, and as summarized in the April 2024 Final Rule, NEMA noted that section 3.1.4 in appendix BB specifies testing be done at the maximum input power and stated for a color-tunable (multi-primary) lamp this will typically occur when all LED packages within are driven at 100-percent output. NEMA commented that when all primary color sources (red, green, blue, white and

others) are at full output, the chromaticity coordinates of the lamp may not be on or even close to the blackbody locus used for standardizing white light chromaticities and may fall outside the range in which the CRI, as defined in International Commission on Illumination (“CIE”) 13.3,¹¹ is a considered a valid metric. NEMA commented that at the maximum input power condition, the lamp may be operating as a colored lamp rather than a GSL. NEMA further commented that section 5.1 of the ENERGY STAR lamps V2.1¹² specification states that testing is to be done at the most consumptive white light setting covered by the specification. NEMA stated that this approach guarantees a tested lamp will operate in the GSL region with a chromaticity defined by ANSI C78.377¹³ and accepted as “white” light. NEMA requested that DOE amend the test procedures to require color-tunable lamps to be operated at the highest input power nominal white chromaticity as defined in ANSI C78.377. (NEMA, No. 183 at pp. 21–22), 89 FR 28856, 28882.

NEMA further stated that lamps with four or more primary colors exhibit a wider gamut area and will be able to produce a consumer-selected chromaticity with many different settings of those primaries. NEMA commented that, for example, a lamp may have one mode to maximize light output and another to maximize color rendering, and that the input power is likely to differ among modes. NEMA recommended that where the same chromaticity can be achieved with multiple primary settings, DOE should allow the manufacturer to determine the test conditions and provide instruction for how to repeat the condition for the highest input power white light chromaticity as per ANSI C78.377. (NEMA, No. 183 at pp. 21–22), 89 FR 28856, 28882.

In this NOPR, in section 3 of appendices W, BB, and DD, DOE proposes to operate the lamp as not a colored lamp (as defined in 10 CFR 430.2) and if the lamp can operate at multiple CCTs to operate the lamp at 2700 K, or the closest available CCT greater than 2700 K. A colored lamp is exempt from the definition of GSLs.

¹¹ International Commission on Illumination, *CIE 13.3—1995 Technical Report: Method of Measuring and Specifying Colour Rendering Properties of Light Sources*, Approved 1995.

¹² ENERGY STAR® Program Requirements Product Specification for Lamps (Light Bulbs) Eligibility Criteria Version 2.1.

¹³ American National Standards Institute, *ANSI C.78.377—2017 American National Standard for Electric Lamps—Specifications for the Chromaticity of Solid-State Lighting Products*, Approved 2017.

Because a colored lamp has a CCT less than 2500 K or greater than 7000 K, operating at 2700 K would ensure that the lamp is not operating as a colored lamp. (See 10 CFR 430.2 “General service lamp”, “Colored lamp”). Further, in the April 2024 Final Rule, DOE determined that 2700 K is a common CCT for GSLs. 89 FR 28856, 28895. DOE is also proposing to require manufacturers to indicate on the test report which CCT (numerical or on the graphical user interface) is selected for testing and include details such that another laboratory could operate the lamp at the same CCT. DOE has tentatively determined that specifying to not test any lamp as a colored lamp (as defined in 10 CFR 430.2) and to test at a specific CCT for lamps with multiple CCT settings addresses NEMA’s concerns that some lamps when tested at maximum input power may operate as a colored lamp. Additionally, DOE has tentatively determined these instructions will further ensure consistency and repeatability in testing. DOE requests comment on its proposal to specify that lamps not be operated as a colored lamp and be tested at 2700 K or the closest available CCT greater than 2700 K. See section V.D of this document for a list of issues on which DOE seeks comment.

To avoid confusion, DOE also proposes to remove the instruction in section 3.1 of appendix DD to take measurements at full light output. Section 3.5 in appendix DD already specifies to operate the lamp at the maximum input power which is equivalent to operating the lamp at full light output. DOE requests comment on removing the instruction to operate at full light output in appendix DD. See section V.D of this document for a list of issues on which DOE seeks comment.

2. Lamps With Non-Illumination Components

In response to the January 2023 NOPR, and as summarized in the April 2024 Final Rule, NEMA stated that for lamps with non-illumination features the only way to measure the lamp’s luminous efficacy independent of the non-illumination features is to disassemble the product and identify the appropriate solder traces to cut unless a lamp offers a physical switch or an app-based method for disabling the power from non-illumination features. (NEMA, No. 183 at p. 12), 89 FR 28856, 28888.

In this NOPR, in section 3 of appendices W, BB, and DD, for lamps with a component(s) that offer a distinct functionality (e.g., a speaker, a camera, an air purifier, etc.) where the

¹⁰ See definition of “general service lamp” in 10 CFR 430.2 for the specific exemptions from the definition.

component is integrated into the lamp but does not affect the light output of the lamp (e.g., does not turn the light on/off, dim the light, change the color of the light, etc.) and is capable of operating in standby mode, DOE proposes to specify to turn off as many of these components as possible during testing. DOE also proposes to require that the test report indicate which components were turned off and which, if any, components remained on. DOE has tentatively determined that for those lamps with components that do not affect light output and are controllable by physical switch or an app-based method, this instruction will ensure that these components are turned off during testing. DOE has tentatively determined these instructions will further ensure consistency and repeatability in testing. DOE requests comment on specifying for lamps with components that do not affect light output to turn off such components during testing. *See* section V.D of this document for a list of issues on which DOE seeks comment.

3. Non-Integrated LED Lamps

Section 3.4 of appendix DD provides instructions to operate a non-integrated lamp at the manufacturer-declared input voltage and current. In response to the January 2023 NOPR, and as summarized in the April 2024 Final Rule, NEMA stated that this instruction only provides a partial description of the testing conditions and does not represent a repeatable test condition for Type A or Type C linear LED lamps (“TLEDs”). NEMA stated it is repeating the point made in the 2016 GSL test procedure rulemaking that frequency and waveform are important parameters that vary among LED lamps. NEMA stated that DOE should amend the test procedure to allow testing with a manufacturer-designated commercial ballast in alignment with ANSI C78.53, and that DOE should accept ANSI C78.53 testing for compliance with this rule. NEMA stated that manufacturers would specify performance ratings, indicate a ballast factor associated with those ratings, and identify the compatible ballast type and model. (NEMA, No. 183 at p. 21), 89 FR 28856, 28883.

In this NOPR, in section 3.4 of appendix DD, DOE proposes to remove the instruction to operate non-integrated LED lamps at the manufacturer-declared input voltage and current and specify that the remaining instructions regarding rated voltages apply to integrated lamps. Additionally, DOE proposes to add a section to appendix DD that specifies that a non-integrated lamp be operated on a fluorescent lamp

ballast or external driver that is selected based on the following: (1) manufacturer-specified compatibility list and availability, (2) starting method, and (3) ballast factor. Finally, DOE proposes to add instructions for testing with a fluorescent lamp ballast or external driver in terms of number of lamps used, and references to relevant industry standards. DOE has tentatively determined that specifying that the lamp be operated on a fluorescent lamp ballast or external driver ensures the completeness of instructions for testing non-integrated lamps, thereby addressing NEMA’s concerns. Additionally, DOE has tentatively determined that specifying a set of criteria for selecting the fluorescent lamp ballast or external driver will improve the consistency and repeatability of testing. The proposed provisions for testing non-integrated lamps with a fluorescent lamp ballast or external driver are detailed in the following sections.

a. Selection of Fluorescent Lamp Ballast or External Driver

First, DOE proposes that the fluorescent lamp ballast or external driver selected for testing must be, in the following order of preference: (1) from the lamp’s publicly available manufacturer-provided compatibility list and commercially available; (2) commercially available and able to operate the lamp throughout the duration of the test; (3) previously procured and able to operate the lamp throughout the duration of the test. Only if the fluorescent lamp ballast and external driver cannot be selected from the previous preference should the next preference be availed. To provide clarity, DOE also proposes to define “commercially available fluorescent lamp ballast or external driver” as one that can be purchased by an individual consumer at a readily accessible retailer (i.e., retailer with storefront or online purchasing). Additionally, DOE proposes that the manufacturer record the fluorescent lamp ballast or external driver manufacturer and model name/number used for testing in the test report. Further, DOE understands that because low frequency, preheat start fluorescent lamp ballasts are an older technology, they may not be commercially available. For a lamp that operates only on low frequency, preheat start fluorescent lamp ballasts, and these ballasts are not available, DOE proposes to specify to operate the lamp on the manufacturer-declared voltage and current, and if this information is not provided, to operate the lamp in accordance with the applicable lamp

voltage and current conditions specified in ANSI C78.901–2016. The manufacturer must indicate in the test report the voltage and current with which the lamp was operated. DOE requests comment on the order of preference based on availability of the fluorescent lamp ballast or external driver. DOE requests comment on the definition of commercially available fluorescent lamp ballast or external driver. DOE requests comment on the selection of fluorescent lamp ballasts for lamps that operate only low frequency, preheat start fluorescent lamp ballasts. *See* section V.D of this document for a list of issues on which DOE seeks comment.

Secondly, once the set of fluorescent lamp ballasts have been identified based on being (1) on publicly available manufacturer-provided compatibility list and commercially available, (2) commercially available, or (3) previously procured, DOE proposes to specify selection of the ballast starting method. Specifically, DOE proposes that for the set of fluorescent lamp ballasts identified, if all the ballasts have the same starting method, choose a ballast with that starting method. If there is more than one starting method among them, choose a ballast with a starting method based on lamp type as specified in Table III.1. If the starting method in Table III.1 is not included among fluorescent lamp ballasts under consideration, then select any starting method. DOE requests comment on the selection of starting method for the fluorescent lamp ballast used in testing. *See* section V.D of this document for a list of issues on which DOE seeks comment.

TABLE III.1—STARTING METHOD BY LAMP TYPE

Lamp type	Starting method
T8 medium bipin	Instant Start.
T8 recessed double contact.	Instant Start.
T5 miniature bipin	Programmed Start.
T12 single pin, slimline	Instant Start.
T12 medium bipin	Rapid Start.
T12 recessed double contact.	Rapid Start.
All other lamp types	Any.

Thirdly, once the set of fluorescent lamp ballasts have been identified based on starting method, DOE proposes to specify selection of the ballast factor. Specifically, DOE proposes that for the set of fluorescent lamp ballasts identified, if the ballasts have more than one ballast factor available, choose a ballast with a ballast factor based on lamp type as specified in Table III.2. If

the ballast factor in Table III.2 is not included among ballasts under consideration, select a ballast with a ballast factor closest to the one listed in Table III.2. DOE requests comment on the selection of ballast factor for the fluorescent lamp ballast used in testing. *See* section V.D of this document for a list of issues on which DOE seeks comment.

TABLE III.2—BALLAST FACTOR BY LAMP TYPE

Lamp type	Ballast factor
T8 medium bipin	0.88.
T8 recessed double contact.	1.05.
T5 miniature bipin	1.
T12 single pin, slimline	Any.
T12 medium bipin	Any.
T12 recessed double contact.	Any.
All other lamp types	Any.

b. Testing With Fluorescent Lamp Ballast or External Driver

DOE understands that a fluorescent lamp ballast or external driver can operate more than one lamp at a time. Therefore, DOE proposes instructions for determining values for one lamp when the fluorescent lamp ballast or external driver is operated on more than one lamp. Specifically, DOE proposes to specify that the fluorescent lamp ballast or external drivers be loaded with the maximum number of lamps when measuring the initial lumen output, initial input power, input voltage, and input current, and these measured values be divided by the maximum number of lamps. DOE requests comment on instructions to divide measured values by the maximum number of lamps operated by the fluorescent lamp ballast or external driver to determine individual lamp values. *See* section V.D of this document for a list of issues on which DOE seeks comment.

Additionally, DOE reviewed ANSI C78.53–2023 and determined that it is applicable to the testing of non-integrated lamps. Therefore, DOE proposes to incorporate by reference ANSI C78.53–2023 in appendix DD and reference it as follows: (1) for a non-integrated lamp marketed to replace a fluorescent lamp and operate on the existing fluorescent lamp ballast, testing should be conducted in accordance with the setup provisions in sections 5.6.3 (Thermal) and 5.6.4 (Electrical Characteristics) of ANSI C78.53–2023; and (2) for a non-integrated lamp marketed to replace a high intensity discharge lamp and operate on the

existing high intensity discharge lamp ballast, testing should be conducted in accordance with the setup provisions in sections 5.7.2.1 (Thermal), 5.7.3 (Electrical Characteristics), and 5.7.5 (Compatibility Criteria) of ANSI C78.53–2023 sections. DOE requests comment on incorporating by reference sections of ANSI C78.53–2023 in appendix DD. *See* section V.D of this document for a list of issues on which DOE seeks comment.

C. Reporting

Manufacturers, including importers, must use product-specific certification templates to certify compliance to DOE. For GSLs, the certification template reflects the general certification requirements specified at 10 CFR 429.12 and the product-specific requirements specified at 10 CFR 429.57. As discussed in the previous paragraphs, DOE is not proposing to amend the product-specific certification requirements for these products.

D. Test Procedure Costs and Harmonization

1. Test Procedure Costs and Impact

EPCA requires that test procedures proposed by DOE not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The following section discusses DOE's evaluation of estimated costs associated with the proposed clarifications.

In this NOPR, DOE proposes to make two updates to appendices W, BB, and DD that provide clarification for testing lamps with additional functionality by specifying: (1) the CCT at which to test for lamps that can operate at multiple CCTs; and (2) to turn off components that do not affect light output. These proposed clarifications only provide further clarification and more complete information regarding how to appropriately test certain lamps. Therefore, DOE has initially determined that the proposed clarifications would not impact the representations of GSL energy efficiency based on the initial determination manufacturers would be able to rely on data generated under the current test procedure should the proposed clarifications be finalized. As such, retesting of GSLs would not be required solely as a result of DOE's adoption of the proposed clarifications to the test procedure.

Finally, in this NOPR, DOE proposes to update appendix DD to remove the instruction to operate non-integrated LED lamps at the manufacturer-declared input voltage and current and instead specify that non-integrated lamps be operated on a fluorescent lamp ballast

or external driver. Based on comments from manufacturers, the proposed instruction reflects how these lamps are currently being tested by manufacturers (*see* section III.C of this document). Additionally, the DesignLights Consortium (“DLC”) administers a voluntary certification program for high performing lighting products and lists almost 6,000 non-integrated lamps as qualified products. DLC testing requirements for non-linear integrated lamps,¹⁴ which manufacturers must use to qualify their products, also require testing on a fluorescent lamp ballast or external driver. DOE has tentatively determined that manufacturers would be able to rely on data already generated should any of these additional proposed clarifications be finalized. As such, DOE has initially determined that the proposed clarifications would not impact the representations of GSL energy efficiency.

2. Harmonization With Industry Standards

DOE's established practice is to adopt relevant industry standards as DOE test procedures unless such methodology would be unduly burdensome to conduct or would not produce test results that reflect the energy efficiency, energy use, water use (as specified in EPCA) or estimated operating costs of that product during a representative average use cycle or period of use. Section 8(c) of appendix A of 10 CFR part 430 subpart C. In cases where the industry standard does not meet EPCA statutory criteria for test procedures DOE will make modifications through the rulemaking process to these standards as the DOE test procedure.

DOE is proposing to incorporate by reference ANSI C78.53–2023 and ANSI C78.901–2016 in appendix DD for measurements of non-integrated lamps. DOE requests comment on the benefits and burdens of the proposed updates and additions to industry standards referenced in the test procedure for GSLs. *See* section V.D of this document for a list of issues on which DOE seeks comment.

E. Compliance Date

EPCA prescribes that, if DOE amends a test procedure, all representations of energy efficiency and energy use, including those made on marketing materials and product labels, must be made in accordance with that amended

¹⁴ DLC, “Testing and Reporting Requirements for Linear Replacement Lamps under Technical Requirements V5.1”, July 1, 2020, available at https://designlights.org/wp-content/uploads/2023/06/DLC_Testing-Reporting-Requirements_Linear-Replacement-Lamps_V5-1_20230616.pdf.

test procedure, beginning 180 days after publication of such a test procedure final rule in the **Federal Register**. (42 U.S.C. 6293(c)(2))

If DOE were to publish an amended test procedure EPCA provides an allowance for individual manufacturers to petition DOE for an extension of the 180-day period if the manufacturer may experience undue hardship in meeting the deadline. (42 U.S.C. 6293(c)(3)) To receive such an extension, petitions must be filed with DOE no later than 60 days before the end of the 180-day period and must detail how the manufacturer will experience undue hardship. (*Id.*)

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866, 13563, and 14094

Executive Order (“E.O.”) 12866, “Regulatory Planning and Review,” as supplemented and reaffirmed by E.O. 13563, “Improving Regulation and Regulatory Review,” 76 FR 3821 (Jan. 21, 2011) and E.O. 14094, “Modernizing Regulatory Review,” 88 FR 21879 (April 11, 2023), requires agencies, to the extent permitted by law, to: (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. DOE emphasizes as well that E.O. 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs (“OIRA”) in the Office of Management and Budget (“OMB”) has emphasized

that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in the preamble, this proposed regulatory action is consistent with these principles.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this proposed regulatory action does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this action was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (“IRFA”) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, “Proper Consideration of Small Entities in Agency Rulemaking,” 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel’s website: www.energy.gov/gc/office-general-counsel. DOE reviewed this proposed rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003.

DOE has conducted a focused inquiry into small business manufacturers of the GSLs covered by this rulemaking. For this test procedure, DOE referenced the small business list created for the April 2024 Final Rule. DOE identified potential small manufacturers based on Small Business Administration guidelines categorizing businesses operating under North American Industry Classification System code 335139, “electric lamp bulb and other lighting equipment manufacturing”, with under 1,250 employees (including parent and affiliate companies) as a small business. The size standards are codified at 13 CFR part 121. DOE accessed the Compliance Certification Database¹⁵ to create a list of companies

¹⁵ U.S. Department of Energy Compliance Certification Database, available at:

that import or otherwise manufacture the GSLs covered by this proposal. Using information from D&B Hoovers, DOE screened out companies that have more than 1,250 employees, are completely foreign owned and operated, or do not manufacture GSLs in the United States—ultimately identifying 261 small domestic businesses that assemble GSLs.

None of the identified small businesses are expected to incur costs because of this proposal. The clarifications to GSL test procedures being proposed in this NOPR only provide further clarification regarding how to appropriately test certain lamps with additional functionality. These clarifications would not result in additional test costs, nor would they require retesting for any manufacturers. DOE is also proposing clarifications regarding testing non-integrated GSLs which reflect how these lamps are currently being tested by manufacturers and therefore, would also not result in additional test costs nor require retesting by any manufacturers—including small manufacturers.

Therefore, DOE initially concludes that the impacts of the proposed test procedure clarifications proposed in this NOPR would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. DOE will transmit the certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of GSLs must certify to DOE that their products comply with any applicable energy conservation standards. To certify compliance, manufacturers must first obtain test data for their products according to the DOE test procedures, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including GSLs. (*See generally* 10 CFR part 429.) The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (“PRA”). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting

www.regulations.doe.gov/certification-data/products.html.

burden for the certification is estimated to average 35 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

DOE is not proposing to amend the certification or reporting requirements for GSLs in this NOPR.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this NOPR, DOE proposes test procedure clarifications that it expects will be used to develop and implement future energy conservation standards for GSLs. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, DOE has determined that adopting test procedures for measuring energy efficiency of consumer products and industrial equipment is consistent with activities identified in 10 CFR part 1021, appendix A to subpart D, A5 and A6. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, "Federalism," 64 FR 43255 (Aug. 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this proposed rule and has determined that it would not have a substantial direct effect on

the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this proposed rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, "Civil Justice Reform," 61 FR 4729 (February 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the proposed rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 ("UMRA") requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal

governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a)–(b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed "significant intergovernmental mandate," and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at www.energy.gov/gc/office-general-counsel. DOE examined this proposed rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of \$100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule or policy that may affect family well-being. When developing a Family Policymaking Assessment, agencies must assess whether: (1) the action strengthens or erodes the stability or safety of the family and, particularly, the marital commitment; (2) the action strengthens or erodes the authority and rights of parents in the education, nurture, and supervision of their children; (3) the action helps the family perform its functions, or substitutes governmental activity for the function; (4) the action increases or decreases disposable income or poverty of families and children; (5) the proposed benefits of the action justify the financial impact on the family; (6) the action may be carried out by State or local government or by the family; and whether (7) the action establishes an implicit or explicit policy concerning the relationship between the behavior and personal responsibility of youth, and the norms of society. In evaluating the above factors, DOE has concluded that it is not

necessary to prepare a Family Policymaking Assessment as none of the above factors are implicated. Further, this proposed determination would not have any financial impact on families nor any impact on the autonomy or integrity of the family as an institution.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights," 53 FR 8859 (March 18, 1988), that this proposed regulation would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M-19-15, Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines which are available at www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf. DOE has reviewed this proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use," 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any proposed significant energy action. A "significant energy action" is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) is a significant regulatory action under Executive Order 12866, or any successor order, and is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on

energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

The proposed regulatory action to amend the test procedure for measuring the energy efficiency of GSLs is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95-91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; "FEAA") Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission ("FTC") concerning the impact of the commercial or industry standards on competition.

The proposed modifications to the test procedure for GSLs would incorporate testing methods contained in certain sections of the following commercial standards: ANSI C78.53-2023 and ANSI C78.901-2016. DOE has evaluated these standards and is unable to conclude whether they fully comply with the requirements of section 32(b) of the FEAA (*i.e.*, whether it was developed in a manner that fully provides for public participation, comment, and review). DOE will consult with both the Attorney General and the Chairman of the FTC concerning the impact of these test procedures on competition, prior to prescribing a final rule.

M. Description of Materials Incorporated by Reference

ANSI C78.53-2023 is an industry accepted test standard that specifies performance specifications for direct replacement LED lamps. This NOPR specifically references sections thermal

characteristics, electrical characteristics and compatibility criteria.

ANSI C78.901-2016 is an industry accepted test standard that specifies dimensional and electrical characteristics for single-based fluorescent lamps.

These test standards are all reasonably available from ANSI (webstore.ansi.org) or NEMA (www.nema.org).

In this NOPR, DOE proposes to include revisions to regulatory text that contain references to IEC 62301-DD, IES LM-79-08-DD,¹⁶ IES LM-45-15, IES LM-9-09-DD,¹⁷ and IES LM-20-13. These standards were previously approved for IBR; no changes are being proposed.

V. Public Participation

A. Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule no later than the date provided in the **DATES** section at the beginning of this proposed rule. 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

¹⁶ Illuminating Engineering Society, *IES LM-79-08 Approved Method: Electrical and Photometric Measurements of Solid-State Lighting Products*, Approved December 31, 2007.

¹⁷ Illuminating Engineering Society, *IES TM-28-14 Projecting Long-Term Luminous Flux Maintenance of LED Lamps and Luminaires*, Approved May 20, 2014.

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, 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).

B. Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

(1) DOE requests comment on its proposal to specify that lamps not be operated as a colored lamp and be tested at 2700 K or the closest available CCT greater than 2700 K. See section III.B.1 of this document.

(2) DOE requests comment on removing the instruction to operate at full light output in appendix DD. See section III.B.1 of this document.

(3) DOE requests comment on specifying for lamps with components that do not affect light output to turn off such components during testing. See section III.B.2 of this document.

(4) DOE requests comment on the order of preference based on availability of the fluorescent lamp ballast or external driver. DOE requests comment on the definition of commercially available fluorescent lamp ballast or external driver. DOE requests comment on the selection of fluorescent lamp ballasts for lamps that operate only low frequency, preheat start fluorescent lamp ballasts. See section III.B.3.a of this document.

(5) DOE requests comment on the selection of starting method for the fluorescent lamp ballast used in testing. See section III.B.3.a of this document.

(6) DOE requests comment on the selection of ballast factor for the fluorescent lamp ballast used in testing. See section III.B.3.a of this document.

(7) DOE requests comment on instructions to divide measured values by the maximum number of lamps operated by the fluorescent lamp ballast or external driver to determine individual lamp values. See section III.B.3.b of this document.

(8) DOE requests comment on incorporating by reference sections of ANSI C78.53–2023 in appendix DD. See section III.B.3.b of this document.

(9) DOE requests comment on the benefits and burdens of the proposed updates and additions to industry standards referenced in the test procedure for GSLs. See section III.D.2 of this document.

Additionally, DOE welcomes comments on other issues relevant to the conduct of this rulemaking that may not specifically be identified in this document.

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notice of proposed rulemaking and announcement of public meeting.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Small businesses.

Signing Authority

This document of the Department of Energy was signed on November 8, 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 November 12, 2024.

Treena V. Garrett,

Federal Register Liaison Officer, U.S.
Department of Energy.

For the reasons stated in the preamble, DOE is proposing to amend part 430 of chapter II of title 10, Code of Federal Regulations as set forth below:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 2. Amend § 430.3 by:

- a. Redesignating paragraphs (e)(5) through (26) as paragraphs (e)(6) through (27);
- b. Adding new paragraph (e)(5);
- c. Removing the words “appendices Q and R” and adding in their place “appendices Q, R, and DD” in newly-redesignated paragraph (e)(13); and
- d. Revising Note 1 to Paragraph (e).

The revisions and additions read as follows:

§ 430.3 Materials incorporated by reference.

* * * * *

(e) * * *

(5) ANSI C78.53–2019 (R2023) (“ANSI C78.53–2023”), American National Standard for Electric Lamps—Performance Specifications for Direct Replacement LED (Light Emitting Diode) Lamps, ANSI approved August 24, 2023, IBR approved for appendix DD to subpart B.

* * * * *

Note 1 to paragraph (e): The standards referenced in paragraphs (e)(4), (6), (8), (10), (13), (17), (18), (19), (20), and (22) of this section were all published by National Electrical Manufacturers Association (NEMA) and are also available from National Electrical Manufacturers Association, 1300 North 17th Street, Suite 900, Rosslyn, Virginia 22209, <https://www.nema.org/Standards/Pages/default.aspx>.

* * * * *

■ 3. Amend appendix W to subpart B by:

- a. Redesignating sections 3.1.5 through 3.1.7 as sections 3.1.6 through 3.1.8;
- b. Adding new sections 3.1.5 and 3.1.9.

The additions read as follows:

Appendix W to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Compact Fluorescent Lamps

* * * * *

3. * * *

3.1. * * *

3.1.5. If the lamp can operate in multiple modes at the labeled wattage, operate the lamp as not a colored lamp (as defined in 10 CFR 430.2). If the lamp can operate at multiple CCTs, operate the lamp at 2700 Kelvin (K), or the closest available CCT greater than 2700 K. The test report must indicate which CCT (numerical or on the graphical user interface) was selected for testing and include details such that another laboratory could operate the lamp at the same CCT.

* * * * *

3.1.9 For a CFL that has one or more component(s) that offer a completely different functionality (e.g., a speaker, a camera, an air purifier, etc.) where the component is integrated into the lamp but does not affect the light output of the lamp (e.g., does not turn the light on/off, dim the light, change the color of the light, etc.) and is capable of operating in standby mode, turn off as many of these components as possible during testing. The test report must indicate which components were turned off and any features that remained on.

* * * * *

■ 4. Amend appendix BB to subpart B by:

- a. Revising section 3.1.4 and
- b. Adding new section 3.1.5.

The revision and addition read as follows:

Appendix BB to Subpart B of Part 430—Uniform Test Method for Measuring the Input Power, Lumen Output, Lamp Efficacy, Correlated Color Temperature (CCT), Color Rendering Index (CRI), Power Factor, Time to Failure, and Standby Mode Power of Integrated Light-Emitting Diode (LED) Lamps

* * * * *

3. * * *

3.1. * * *

3.1.4. Operate the lamp at the maximum input power and not as a colored lamp (as defined in 10 CFR 430.2). If the lamp can operate at multiple CCTs, operate the lamp at 2700 Kelvin (K), or the closest available CCT greater than 2700 K. The test report must indicate which CCT (numerical or on the graphical user interface) was selected for testing and include detail such that another laboratory could operate the lamp in the same mode.

3.1.5 For a lamp that has one or more component(s) that offer a completely different functionality (e.g., a speaker, a camera, an air purifier, etc.) where the component is integrated into the lamp but does not affect the light output of the lamp (e.g., does not turn the light on/off, dim the light, change the color of the light, etc.) and is capable of operating in standby mode, turn off as many of these components as possible

during testing. The test report must indicate which components were turned off and any features that remained on.

* * * * *

■ 5. Revise appendix DD of subpart B to read as follows:

Appendix DD to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption and Energy Efficiency of General Service Lamps That Are Not General Service Incandescent Lamps, Compact Fluorescent Lamps, or Integrated LED Lamps

Note: On or after April 19, 2017, any representations, including certifications of compliance (if required), made with respect to the energy use or efficiency of general service lamps that are not general service incandescent lamps, compact fluorescent lamps, or integrated LED lamps must be made in accordance with the results of testing pursuant to this appendix DD.

1. *Scope:* This appendix DD specifies the test methods required to measure the initial lumen output, input power, lamp efficacy, power factor, and standby mode energy consumption of general service lamps that are not general service incandescent lamps, compact fluorescent lamps, or integrated LED lamps.

2. Definitions:

Commercially available fluorescent lamp ballast or external driver means one that can be purchased by an individual consumer at a readily accessible retailer (i.e., retailer with storefront or online purchasing).

Measured initial input power means the input power to the lamp, measured after the lamp is stabilized and seasoned (if applicable), and expressed in watts (W).

Measured initial lumen output means the lumen output of the lamp, measured after the lamp is stabilized and seasoned (if applicable), and expressed in lumens (lm).

Power factor means the measured initial input power (watts) divided by the product of the input voltage (volts) and the input current (amps) measured at the same time as the initial input power.

3. Active Mode Test Procedures

3.1. Test Conditions and Setup

3.1.1. For single base OLED and non-integrated LED lamps, position a lamp in either the base-up and base-down orientation throughout testing. Test an equal number of lamps in the sample in the base-up and base-down orientations, except that, if the manufacturer restricts the orientation, test all of the units in the sample in the manufacturer-specified orientation. For double base OLED and non-integrated LED lamps, test all units in the horizontal orientation except that, if the manufacturer restricts the orientation, test all of the units in the sample in the manufacturer-specified orientation.

3.1.2. For integrated lamps, operate the lamp at the rated voltage throughout testing. For lamps with multiple rated voltages including 120 volts, operate the lamp at 120 volts. If a lamp is not rated for 120 volts, operate the lamp at the highest rated input voltage.

3.1.3. For non-integrated lamps, operate the lamp on a fluorescent lamp ballast or external driver in order of the following preference:

3.1.3.1. Choose a fluorescent lamp ballast or external driver from the lamp's publicly available manufacturer-provided compatibility list that is commercially available. The manufacturer must indicate in the test report the fluorescent lamp ballast or external driver manufacturer and model name/number used in the test.

3.1.3.1.1. If all ballasts on the publicly available manufacturer-provided compatibility list use the same starting method, then choose a ballast with that starting method to test the lamp.

3.1.3.1.1.1. If ballasts on the publicly available manufacturer-provided compatibility list use more than one ballast factor, then choose a ballast with a ballast factor based on lamp type per Table 3.1 (if the ballast factor in the table is not included among ballasts on the compatibility list, then the manufacturer should select a ballast with a ballast factor closest to the one listed in the table):

TABLE 3.1—BALLAST FACTOR BY LAMP TYPE

Lamp type	Ballast factor
T8 medium bipin	0.88.
T8 recessed double contact.	1.05.
T5 miniature bipin	1.
T12 single pin, slimline	Any.
T12 medium bipin	Any.
T12 recessed double contact.	Any.
All other lamp types	Any.

3.1.3.1.2. If ballasts on the publicly available manufacturer-provided compatibility list use more than one starting method, then choose a ballast with a starting method based on lamp type per Table 3.2 (if the starting method in the table is not included among ballasts on the compatibility list, then the manufacturer may select the starting method):

TABLE 3.2—STARTING METHOD BY LAMP TYPE

Lamp type	Starting method
T8 medium bipin	Instant Start.
T8 recessed double contact.	Instant Start.
T5 miniature bipin	Programmed Start.
T12 single pin, slimline	Instant Start.
T12 medium bipin	Rapid Start.
T12 recessed double contact.	Rapid Start.
All other lamp types	Any.

3.1.3.1.2.1. If ballasts on the publicly available manufacturer-provided compatibility list use more than one ballast factor, then choose a ballast with a ballast factor based on lamp type per Table 3.3 (if the ballast factor in the table is not included among ballasts on the compatibility list, then

the manufacturer should select a ballast with a ballast factor closest to the one listed in the table):

TABLE 3.3—BALLAST FACTOR BY LAMP TYPE

Lamp type	Ballast factor
T8 medium bipin	0.88.
T8 recessed double contact.	1.05.
T5 miniature bipin	1.
T12 single pin, slimline	Any.
T12 medium bipin	Any.
T12 recessed double contact.	Any.
All other lamp types	Any.

3.1.3.2. If section 3.1.3.1 is not possible, choose any fluorescent lamp ballast or external driver that is commercially available and can operate the lamp throughout the duration of the test. The manufacturer must indicate in the test report the fluorescent lamp ballast or external driver manufacturer and model name/number used in the test.

3.1.3.2.1. If all ballasts that are commercially available use the same starting method, then choose a ballast with that starting method to test the lamp.

3.1.3.2.1.1. If ballasts on the publicly available manufacturer-provided compatibility list use more than one ballast factor, then choose a ballast with a ballast factor based on lamp type per Table 3.4 (if the ballast factor in the table is not included among commercially available ballasts, then the manufacturer should select a ballast with a ballast factor closest to the one listed in the table):

TABLE 3.4—BALLAST FACTOR BY LAMP TYPE

Lamp type	Ballast factor
T8 medium bipin	0.88.
T8 recessed double contact.	1.05.
T5 miniature bipin	1.
T12 single pin, slimline	Any.
T12 medium bipin	Any.
T12 recessed double contact.	Any.
All other lamp types	Any.

3.1.3.2.2. If ballasts that are commercially available use more than one starting method, then choose a ballast with a starting method based on lamp type per Table 3.5 (if the starting method in the table is not included among commercially available ballasts, then the manufacturer may select the starting method):

TABLE 3.5—STARTING METHOD BY LAMP TYPE

Lamp type	Starting method
T8 medium bipin	Instant Start.
T8 recessed double contact.	Instant Start.
T5 miniature bipin	Programmed Start.

TABLE 3.5—STARTING METHOD BY LAMP TYPE—Continued

Lamp type	Starting method
T12 single pin, slimline	Instant Start.
T12 medium bipin	Rapid Start.
T12 recessed double contact.	Rapid Start.
All other lamp types	Any.

3.1.3.2.2.1. If ballasts that are commercially available use more than one ballast factor, then choose a ballast with a ballast factor based on lamp type per Table 3.6 (if the ballast factor in the table is not included among commercially available ballasts, then the manufacturer should select a ballast with a ballast factor closest to the one listed in the table):

TABLE 3.6—BALLAST FACTOR BY LAMP TYPE

Lamp type	Ballast factor
T8 medium bipin	0.88.
T8 recessed double contact.	1.05.
T5 miniature bipin	1.
T12 single pin, slimline	Any.
T12 medium bipin	Any.
T12 recessed double contact.	Any.
All other lamp types	Any.

3.1.3.3. If sections 3.1.3.1 and 3.1.3.2 are not possible, use any fluorescent lamp ballast or external driver previously procured that can operate the lamp throughout the duration of the test. The manufacturer must indicate in the test report the fluorescent lamp ballast or external driver manufacturer and model name/number used in the test.

3.1.3.3.1. If all ballasts that are previously procured use the same starting method, then choose a ballast with that starting method to test the lamp.

3.1.3.3.1.1. If all ballasts that are previously procured use more than one ballast factor, then choose a ballast with a ballast factor based on lamp type per Table 3.7 (if the ballast factor in the table is not included among then previously procured ballasts, then the manufacturer should select a ballast with a ballast factor closest to the one listed in the table):

TABLE 3.7—BALLAST FACTOR BY LAMP TYPE

Lamp type	Ballast factor
T8 medium bipin	0.88.
T8 recessed double contact.	1.05.
T5 miniature bipin	1.
T12 single pin, slimline	Any.
T12 medium bipin	Any.
T12 recessed double contact.	Any.
All other lamp types	Any.

3.1.3.3.2. If all ballasts that are previously procured use more than one starting method,

then choose a ballast with a starting method based on lamp type per Table 3.8 (if the starting method in the table is not included among the previously procured ballasts, then the manufacturer may select the starting method):

TABLE 3.8—STARTING METHOD BY LAMP TYPE

Lamp type	Starting method
T8 medium bipin	Instant Start.
T8 recessed double contact.	Instant Start.
T5 miniature bipin	Programmed Start.
T12 single pin, slimline	Instant Start.
T12 medium bipin	Rapid Start.
T12 recessed double contact.	Rapid Start.
All other lamp types	Any.

3.1.3.3.2.1. If ballasts that are previously procured use more than one ballast factor, then choose a ballast with a ballast factor based on lamp type per Table 3.9 (if the ballast factor in the table is not included among the previously procured ballasts, then the manufacturer should select a ballast with a ballast factor closest to the one listed in the table):

TABLE 3.9—BALLAST FACTOR BY LAMP TYPE

Lamp type	Ballast factor
T8 medium bipin	0.88.
T8 recessed double contact.	1.05.

TABLE 3.9—BALLAST FACTOR BY LAMP TYPE—Continued

Lamp type	Ballast factor
T5 miniature bipin	1.
T12 single pin, slimline	Any.
T12 medium bipin	Any.
T12 recessed double contact.	Any.
All other lamp types	Any.

3.1.3.4. If sections 3.1.3.1, 3.1.3.2 and 3.1.3.3 are not possible and the lamp only operates on a low frequency, preheat start fluorescent lamp ballast, operate the lamp on the manufacturer-declared voltage and current. If the manufacturer-declared voltage and current are not provided, then operate the lamp in accordance with the applicable lamp voltage and current conditions specified in ANSI C78.901–2016 (incorporated by reference; see § 430.3). The manufacturer must indicate in the test report the voltage and current with which the lamp was operated.

3.1.4. Operate the fluorescent lamp ballast or external driver loaded with the maximum number of lamps to measure the initial lumen output, initial input power, input voltage, and input current, and divide the values by the maximum number of lamps.

3.1.5. For a non-integrated lamp marketed to replace a fluorescent lamp and operate on the existing fluorescent lamp ballast, testing should be conducted in accordance with the setup provisions in sections 5.6.3 and 5.6.4 of ANSI C78.53–2023 (incorporated by reference; see § 430.3).

3.1.6. For a non-integrated lamp marketed to replace a high intensity discharge lamp and operates on the existing high intensity discharge lamp ballast, testing should be conducted in accordance with the setup provisions in sections 5.7.2.1, 5.7.3, and 5.7.5 of ANSI C78.53–2023 (incorporated by reference; see § 430.3).

3.1.7. Operate the lamp at the maximum input power and not as a colored lamp (as defined in 10 CFR 430.2). If the lamp can operate at multiple CCTs, operate the lamp at 2700 Kelvin (K), or the closest available CCT greater than 2700 K. The test report must indicate which CCT (numerical or on the graphical user interface) was selected for testing and include details such that another laboratory could operate the lamp at the same CCT.

3.1.8. For a lamp that has one or more component(s) that offer a completely different functionality (*e.g.*, a speaker, a camera, an air purifier, etc.) where the component is integrated into the lamp but does not affect the light output of the lamp (*e.g.*, does not turn the light on/off, dim the light, change the color of the light, etc.) and is capable of operating in standby mode, turn off as many of these components as possible during testing. The test report must indicate which components were turned off and any features that remained on.

3.2. Test Method, Measurements, and Calculations

3.2.1. To measure initial lumen output, input power, input voltage, and input current use the test procedures in the table in this section. Do not use a goniophotometer.

TABLE 3.10—REFERENCES TO INDUSTRY STANDARD TEST PROCEDURES

Lamp type	Referenced test procedure
Compact fluorescent lamps	Appendix W to subpart B of 10 CFR part 430.
General service incandescent lamps	Appendix R to subpart B of 10 CFR part 430.
Integrated LED lamps	Appendix BB to subpart B of 10 CFR part 430.
Non-integrated LED lamps	IES LM–79–08–DD, sections 1.3 (except 1.3f), 2.0, 3.0, 5.0, 7.0, 8.0, 9.1 and 9.2.*
OLED lamps	IES LM–79–08–DD, sections 1.3 (except 1.3f), 2.0, 3.0, 5.0, 7.0, 8.0, 9.1 and 9.2.*
Other fluorescent lamps	IES LM–9–09–DD, sections 4–6, and section 7.5.*
Other incandescent lamps that are not reflector lamps	IES LM–45–15, sections 4–6, and section 7.1.*
Other incandescent lamps that are reflector lamps	IES LM–20–13, sections 4–6, and section 8.*

* Incorporated by reference, see § 430.3.

3.2.2. Determine initial lamp efficacy by dividing the measured initial lumen output (lumens) by the measured initial input power (watts).

3.2.3. Determine power factor by dividing the measured initial input power (watts) by the product of the measured input voltage (volts) and measured input current (amps).

3.3. Standby Mode Test Procedure

3.3.1. Measure standby mode power only for lamps that are capable of standby mode operation.

3.3.2. The test conditions and setup described in section 3.1 of this appendix apply to this section.

3.3.3. Connect the lamp to the manufacturer-specified wireless control network (if applicable) and configure the lamp in standby mode by sending a signal to the lamp instructing it to have zero light output. Lamp must remain connected to the network throughout testing.

3.3.4. Operate the lamp at the rated voltage throughout testing. For lamps with multiple rated voltages including 120 volts, operate the lamp at 120 volts. If a lamp is not rated

for 120 volts, operate the lamp at the highest rated input voltage.

3.3.5. Stabilize the lamp prior to measurement as specified in section 5 of IEC 62301–DD (incorporated by reference; see § 430.3).

3.3.6. Measure the standby mode power in watts as specified in section 5 of IEC 62301–DD (incorporated by reference; see § 430.3).

[FR Doc. 2024–26693 Filed 11–22–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2024–2441; Airspace
Docket No. 24–AWP–89]

RIN 2120–AA66

**Modification of Class D Airspace and
Modification of Class E Airspace; Jack
Northrop Field/Hawthorne Municipal
Airport, Hawthorne, CA**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking
(NPRM).

SUMMARY: This action proposes to modify the Class D airspace and Class E airspace designated as an extension to a Class D airspace at Jack Northrop Field/Hawthorne Municipal Airport, Hawthorne, CA. This action would more appropriately contain instrument flight rules (IFR) and visual flight rules (VFR) operations at the airport. Additionally, the airport's legal description would be amended to match the FAA's database.

DATES: Comments must be received on or before January 9, 2025.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2024–2441 and Airspace Docket No. 24–AWP–89 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:* Send comments to 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 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 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: Keith T. Adams, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–2428.

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 the 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 modify the Class D and Class E airspace to support IFR and VFR operations at Jack Northrop Field/Hawthorne Municipal Airport, Hawthorne, CA.

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 edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.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 normal business hours at the office at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Incorporation by Reference

Class D and Class E airspace designations are published in paragraphs 5000 and 6004, respectively, 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, dated July 31, 2024, and effective September 15, 2024. These updates would be published in the next update to FAA Order JO 7400.11. That order 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.

Background

The current Class D airspace is inadequately sized to effectively contain IFR operations at Jack Northrop Field/Hawthorne Municipal Airport. The airport's Class D airspace does not fully contain aircraft conducting an IFR circling maneuver. The maximum allowable circling radius at the airport

is 3.6 nautical miles, which extends beyond the current Class D airspace lateral limits. Lastly, Jack Northrop Field/Hawthorne Municipal Airport's (HHR) airport reference point geographic coordinates representing the centralized point of all usable runways should be updated.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to modify the Class D airspace and Class E airspace designated as an extension to a Class D airspace at Jack Northrop Field/Hawthorne Municipal Airport, Hawthorne, CA, to support containment of IFR operations.

The existing HHR Class D airspace is described as that airspace within an 2.6-mile radius of airport reference point, with associated extensions from the 229° bearing extending 3.8 miles southwest and the 096° bearings extending 3.9 miles northeast do not fully contain aircraft conducting a IFR circling maneuver. The Class D airspace should be modified to within a 3.9-mile radius and within 2.9 miles southeast of the airport's 205° bearing extending 3.9 miles southwest, excluding that airspace within Zamperini Field Airport Class D airspace area, Los Angeles International Airport Class D airspace area, and Los Angeles International Airport Class B airspace area. The proposed Class D airspace would extend upward from the surface up to and including 2,500 feet mean sea level. This proposed rulemaking action would accommodate IFR arrival operations descending from 1,000 feet above the surface and departing IFR operations until reaching 700 feet above the surface or the next adjacent controlled airspace.

The Class E airspace designated as an extension to a Class D airspace should be modified to within 2 miles north and .5 miles south of the airport's 096° bearing, beginning from the 3.9-mile arc extending to 6.3 miles east of the airport, excluding the Los Angeles International Airport Class B airspace area. This extension would extend upward from the surface to the next controlled airspace.

Additionally, administrative amendments are required for Jack Northrop Field/Hawthorne Municipal Airport's legal descriptions. The airport's reference point geographic coordinates should be amended from lat. 33°55'22" N, long. 118°20'07" W to lat. 33°55'22" N, long. 118°20'06" W. Lastly, the part-time texts for airports

with a Class D airspace not operational for 24 hours should be amended to the appropriate texts reading "The effective date and time thereafter be continuously published in the Chart Supplement. The phrases "Notice to Airmen" and "Airport/Facility Directory." These phrases should read "Notice to Air Missions" and "Chart Supplement," respectively, to align with the FAA's current nomenclature.

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 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 FAA final regulatory action.

List 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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AWP CA D Hawthorne, CA [Amended]

Jack Northrop Field/Hawthorne Municipal Airport, CA

(Lat. 33°55'22" N, long. 118°20'06" W)

Los Angeles International Airport, CA

(Lat. 33°56'33" N, long. 118°24'29" W)

Zamperini Field Airport, CA

(Lat. 33°48'12" N, long. 118°20'23" W)

That airspace extending upward from the surface up to and including 2,500 feet MSL within a 3.9-mile radius, and within 2.9 miles southeast of the airport's 205° bearing extending 3.9 miles southwest, excluding that airspace within Zamperini Field Airport Class D airspace area, Los Angeles International Airport Class D airspace area, and Los Angeles International Airport Class B airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

AWP CA E4 Hawthorne, CA [Amended]

Jack Northrop Field/Hawthorne Municipal Airport, CA

(Lat. 33°55'22" N, long. 118°20'06" W)

Los Angeles International Airport, CA

(Lat. 33°56'33" N, long. 118°24'29" W)

That airspace extending upward from the surface within 2 miles north and .5 miles south of the airport's 096° bearing, beginning from the 3.9-mile arc extending to 6.3 miles east of the airport, excluding the Los Angeles International Airport Class B airspace area. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Issued in Des Moines, Washington, on November 15, 2024.

B.G. Chew,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2024–27379 Filed 11–22–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–2333; Airspace
Docket No. 24–AAL–111]

RIN 2120–AA66

**Modification of Class E Airspace;
Alaska, AK**

AGENCY: Federal Aviation
Administration (FAA) DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA is withdrawing the NPRM published in the **Federal Register** on November 7, 2024, which proposed to modify Class E airspace extending upward from 1,200 feet above the surface within a designated landmass and within 12 miles from a designated coastline associated with the state of Alaska. Additionally, this action proposed administrative amendments to update the airspace's existing Class E airspace legal description. These actions were to support lower altitude instrument flight rules (IFR) operations and enhance safety for aircraft utilizing IFR and visual flight rules (VFR) operations.

DATES: Effective as of 0901 UTC, November 25, 2024, the proposed rule published November 7, 2024 (89 FR 88182, November 7, 2024), is withdrawn.

FOR FURTHER INFORMATION CONTACT:

Keith T. Adams, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–2428.

SUPPLEMENTARY INFORMATION:**History**

The FAA published a notice of proposed rulemaking in the **Federal Register** for Docket No. FAA–2024–2333 (89 FR 88182; November 7, 2024). The NPRM proposed to modify Class E airspace extending upward from 1,200 feet above the surface within a designated landmass and within 12 miles from a designated coastline associated with the state of Alaska. Additionally, this action proposed administrative amendments to update the airspace's existing Class E airspace legal description. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. The FAA is withdrawing this NPRM to further explain the FAA's proposal and to provide additional information about the need for the change.

The Withdrawal

■ In consideration of the foregoing, the NPRM for Docket No. FAA–2024–2333 (89 FR 88182, November 7, 2024) FR Doc. 2024–25855 is hereby withdrawn.

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.

Issued in Des Moines, Washington, on November 18, 2024.

B.G. Chew,

*Group Manager, Operations Support Group,
Western Service Center.*

[FR Doc. 2024–27377 Filed 11–22–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–2443; Airspace
Docket No. 24–AWP–87]

RIN 2120–AA66

**Modification of Class D Airspace;
Torrance Airport, Torrance, CA**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking
(NPRM).

SUMMARY: This action proposes to modify the Class D airspace at Torrance Airport, Torrance, CA. This action would more appropriately contain instrument flight rules (IFR) and visual flight rules (VFR) operations at the airport. Additionally, the airport's name and legal description should be amended to match the FAA's database. **DATES:** Comments must be received on or before January 9, 2025.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2024–2443 and Airspace Docket No. 24–AWP–87 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:* Send comments to 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 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 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:

Keith T. Adams, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–2428.

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 the 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 modify the Class D airspace to support IFR and VFR operations at Torrance Airport, Torrance, CA.

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 edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.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 normal business hours at the office at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Incorporation by Reference

Class D airspace designations are published in paragraph 5000 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, dated July 31, 2024, and effective September 15, 2024. These updates would be published in the next update to FAA Order JO 7400.11. That order 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.

Background

The current Class D airspace is inadequately sized to effectively contain IFR operations at the Torrance Airport. Modification is necessary to contain all IFR departure procedures until reaching the next adjacent controlled airspace while climbing to 700 feet above the surface. The Los Angeles Class E airspace area extending upward from 700 feet above the surface, and the Jack Northrop Field Class D airspace are the two adjacent controlled airspaces. The sections of the Torrance Airport's Class D that border the Los Angeles Class E airspace area does not fully contain IFR departures until reaching 700 feet above the surface. The lack of IFR containment is caused by rising terrain in the area. Additionally, Torrance Class D airspace does not fully contain aircraft conducting an IFR circling maneuver. The maximum allowable circling radius at the airport is 2.7 nautical miles, which is beyond the current Class D airspace lateral boundary.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to modify the Class D airspace at Torrance Airport, Torrance, CA, to support containment of IFR operations.

The Class D airspace should be modified to within a 3-mile radius between the airport's 003° bearing clockwise to the 086° bearing, and within 1.9 miles northeast and 2.1 miles southwest of the airport's 124° bearing extending 4.2 miles southeast, and within 2.1 miles southwest and 2.2 miles northeast of the airport's 304° bearing extending 4.5 miles northwest, and within 4 miles northwest of the airport's 025° bearing extending 2.8 miles northeast. The proposed Class D airspace would extend upward from the surface up to and including 2,400 feet. This proposed rule-making action would accommodate IFR arrival operations descending from 1,000 feet above the surface and departing IFR operations until reaching 700 feet above the surface or the next adjacent controlled airspace.

Additionally, administrative amendments are required for Torrance Airport's legal descriptions. The airport's name should be amended from Torrance Airport to Zamperini Airport. The airport's reference point geographic coordinates should be amended from lat. 33°48'12" N, long. 118°20'22" W to lat. 33°48'12" N, long. 118°20'23" W. Lastly, the part-time language Class D

airspace should be updated to replace the outdated terms Notice to Airmen with Notice to Air Missions, and Airport/Facility Directory with Chart Supplement. The Los Angeles very high frequency omnidirectional range tactical air navigation (VORTAC) should be removed from the airport's legal description. The Los Angeles VORTAC and Zamperini Field's localizer are no longer needed for describing the airport's Class D airspace area boundaries. The Class D airspace description will be derived from the Zamperini Fields's airport reference point.

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 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 FAA final regulatory action.

List 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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AWP D Torrance, CA [Amended]

Zamperini Field, CA

(Lat. 33°48'12" N, long. 118°20'23" W)

That airspace extending upward from the surface up to and including 2,400 feet MSL within a 3-mile radius between the airport's 003° bearing clockwise to the 086° bearing, and within 1.9 miles northeast and 2.1 miles southwest of the airport's 124° bearing extending 4.2 miles southeast, and within 2.1 miles southwest and 2.2 miles northeast of the airport's 304° bearing extending 4.5 miles northwest, and within 4 miles northwest of the airport's 025° bearing extending 2.8 miles northeast. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Issued in Des Moines, Washington, on November 15, 2024.

B.G. Chew,

*Group Manager, Operations Support Group,
Western Service Center.*

[FR Doc. 2024-27378 Filed 11-22-24; 8:45 am]

BILLING CODE 4910-13-P

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 52**

[EPA-R09-OAR-2024-0472; FRL-12322-01-R9]

**Clean Data Determination and
Proposed Approval of Base Year
Emissions Inventory; California; Los
Angeles-South Coast Air Basin; 189(d)
Plan for the 2006 24-Hour PM_{2.5}
NAAQS**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to make a clean data determination (CDD) for the Los Angeles-South Coast Air Basin ("South Coast") air quality planning area in California based on our determination that the area is attaining the 2006 fine particle (PM_{2.5}) National Ambient Air Quality Standards (NAAQS). If we finalize this CDD, certain Clean Air Act (CAA)

requirements that apply to the South Coast Air Quality Management District (SCAQMD or "District") will be suspended for so long as the area continues to meet the 2006 24-hour PM_{2.5} NAAQS. The EPA is also proposing to approve a revision to California's state implementation plan (SIP) consisting of the 2018 base year emissions inventory for the South Coast PM_{2.5} nonattainment area, submitted by the California Air Resources Board (CARB) on December 29, 2020. We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before December 26, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R09-OAR-2024-0472 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: Ashley Graham, Geographic Strategies and Modeling Section (AIR-2-2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; phone: (415) 972-3877; email: graham.ashleyr@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us," and "our" refer to the EPA.

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I. Background**A. PM_{2.5} NAAQS**

Under section 109 of the CAA, the EPA has established NAAQS for certain pervasive air pollutants (referred to as "criteria pollutants") and conducts periodic reviews of the NAAQS to determine whether the EPA should revise or establish new NAAQS to protect public health.

The EPA first established annual and 24-hour NAAQS for PM_{2.5} on July 18, 1997.¹ The 24-hour primary and secondary standards were set at 65 µg/m³ based on the three-year average of the 98th percentile of 24-hour PM_{2.5} concentrations at each monitoring site within an area.² On September 21, 2006, the EPA strengthened the 24-hour PM_{2.5} NAAQS to provide increased protection of public health, revising the level of the standard to 35 µg/m³.³ Since then, the EPA has also revised the level of the primary annual PM_{2.5} NAAQS, which is currently set at 9.0 µg/m³.⁴

The EPA established each of the PM_{2.5} NAAQS after considering substantial evidence from numerous health studies demonstrating that serious health effects are associated with exposures to PM_{2.5} concentrations above these levels. Epidemiological studies have shown statistically significant correlations

¹ 62 FR 38652.

² 40 CFR 50.7.

³ 71 FR 61144 (October 17, 2006) and 40 CFR 50.13. Unless otherwise noted, all references to the PM_{2.5} NAAQS in this document are to the 2006 24-hour PM_{2.5} NAAQS of 35 µg/m³, codified at 40 CFR 50.13.

⁴ In December 2012, the EPA announced its decision to revise the level of the primary annual PM_{2.5} NAAQS to 12.0 µg/m³ (78 FR 3086, January 15, 2013). On February 7, 2024, the EPA announced its decision to revise the level of the primary annual PM_{2.5} NAAQS once more to 9.0 µg/m³ (89 FR 16202, March 6, 2024).

between elevated PM_{2.5} levels and premature mortality. Other important health effects associated with PM_{2.5} exposure include aggravation of respiratory and cardiovascular disease (as indicated by increased hospital admissions, emergency room visits, absences from school or work, and restricted activity dates), changes in lung function and increased respiratory symptoms, and new evidence for more subtle indicators of cardiovascular health. Individuals particularly sensitive to PM_{2.5} exposure include older adults, people with heart and lung disease, and children.⁵

PM_{2.5} can be particles emitted by sources directly into the atmosphere as a solid or liquid particle (“primary PM_{2.5}” or “direct PM_{2.5}”) or can be particles that form in the atmosphere as a result of various chemical reactions from PM_{2.5} precursor emissions emitted by sources (“secondary PM_{2.5}”). The EPA has identified the precursors of PM_{2.5} to be oxides of nitrogen (“NO_x”), sulfur oxides (“SO_x”), volatile organic compounds (“VOC”), and ammonia.⁶

B. South Coast PM_{2.5} Designations, Classifications, and SIP Revisions

The South Coast PM_{2.5} nonattainment area is home to approximately 17 million people, has a diverse economic base, and contains one of the highest-volume port areas in the world. For a precise description of the geographic boundaries of the South Coast PM_{2.5} nonattainment area, see 40 CFR 81.305. The local air district with primary responsibility for developing a plan to attain the 2006 24-hour PM_{2.5} NAAQS in this area is the SCAQMD. The District works cooperatively with CARB in preparing these plans. Authority for regulating sources in the South Coast is split between the District, which has responsibility for regulating stationary and most area sources, and CARB, which has responsibility for regulating most mobile sources and some categories of consumer products.

Following promulgation of a new or revised NAAQS, the EPA is required by CAA section 107(d) to designate areas throughout the nation as attaining or not attaining the NAAQS. Effective December 14, 2009, the EPA designated the South Coast as nonattainment for the 2006 24-hour PM_{2.5} standards.⁷ On June 2, 2014, the EPA classified the South Coast area as “Moderate” nonattainment for the 2006 24-hour

PM_{2.5} NAAQS under subpart 4 of part D, title I of the Act.⁸

On January 13, 2016, the EPA reclassified the South Coast area as a “Serious” nonattainment area based on our determination that the area could not practicably attain the 2006 24-hour PM_{2.5} NAAQS by the area’s December 31, 2015 attainment date.⁹ As a consequence, California was required to submit a nonattainment new source review program revision and a Serious area attainment plan, including a demonstration that the plan provides for attainment of the 2006 24-hour PM_{2.5} NAAQS in the South Coast as expeditiously as practicable but no later than December 31, 2019, which is the latest permissible attainment date under CAA section 188(c)(2).¹⁰ California submitted a plan addressing the Serious area attainment planning requirements for the 2006 24-hour PM_{2.5} NAAQS in the South Coast on April 27, 2017,¹¹ and the EPA approved the Serious area plan on February 12, 2019.¹²

Effective October 16, 2020, the EPA determined, based on air quality monitoring data from 2017 through 2019, that the South Coast nonattainment area failed to attain the 2006 24-hour PM_{2.5} NAAQS by the December 31, 2019 Serious area attainment date.¹³ As a result of this determination, California was required to submit a revision to the California SIP that, among other elements, provided for a five percent annual reduction in emissions of direct PM_{2.5} or a PM_{2.5} plan precursor pollutant. In accordance with sections 179(d)(3) and 172(a)(2) of the CAA and 40 CFR 51.1004(a)(3), the revised plan was required to demonstrate attainment of these NAAQS as expeditiously as practicable and no later than 5 years from the effective date of the EPA’s prior determination that the area failed to attain (*i.e.*, by October 16, 2025), except that the EPA may extend the attainment date to a date no later than 10 years from the effective date of this determination (*i.e.*, to October 16, 2030), “considering the severity of nonattainment and the availability and feasibility of pollution control measures.”¹⁴

On December 29, 2020, California submitted to the EPA the “Final South Coast Air Basin Attainment Plan for

2006 24-hour PM_{2.5} Standard,” (“South Coast PM_{2.5} Plan” or “Plan”) adopted by SCAQMD on December 4, 2020, and adopted by CARB on December 21, 2020.^{15 16} The PM_{2.5} Plan was intended to address the requirements resulting from the September 16, 2020 finding of failure to attain and included the State’s demonstration that the South Coast Air Basin would attain the 2006 24-hour PM_{2.5} NAAQS by December 31, 2023.¹⁷ As part of this action, as discussed in Section III of this document, the EPA is proposing to approve the base year emissions inventory in the South Coast PM_{2.5} Plan as meeting the requirements of CAA section 172(c)(3) and 40 CFR 51.1008(c)(1). The EPA is not proposing action on the remaining elements of the Plan and will do so through subsequent rulemaking, as appropriate.

C. Clean Air Act Requirements for PM_{2.5} Nonattainment Areas That Fail To Attain by the Serious Area Attainment Date

The general CAA part D nonattainment area planning requirements are found in subpart 1 and the nonattainment area planning requirements specific to particulate matter are found in subpart 4. The subpart 1 statutory requirements for attainment plans include the following: the section 172(c)(1) requirements for reasonably available control measures (RACM)/reasonably available control technology and attainment demonstrations; the section 172(c)(2) requirement to demonstrate reasonable further progress (RFP); the section 172(c)(3) requirement for emissions inventories; the section 172(c)(5) requirements for a nonattainment new source review permitting program; and the section 172(c)(9) requirement for contingency measures.

The more specific subpart 4 statutory requirements for a Serious PM_{2.5} nonattainment area that has failed to attain the PM_{2.5} NAAQS by the applicable attainment date, such as the South Coast area, include the requirements under CAA section 189(d) that the State submit an attainment plan revision that, among other things, demonstrates expeditious attainment of the NAAQS within the time period provided under CAA section 179(d)(3) and provides for annual reductions in emissions of direct PM_{2.5} or a PM_{2.5} plan

⁵ EPA, Air Quality Criteria for Particulate Matter, No. EPA/600/P-99/002aF and EPA/600/P-99/002bF, October 2004.

⁶ For example, see 72 FR 20586, 20589 (April 25, 2007).

⁷ 74 FR 58688 (November 13, 2009).

⁸ 79 FR 31566.

⁹ 81 FR 1514.

¹⁰ *Id.*

¹¹ Letter dated April 27, 2017, from Richard Corey, Executive Officer, CARB, to Alexis Strauss, Acting Regional Administrator, EPA Region IX.

¹² 84 FR 3305.

¹³ 85 FR 57733 (September 16, 2020).

¹⁴ *Id.* at 57735.

¹⁵ Letter dated December 28, 2020, from Richard W. Corey, Executive Officer, CARB, to John W. Busterud, Regional Administrator, EPA Region 9, with enclosures (submitted electronically December 29, 2020).

¹⁶ CARB Executive Order S-20-33, “South Coast PM_{2.5} SIP Revision Submittal.”

¹⁷ *Id.*

precursor pollutant within the area of not less than five percent per year from the most recent emissions inventory for the area until attainment.¹⁸

In addition to the requirement to submit control measures providing for a five percent reduction in emissions of certain pollutants on an annual basis, the EPA interprets CAA section 189(d) as requiring a state to submit an attainment plan that includes the same basic statutory plan elements that are required for other attainment plans.¹⁹ Specifically, such plan submission must include a comprehensive, accurate, current inventory of actual emissions from all sources of PM_{2.5} and PM_{2.5} precursors in the area, and must address requirements for an attainment plan control strategy, attainment demonstration, reasonable further progress, quantitative milestones, contingency measures, and nonattainment new source review.²⁰

To support implementation of the PM_{2.5} NAAQS, the EPA promulgated the “Fine Particle Matter National Ambient Air Quality Standard: State Implementation Plan Requirements; Final Rule” (“PM_{2.5} Implementation Rule”).²¹ The PM_{2.5} Implementation Rule provides additional regulatory requirements and interpretive guidance on the statutory SIP requirements that apply to areas designated nonattainment for the PM_{2.5} NAAQS, including the 2006 24-hour PM_{2.5} NAAQS at issue in this proposal.

D. The EPA’s Clean Data Policy

Under the EPA’s longstanding Clean Data Policy, which was reaffirmed in the PM_{2.5} Implementation Rule at 40 CFR 51.1015, when an area has attained the relevant PM_{2.5} standard(s), the EPA may issue a CDD (also sometimes referred to as a determination of attainment for the purposes of the Clean Data Policy) after notice and comment rulemaking determining that a specific area is attaining the relevant standard(s). A CDD is not linked to any particular attainment deadline and is not necessarily equivalent to a determination that an area has attained the standard by its applicable attainment deadline.

The effect of a CDD is to suspend the requirement for the area to submit an attainment demonstration, RACM, an RFP plan, contingency measures, and any other planning requirements related to attainment for as long as the area

continues to attain the standard.²² With respect to the attainment demonstration requirements of section 189(d) of the CAA, the EPA finds that if an area already has air quality monitoring data demonstrating attainment of the standard, under the Clean Data Policy, there is no need for the area to make a further submittal containing additional measures to achieve attainment, nor is there a need for the area to perform future modeling to show how the area will achieve attainment.²³ Similarly, the EPA interprets the CAA as not requiring the submittal of RFP and associated quantitative milestones for areas that are already attaining the NAAQS. For areas that are attaining the NAAQS, showing that the state will make RFP towards attainment has no meaning. Similar reasoning applies to other SIP submittal requirements that are linked with attainment demonstration and RFP requirements. The EPA interprets the obligation to submit contingency measures as suspended when the area has attained the standard because those contingency measures are directed at ensuring RFP and attainment by the applicable date. A CDD does not suspend the requirements for an emissions inventory or for new source review.²⁴

II. The EPA’s Proposed Clean Data Determination

A. Monitoring Network Review, Quality Assurance, and Data Completeness

A determination of attainment under the EPA’s Clean Data Policy is typically based upon complete, quality-assured data gathered at established State and Local Air Monitoring Stations (SLAMS) in a nonattainment area and entered into the EPA’s Air Quality System (AQS) database. Data from ambient air monitors operated by state/local agencies in compliance with the EPA monitoring requirements must be

²² In the context of CDDs, the EPA distinguishes between attainment planning requirements of the CAA, which relate to the attainment demonstration for an area and related control measures designed to bring an area into attainment for the given NAAQS as expeditiously as practicable, and other types of requirements, such as permitting requirements under the nonattainment new source review program, emissions inventory requirement, and specific control requirements independent of those strictly needed to ensure timely attainment of the given NAAQS. 81 FR 58010, 58128.

²³ Id.

²⁴ Id. On October 22, 2021, the EPA approved SCAQMD’s Rule 1325, “Federal PM_{2.5} New Source Review Program” as meeting applicable CAA requirements for new source review, thereby satisfying the requirement for new source review (86 FR 58592). This action includes our proposed approval of the base year emissions inventory included in the attainment plan for the South Coast nonattainment area submitted on December 29, 2020. See Section III of this document.

submitted to AQS. Monitoring agencies annually certify that these data are accurate to the best of their knowledge. Accordingly, the EPA relies primarily on data in AQS when determining compliance with the NAAQS.²⁵ The EPA reviews all data to determine the area’s air quality status in accordance with 40 CFR part 50, appendix N. Under EPA regulations in 40 CFR 50.13 and in accordance with appendix N, the 2006 24-hour PM_{2.5} NAAQS are met when the 98th percentile 24-hour concentration, as determined in accordance with the rounding conventions in 40 CFR part 50, appendix N, is less than or equal to 35 µg/m³ at each eligible monitoring site within the area.

Section 110(a)(2)(B)(i) of the CAA requires states to establish and operate air monitoring networks to compile data on ambient air quality for all criteria pollutants. The monitoring requirements are specified in 40 CFR part 58. These requirements are applicable to state, and where delegated, local air monitoring agencies that operate criteria pollutant monitors. The regulations in 40 CFR part 58 establish specific requirements for operating air quality surveillance networks to measure ambient concentrations of PM_{2.5}, including requirements for measurement methods, network design, quality assurance procedures, and in the case of large urban areas, the minimum number of monitoring sites designated as SLAMS.

In section 4.7 of appendix D to 40 CFR part 58, the EPA specifies minimum monitoring requirements for PM_{2.5} to operate at SLAMS. SLAMS produce data comparable to the NAAQS, and therefore, the monitor must be an approved federal reference method (FRM) or federal equivalent method (FEM). The minimum number of SLAMS required is described in section 4.7.1 and can be met by either filter-based or continuous FRMs or FEMs. The monitoring regulations also provide that each core-based statistical area must operate a minimum number of PM_{2.5} continuous monitors;²⁶ however, this requirement can be met by either an FEM or a non-FEM continuous monitor, and the continuous monitors can be located with other SLAMS or at a different location. Consequently, the monitoring requirements for PM_{2.5} can be met with filter-based FRMs/FEMs, continuous FEMs, continuous non-FEMs, or a

¹⁸ CAA section 189(d), 40 CFR 51.1004(a)(3), and 40 CFR 51.1010(c).

¹⁹ 81 FR 58010, 58098 (August 24, 2016).

²⁰ 40 CFR 51.1003(c)(1).

²¹ 81 FR 58010.

²⁵ See 40 CFR 50.7; 40 CFR part 50, appendix L; 40 CFR part 53; 40 CFR part 58, and 40 CFR part 58, appendices A, C, D, and E.

²⁶ 40 CFR part 58, appendix D, section 4.7.2.

combination of monitors at each required SLAMS.

Under 40 CFR 58.10, states are required to submit annual monitoring network plans to the EPA.²⁷ Within the South Coast Air Basin, the District and the Pechanga Band of Indians (“Pechanga Band”) are the agencies responsible for assuring that the area meets PM_{2.5} air quality monitoring requirements. The District submits annual monitoring network plans (ANPs) to the EPA that describe the various monitoring sites operated by the District. The Pechanga Band does the same for the monitoring site it operates. These plans discuss the status of the air monitoring network, as required under 40 CFR 58.10. Each year, the EPA reviews these ANPs for compliance with the applicable monitoring requirements in 40 CFR part 58. The EPA approved those portions of the District’s 2023 ANP²⁸ and the Pechanga Band’s 2023 ANP²⁹ that pertain to the adequacy of the network for PM_{2.5} monitoring purposes.

During the 2021–2023 period, ambient PM_{2.5} concentration data that are eligible for use in determining whether an area has attained the PM_{2.5} NAAQS were collected at a total of 19 sites within the South Coast. The District operates 18 of these sites while the Pechanga Band operates 1 of these sites. All of the sites are designated SLAMS for PM_{2.5}.³⁰ Based on our review of the PM_{2.5} monitoring network, we propose to find that the monitoring network in the South Coast is adequate for the purpose of collecting ambient PM_{2.5} concentration data for use in determining whether the South Coast has attained the 2006 24-hour PM_{2.5} NAAQS.

Under 40 CFR 58.15, monitoring agencies must submit a letter to the EPA each year to certify that all of the ambient concentration and quality assurance data for the previous year have been submitted to AQS and that the ambient concentration data are accurate to the best of their knowledge, taking into consideration the quality assurance findings. The letter must address data for all FRM and FEM monitors at SLAMS and special purpose

monitoring stations that meet the criteria specified in 40 CFR 58, appendix A. The District³¹ and the Pechanga Band³² submit this certification annually, as required by 40 CFR 58.15.

With respect to data completeness, we determined that the data collected by the District met the quarterly completeness criterion for all 12 quarters of the three-year period at most of the PM_{2.5} monitoring sites in the South Coast. The Pechanga Band, as of proposal, did not meet the quarterly completeness criterion for all 12 quarters of the three-year period at its PM_{2.5} monitoring site. More specifically, among the 19 PM_{2.5} monitoring sites from which regulatory data are available, the data from six of the sites did not meet the 75 percent completeness criterion for at least one quarter in the 2021–2023 period, leading to invalid 2023 design values. Of the six sites with invalid design values, two sites, Long Beach (North) and Long Beach (South), were approved for closure by the EPA and ceased operating at the end of the second quarter in 2022 and the end of the first quarter in 2022, respectively.^{33 34} The Signal Hill (Lbsh) site began monitoring for PM_{2.5} in the second quarter of 2022 and was complete for three quarters in 2022 and all four quarters of 2023. Two other sites, Azusa and Mission Viejo, temporarily ceased operating in 2022. The Azusa site was incomplete in the second and third quarter of 2022 and temporarily ceased monitoring at the end of the third quarter in 2022. The Mission Viejo site temporarily ceased operations during the second quarter of 2022. At the time this document was being prepared, the remaining site, Pechanga, operated by the Pechanga Band had yet to fully upload and certify their 2023 data.

The invalid design values from the six monitors described above are from sites within the South Coast that generally measure lower 24-hour design values than other monitors in the South Coast. Given that the District and the Pechanga

Band operate more than the minimum number of PM_{2.5} monitoring sites in the Los Angeles-Long Beach-Anaheim, CA metropolitan statistical area (MSA) and the Riverside-San Bernardino-Ontario, CA MSA, the overall completeness of data from all sites, especially those sites that historically measure the highest concentrations in the South Coast, we find that the data set compiled from the PM_{2.5} monitoring networks is sufficient for the purposes of determining whether the South Coast has attained the 2006 24-hour PM_{2.5} NAAQS.³⁵

Finally, the EPA conducts regular technical systems audits (TSAs) where we review and inspect state and local ambient air monitoring programs to assess compliance with applicable regulations concerning the collection, analysis, validation, and reporting of ambient air quality data. For the purposes of this proposal, we reviewed the findings from the EPA’s most recent TSAs of the District’s³⁶ and the Pechanga Band’s³⁷ ambient air monitoring programs. The results of the TSAs do not preclude the EPA from determining that the South Coast PM_{2.5} nonattainment area has attained the 2006 24-hour PM_{2.5} NAAQS.

In summary, based on the EPA’s reviews of the relevant ANPs, certifications, quality assurance data, and TSAs, we propose to find that the PM_{2.5} data collected at the South Coast Air Basin monitoring sites are suitable for determining whether the South Coast PM_{2.5} nonattainment area is attaining the 2006 24-hour PM_{2.5} NAAQS.

B. The EPA’s Evaluation of Attainment

Table 1 provides the PM_{2.5} design values at each of the 19 monitoring sites with the South Coast PM_{2.5} nonattainment area, expressed as a single design value representing the 2021–2023 period and for each individual year. The PM_{2.5} data show that the design values at the South Coast Air Basin monitoring sites were below

²⁷ 40 CFR 58.10(a)(1).

²⁸ We have included copies of SCAQMD’s annual network plans for 2021–2023 in the docket for this rulemaking.

²⁹ We have included copies of the Pechanga Band’s annual network plans for 2021–2023 in the docket for this rulemaking.

³⁰ There are a number of other PM_{2.5} monitoring sites within the South Coast Air Basin, including other sites operated by the District, the National Park Service, and certain Indian tribes, but the data collected from these sites are non-regulatory and not eligible for comparison with the PM_{2.5} NAAQS.

³¹ We have included SCAQMD’s annual data certifications for 2021, 2022, and 2023 in the docket for this rulemaking.

³² We have included the Pechanga Band’s annual data certifications for 2021 and 2022 in the docket for this rulemaking.

³³ Letter dated April 15, 2022, from Gwen Yoshimura, Manager, Air Quality Analysis Office, Air and Radiation Division, U.S. EPA Region IX, to Rene Bermudez, Atmospheric Measurements Manager, SCAQMD.

³⁴ Letter dated May 26, 2022, from Gwen Yoshimura, Manager, Air Quality Analysis Office, Air and Radiation Division, U.S. EPA Region IX, to Rene Bermudez, Atmospheric Measurements Manager, SCAQMD.

³⁵ See 40 CFR part 50, appendix N, section 4.2(b).

³⁶ Letter dated March 17, 2021, from Elizabeth Adams, Director, Air and Radiation Division, EPA Region IX, to Dr. Matt Miyasato, Executive Officer, SCAQMD, with enclosure titled, “Technical Systems Audit Report, SCAQMD, June 1–June 5, 2020.”

³⁷ Letter dated August 22, 2022, from Elizabeth Adams, Director, Air and Radiation Division, EPA Region IX, to Kelsey Stricker, Environmental Director, Pechanga Band of Luiseno Indians, with enclosure titled, “Technical Systems Audit Report of the Ambient Air Monitoring Program, Pechanga Band of Luiseno Indians, September 27–30 and October 7, 2022.”

the 2006 24-hour PM_{2.5} NAAQS of 35 µg/m³.

TABLE 1—2021–2023 24-HOUR PM_{2.5} DESIGN VALUES FOR THE SOUTH COAST PM_{2.5} NONATTAINMENT AREA

General location	Site (AQS ID)	Annual 98th percentile (µg/m³)			2021–2023 24-hour design value (µg/m³)
		2021	2022	2023	
Los Angeles County					
East San Gabriel Valley	Azusa (06–037–0002)	36.1	17.8 (Inc)	No Data (Inc)	27 (Inv).
Central Los Angeles	Los Angeles (Main Street) (06–037–1103).	45.2	21.9	23.4	30.
West San Fernando Valley	Reseda (06–037–1201)	36.1	19.5	19.2	25.
South Central Los Angeles County.	Compton (06–037–1302)	42.5	32.6	28.1	34.
South San Gabriel Valley	Pico Rivera #2 (06–037–1602) ...	47.9	25.6	27.8	34.
West San Gabriel Valley	Pasadena (06–037–2005)	29.9	19.0	17.7	22.
South Coastal Los Angeles County.	Long Beach (North) (06–037–4002).	31.2	18.0 (Inc)	No Data (Inc)	25 (Inv).
South Coastal Los Angeles County.	South Long Beach (06–037–4004).	32.8	23.1 (Inc)	No Data (Inc)	28 (Inv).
South Coastal Los Angeles County.	Long Beach-Route 710 Near Road (06–037–4008).	34.8	25.5	25.4	29.
South Coastal Los Angeles County.	Signal Hill (Lbsh) (06–037–4009)	No Data (Inc)	19.3 (Inc)	22.3	21 (Inv).
Orange County					
Central Orange County	Anaheim (06–059–0007)	37.1	22.1	22.6	27.
Saddleback Valley	Mission Viejo (06–059–2022)	24.9	16.9 (Inc)	No Data (Inc)	21 (Inv).
Riverside County					
Temecula Valley	Pechanga (06–065–0009)	16.5	11.4	12.0 (Inc)	13 (Inv).
Metropolitan Riverside County	Rubidoux (06–065–8001)	37.5	23.2	24.5	28.
Mira Loma	Mira Loma (Van Buren) (06–065–8005).	42.8	26.2	30.2	33.
San Bernardino County					
Southwest San Bernardino Valley	Ontario-Route 60 Near Road (06–071–0027).	49.4	26.4	26.4	34.
Central San Bernardino Valley	Fontana (06–071–2002)	33.4	28.1	25.0	29.
East San Bernardino Mountains ..	Big Bear (06–071–8001)	21.5	23.2	18.0	21.
Central San Bernardino Valley	San Bernardino (06–071–9004) ..	34.2	25.8	21.8	27.

Source: EPA, AQS Design Value Report (AMP480), Report Request ID: 2218164, August 23, 2024.

Notes: Inc = Incomplete Data. Inv = Invalid design values due to incomplete data.

Preliminary data available in AQS for 2024 (January through June) indicate that the South Coast area continues to show concentrations below the 2006 24-hour PM_{2.5} NAAQS.³⁸ Consequently, the EPA is proposing to determine based upon three years of complete, quality-assured, and certified data from 2021 through 2023 that the South Coast PM_{2.5} nonattainment area has attained the 2006 24-hour PM_{2.5} NAAQS and to issue a CDD.

If we finalize this proposed CDD, the requirements for the State to submit an attainment demonstration, an RFP plan, quantitative milestones and quantitative milestone reports, and contingency measures for the area will be suspended until such time as: (1) the area is

redesignated to attainment, after which such requirements are permanently discharged; or, (2) the EPA determines that the area has re-violated the 24-hour PM_{2.5} NAAQS, after which time the state shall submit such attainment plan elements for the Serious nonattainment area by a future date to be determined by the EPA and announced through publication in the **Federal Register** at the time the EPA determines the area is violating the 24-hour PM_{2.5} NAAQS.³⁹

A CDD does not suspend the requirements for an emissions inventory. As discussed in Section III of this document, this document includes our proposed approval of the 2018 base year emissions inventory included in the attainment plan for the South Coast

PM_{2.5} nonattainment area, submitted on December 29, 2020.

III. Review of the 2018 Base Year Emissions Inventory in the South Coast PM_{2.5} Plan

A. Statutory and Regulatory Requirements

1. Requirements for Emissions Inventories

CAA section 172(c)(3) requires that each nonattainment plan SIP submission include a comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant or pollutants in the nonattainment area. The EPA discussed the emissions inventory requirements that apply to PM_{2.5} nonattainment areas in the PM_{2.5} SIP Requirements Rule and

³⁸ EPA, AQS Design Value Report (AMP480), Report Request ID: 2228533, October 1, 2024.

³⁹ 40 CFR 51.1015(b).

codified these requirements in 40 CFR 51.1008.⁴⁰ The EPA has also issued guidance concerning emissions inventories for PM_{2.5} nonattainment areas.⁴¹

The base year emissions inventory for an attainment plan under CAA section 189(d) must provide a state's best estimate of actual emissions from all sources of the relevant pollutants in the area (*i.e.*, all emissions that contribute to the formation of a particular NAAQS pollutant). For the PM_{2.5} NAAQS, the base year inventory must include direct PM_{2.5} emissions, separately reported filterable and condensable PM_{2.5} emissions,⁴² and emissions of all chemical precursors to the formation of secondary PM_{2.5} (*i.e.*, NO_x, SO₂, VOC, and ammonia).⁴³

The emissions inventory base year for a Serious PM_{2.5} nonattainment area subject to CAA section 189(d) must be one of the three years for which the EPA used monitored data to determine that the area failed to attain the PM_{2.5} NAAQS by the applicable Serious area attainment date, or another technically appropriate year justified by the state in its Serious area SIP submission.⁴⁴

A state's nonattainment plan SIP submission must include documentation explaining how it calculated emissions data for the inventory. In estimating mobile source emissions, a state should use the latest emissions models and planning assumptions available at the time the SIP is developed. At the time the South Coast PM_{2.5} Plan was developed, the latest EPA-approved version of California's mobile source emissions factor model for estimating tailpipe, brake and tire wear emissions from on-road mobile sources was EMFAC2017.⁴⁵

States are also required to use the EPA's "Compilation of Air Pollutant Emission Factors" (AP-42) road dust method for calculating re-entrained road dust emissions from paved roads.⁴⁶

2. Procedural Requirements for SIPs and SIP Revisions

CAA sections 110(a)(1) and (2) and 110(l) require each state to provide reasonable public notice and opportunity for public hearing prior to the adoption and submission of a SIP or SIP revision to the EPA. To meet this requirement, every SIP submission should include evidence that the State provided adequate public notice and an opportunity for a public hearing consistent with the EPA's implementing regulations in 40 CFR 51.102.

The District provided a public comment period and held a public hearing prior to the adoption of the South Coast PM_{2.5} Plan on October 7, 2020.⁴⁷ The SIP submission includes proof of publication of notices for the District's public hearing. Therefore, we find that the South Coast PM_{2.5} Plan meets the procedural requirements for public notice and hearing in CAA sections 110(a) and 110(l).

CAA section 110(k)(1)(B) requires the EPA to determine whether a SIP submittal is complete within 60 days of receipt. This section of the CAA also provides that any plan that the EPA has not affirmatively determined to be complete or incomplete will become complete by operation of law six months after the date of submittal. The EPA's SIP completeness criteria are found in 40 CFR part 51, appendix V. On June 29, 2021, the South Coast PM_{2.5}

Plan was deemed complete by operation of law under CAA section 110(k)(1)(B).

B. Base Year Emissions Inventory in the Plan

The annual average planning emissions inventories for direct PM_{2.5} and all PM_{2.5} precursors (NO_x, SO_x, VOC, and ammonia) for the South Coast PM_{2.5} nonattainment area, together with documentation for the inventories, are included in Chapter 3 ("Base-Year and Future Emissions") of the Plan. More detailed emissions inventories for the South Coast PM_{2.5} nonattainment area are included in appendix I ("Emissions Inventory") of the Plan.

Each emissions inventory is divided into two source classifications: Stationary sources (*i.e.*, point sources and area sources) and mobile sources (*i.e.*, on-road and off-road sources). Point sources in the South Coast Air Basin that emit four tons per year (tpy) or more of PM, NO_x, SO_x, or VOC report annual emissions to the District. Point source emissions for the 2018 base year emissions inventory are generally based on reported data from facilities using the District's Annual Emissions Reporting program.⁴⁸ Area sources include small emissions sources distributed across the nonattainment area. CARB and the District estimate emissions for about 400 area source categories using established inventory methods, including publicly available emissions factors and activity information. Activity data may come from national survey data such as from the Energy Information Administration or from local sources such as the Southern California Gas Company, paint suppliers, and District databases. Emissions factors can be based on a number of sources including source tests, compliance reports, and the EPA's AP-42.

On-road emissions inventories are calculated using CARB's EMFAC2017 model and the travel activity data provided by the Southern California Association of Governments (SCAG) in "The 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy."⁴⁹ CARB used the Spatial and Temporal Allocator tool to distribute emissions spatially and temporally.⁵⁰

⁴⁸ Information about the SCAQMD's Annual Emissions Reporting program is available at <http://www.aqmd.gov/home/rules-compliance/compliance/annual-emission-reporting>.

⁴⁹ SCAG, "The 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy: A Plan for Mobility, Accessibility, Sustainability and a High Quality of Life." Available at <https://scag.ca.gov/2016-rtppscs>.

⁵⁰ <https://github.com/mmb-carb/ESTA>.

⁴⁰ 81 FR 58010, 58098–58099.

⁴¹ EPA, "Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations," May 2017 ("Emissions Inventory Guidance"), available at <https://www.epa.gov/air-emissions-inventories/air-emissions-inventory-guidance-implementation-ozone-and-particulate>.

⁴² The Emissions Inventory Guidance identifies the types of sources for which the EPA expects states to provide condensable PM emissions inventories. Emissions Inventory Guidance, Section 4.2.1 ("Condensable PM Emissions"), pp. 63–65.

⁴³ 40 CFR 51.1008.

⁴⁴ 40 CFR 51.1008(c)(1).

⁴⁵ 84 FR 41717 (August 15, 2019). EMFAC is short for Emission FACtor. The EPA announced the availability of the EMFAC2017 model for use in state implementation plan development and transportation conformity in California on August 15, 2019. The EPA's approval of the EMFAC2017 emissions model for SIP and conformity purposes was effective on the date of publication of the notice in the *Federal Register*. On November 15, 2022, the EPA approved and announced the availability of EMFAC2021, the latest update to the

EMFAC model for use by State and local governments to meet CAA requirements (87 FR 68483).

⁴⁶ AP-42 has been published since 1972 as the primary source of the EPA's emissions factor information and is available at <https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-compilation-air-emissions-factors>. It contains emissions factors and process information for more than 200 air pollution source categories. A source category is a specific industry sector or group of similar emitting sources. The emissions factors have been developed and compiled from source test data, material balance studies, and engineering estimates. The EPA released an update to AP-42 in January 2011 that revised the equation for estimating paved road dust emissions based on an updated data regression that included new emissions tests results. 76 FR 6328 (February 4, 2011). CARB used the revised 2011 AP-42 methodology in developing on-road mobile source emissions; see https://ww3.arb.ca.gov/ei/areasrc/fullpdf/2021_paved_roads_summary_7_9.pdf, p.2.

⁴⁷ "Transcript of Proceedings, October 07, 2020, Regional Public Hearing for the Proposed Attainment Plan for the 2006 24-Hour PM_{2.5} Standard for the South Coast Air Basin," and South Coast Air Quality Management District Governing Board Resolution 20–21, dated December 4, 2020.

CARB provided emissions inventories for off-road equipment, which includes construction and mining equipment, industrial and commercial equipment, lawn and garden equipment, locomotives, aircraft, tractors, harbor craft, off-road recreational vehicles, construction equipment, forklifts, cargo handling equipment, and various other

mobile equipment types. CARB uses several models to estimate emissions for more than one hundred off-road equipment categories.⁵¹

Finally, the South Coast PM_{2.5} Plan provides separate estimates of filterable and condensable PM_{2.5} emissions, expressed as annual average PM_{2.5} emissions, for all of the identified

source categories for the 2018 base year, as well as subsequent relevant years.⁵²

Table 2 provides a summary of the annual average inventories in tons per day (tpd) of direct PM_{2.5} and PM_{2.5} precursors for the 2018 base year. For a detailed breakdown of the inventories, see Chapter 3 and appendix I of the South Coast PM_{2.5} Plan.

TABLE 2—SUMMARY OF EMISSIONS BY MAJOR SOURCE CATEGORY IN THE SOUTH COAST AIR BASIN: 2018 BASE YEAR AVERAGE ANNUAL DAY

[tpd]^a

Source category	Direct PM _{2.5}	NO _x	SO _x	VOC	Ammonia
Stationary Sources	44.8	57.7	8.2	206.8	58.6
On-Road Mobile	11.4	177.9	1.7	81.6	14.2
Off-Road Mobile	6.3	134.9	4.1	80.8	0.2
Total	62.4	370.5	14.0	369.2	72.9

^a Values may not sum due to rounding.

Source: South Coast PM_{2.5} Plan, Chapter 3, Table 3–1.

C. The EPA's Evaluation

The inventories in the South Coast PM_{2.5} Plan are based on the most current and accurate information available to the State and District at the time the Plan and its inventories were being developed, including the latest EPA-approved version of California's mobile source emissions model that was available to the State and District at the time they were developing the Plan, EMFAC2017. The inventories comprehensively address all source categories in the South Coast PM_{2.5} nonattainment area and were developed consistent with the EPA's regulations and inventory guidance. In accordance with 40 CFR 51.1008(c)(1), the 2018 base year is one of the three years for which monitored data were used to determine that the area failed to attain the 2006 24-hour PM_{2.5} NAAQS by the applicable Serious area attainment date, and it represents actual annual average emissions of all sources within the nonattainment area. Direct PM_{2.5} and all PM_{2.5} precursors are included in the inventories, and filterable and condensable direct PM_{2.5} emissions are identified separately. For these reasons, we are proposing to approve the 2018

base year emissions inventory in the South Coast PM_{2.5} Plan as meeting the requirements of CAA section 172(c)(3) and 40 CFR 51.1008(c)(1).

IV. Environmental Justice Considerations

To identify environmental burdens and susceptible populations in underserved communities in the South Coast PM_{2.5} nonattainment area and to better understand the context of the proposed CDD and approval of the base year emissions inventory on these communities, we conducted a screening-level analysis using the EPA's environmental justice (EJ) screening and mapping tool ("EJSCREEN").^{53 54} The results of this analysis are being provided for informational and transparency purposes.

Our screening-level analysis indicates that communities affected by this action rank above the national average for the EJSCREEN "Demographic Index," which is the average of an area's percent low income and percent people of color populations, *i.e.*, the two demographic indicators explicitly named in Executive Order 12898 on EJ.⁵⁵ These communities also rank above the national average for the "Limited

English Speaking Households," and "Less Than High School Education" indicators. Although the area is attaining the PM_{2.5} NAAQS, because almost all areas across the U.S. are also attaining the NAAQS (some by a wider margin), communities within the South Coast PM_{2.5} nonattainment area rank above the national average for the "Particulate Matter 2.5 (μg/m³)" environmental burden indicator. These communities also score above the national average for other environmental burden indicators, including the "Ozone (ppb)," "Nitrogen Dioxide (NO₂) (ppbv)," and "Traffic Proximity (daily traffic count/distance to road)" indicators.

As discussed in the EPA's EJ technical guidance, people of color and low-income populations, such as those in the South Coast Air Basin, often experience greater exposure and disease burdens than the general population, which can increase their susceptibility to adverse health effects from environmental stressors.⁵⁶ Underserved communities may have a compromised ability to cope with or recover from such exposures due to a range of physical, chemical, biological, social, and cultural factors.⁵⁷

⁵¹ South Coast PM_{2.5} Plan, p. 3–4.

⁵² *Id.* at appendix I, tables C1 through C4.

⁵³ EJSCREEN provides a nationally consistent dataset and approach for combining environmental burden and socioeconomic indicators. EJSCREEN is available at <https://www.epa.gov/ejscreen/what-ejscreen>. The EPA used EJSCREEN to obtain environmental burden and socioeconomic indicators representing the South Coast PM_{2.5} nonattainment area. These indicators are included in EJSCREEN reports that are available in the rulemaking docket for this action.

⁵⁴ EPA Region IX, "EJSCREEN (version 2.3) Analysis for the Four Counties of the South Coast Nonattainment Area," September 2024.

⁵⁵ EJSCREEN reports environmental burden indicators (*e.g.*, toxic releases to air, lead paint exposure, and traffic proximity and volume) and socioeconomic indicators (*e.g.*, people of color, low income, and limited English-speaking household). The value of a particular indicator measures how the community of interest compares with the state or national average. For example, if a given location is at the 95th percentile nationwide, this means that only five percent of the US population has a higher value than the average person in the location being

analyzed. EJSCREEN also reports EJ indexes, which are combinations of a single environmental burden indicator with the EJSCREEN Demographic Index. For additional information about environmental burden indicators, demographic indexes, and EJ indexes reported by EJSCREEN, see EPA, "EJScreen Environmental Justice Mapping and Screening Tool, EJScreen Technical Documentation for Version 2.3," July 2024, Section 3.

⁵⁶ EPA, "Technical Guidance for Assessing Environmental Justice in Regulatory Analysis," June 2016, Section 4.1.

⁵⁷ *Id.*

Notwithstanding the EJ concerns highlighted by the results of the EJSCREEN analysis, because monitoring data indicate the area has attained the 2006 24-hour PM_{2.5} NAAQS, we expect that this action will generally have neutral environmental and health impacts on all populations in the South Coast Air Basin, including communities with EJ concerns. At a minimum, this action would not worsen existing air quality and there is no information in the record indicating that this action is expected to have disproportionately high or adverse human health or environmental effects on a particular group of people. Our final action on the base year emissions inventory will fulfill our statutory obligation to act on a portion of a SIP submittal under section 110(k)(3).

If we finalize our proposed CDD, requirements related to achieving attainment of the 2006 24-hour PM_{2.5} NAAQS will be suspended. Because the area has attained the standard, such requirements are not necessary for timely attainment of the NAAQS. However, if prior to a potential future redesignation to attainment we determine the South Coast PM_{2.5} nonattainment area subsequently violates the NAAQS, we will rescind the CDD and any unfulfilled attainment planning requirements will apply once again to the area.⁵⁸ Furthermore, notwithstanding the suspension of certain attainment-related requirements, all requirements adopted into the SIP prior to attainment will remain in place.⁵⁹

The EPA notes that there are other efforts underway to reduce environmental burdens in the South Coast Air Basin. The South Coast Air Basin is designated nonattainment for the 2012 annual PM_{2.5} NAAQS and on June 27, 2024, CARB adopted a revised attainment plan which includes, among other things, the State's control strategy to achieve reductions in direct PM_{2.5} and PM_{2.5} precursors to bring the area into attainment of those NAAQS.⁶⁰ Additionally, on July 22, 2024, the EPA announced the selection of the SCAQMD to receive a Climate Pollution Reduction Grant of approximately \$500 million to implement community-driven solutions to address the climate crisis, reduce air pollution, advance environmental justice, and accelerate

America's clean energy transition.⁶¹ Furthermore, on October 29, 2024, the U.S. EPA announced the selection of the Los Angeles Harbor Department to receive a Clean Ports Program—Zero-Emission Technology Deployment Grant of approximately \$400 million to fund zero-emission port equipment and infrastructure to reduce mobile source emissions.⁶² These efforts are expected to result in further reductions in direct PM_{2.5} and PM_{2.5} precursor emissions and to relieve some of the cumulative burden on disadvantaged communities in the South Coast PM_{2.5} nonattainment area.

V. The EPA's Proposed Action

The EPA is proposing to determine, based on the most recent three years (2021–2023) of complete (or otherwise validated), quality-assured, and certified data meeting the requirements of 40 CFR part 50, appendix N, that the South Coast PM_{2.5} nonattainment area has attained the 2006 24-hour PM_{2.5} NAAQS.

In conjunction with and based on our proposed determination that the South Coast area has attained and is currently attaining the 2006 24-hour PM_{2.5} NAAQS, in accordance with 40 CFR 51.1015, the EPA is proposing to issue a CDD for the South Coast PM_{2.5} nonattainment area for the 2006 24-hour PM_{2.5} NAAQS. Accordingly, the EPA is proposing to determine that the obligation to submit any remaining attainment-related SIP revisions arising from the EPA's September 16, 2020 finding that the area failed to attain the 2006 24-hour PM_{2.5} NAAQS by the Serious area attainment date is not applicable for so long as the area continues to attain those NAAQS. If the EPA finalizes this proposal, the requirements for this area to submit an attainment demonstration, RFP plan, quantitative milestones and quantitative milestone reports, contingency measures, and any other SIP revisions related to the attainment of the 2006 24-hour PM_{2.5} NAAQS will be suspended so long as this area continues to meet the standard. We note that as discussed in section I.B of this document, on December 29, 2020, California submitted a SIP revision to address these requirements. The EPA intends to evaluate and act on the remaining SIP elements in this submission through subsequent rulemakings, as appropriate.

This CDD does not constitute a redesignation to attainment. The South Coast PM_{2.5} nonattainment area will remain designated nonattainment for the 2006 24-hour PM_{2.5} NAAQS until such time as the EPA determines, pursuant to sections 107 and 175A of the CAA, that the South Coast PM_{2.5} nonattainment area meets the CAA requirements for redesignation to attainment, including an approved maintenance plan showing that the area will continue to meet the standard for 10 years.

We are also proposing to approve the South Coast PM_{2.5} Plan's 2018 base year emissions inventory as meeting the requirements of CAA section 172(c)(3) and 40 CFR 51.1008(c)(1). As authorized in section 110(k)(3) of the Act, the EPA is proposing to approve the submitted base year emissions inventory because we believe it fulfills all relevant requirements.

The EPA is soliciting public comments on the issues discussed in this document. We will accept comments from the public on this proposal for the next 30 days. We will consider these comments before taking final action.

VI. 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 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. This action proposes to issue a CDD for the South Coast PM_{2.5} nonattainment area and to approve a portion of a state submission as meeting federal requirements and imposes no new requirements.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This action proposes to determine that the South Coast PM_{2.5} nonattainment area is attaining the 2006 24-hour PM_{2.5} NAAQS and to approve the base year emissions inventory in the South Coast PM_{2.5} Plan. Thus, this proposed action does not impose additional requirements beyond those imposed by state law.

⁵⁸ 81 FR 58010, 58128.

⁵⁹ Id.

⁶⁰ CARB, "South Coast Air Basin Attainment Plan for the 2012 Annual PM_{2.5} Standard, Resolution 24-7," June 27, 2024.

⁶¹ <https://www.epa.gov/newsreleases/biden-harris-administration-announces-nearly-500-million-effort-cut-transportation-and>.

⁶² <https://www.epa.gov/newsreleases/biden-harris-administration-announces-selections-nearly-3-billion-investments-clean>.

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. The proposed CDD and approval of the base year emissions inventory does not create any new requirements and does not directly regulate any entities.

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. Pursuant to the CAA, this action proposes a CDD and to approve a base year emissions inventory.

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 it 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 merely proposes a CDD and to approve a base year emissions

inventory 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 Populations

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 EJ concerns to the greatest extent practicable and permitted by law. Executive Order 14096 (Revitalizing Our Nation’s Commitment to Environmental Justice for All, 88 FR 25251, April 26, 2023) builds on and supplements E.O. 12898 and defines EJ as, among other things, “the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, or Tribal affiliation, or disability in agency decision-making and other Federal activities that affect human health and the environment.”

For the SIP portion of this action, 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 CDD and approval of a base year emissions inventory does not impose any additional regulatory requirements on sources beyond those imposed by state law. The State did not evaluate EJ

considerations as part of its attainment plan for the 2006 24-hour PM_{2.5} NAAQS; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. Consistent with the EPA’s discretion under the CAA, the EPA has evaluated the EJ considerations of this action, as is described in the section of this document titled, “Environmental Justice Considerations.” The analysis was included in this document for the purpose of providing additional context and information about this rulemaking to the public, not as a basis of the proposed action. Due to the nature of the action being proposed here, this action is expected to have a neutral impact on the air quality of the affected area. In addition, there is no information in the record upon which this decision is based inconsistent with the stated goal of E.O. 12898/14096 of achieving EJ for communities with EJ concerns.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ammonia, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: November 18, 2024.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2024–27517 Filed 11–22–24; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2024–0073; FXES1111090FEDR–256–FF09E21000]

RIN 1018–BH47

Endangered and Threatened Wildlife and Plants; Critical Habitat Designations for Florida Manatee and Antillean Manatee

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are extending the comment period on our September 24, 2024, proposed rule to revise critical habitat for Florida manatee (*Trichechus manatus latirostris*) and to designate critical habitat for Antillean manatee (*T. m. manatus*) under the Endangered Species Act of 1973 (Act), as amended.

We are extending the proposed rule's comment period for 60 days to give all interested parties an additional opportunity to comment on the proposed rule. Comments previously submitted need not be resubmitted as they are already incorporated into the public record and will be fully considered in the final rule.

DATES: The comment period on the proposed rule that published on September 24, 2024, at 89 FR 78134 is extended. We will accept comments received or postmarked on or before January 24, 2025.

ADDRESSES: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter FWS-R4-ES-2024-0073, which is the docket number for the September 24, 2024, proposed rule. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate the correct document. You may submit a comment by clicking on "Comment."

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS-R4-ES-2024-0073, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We request that you send comments only by the methods described above. We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Public Comments, below, for more information).

FOR FURTHER INFORMATION CONTACT:

Nikki Colangelo, Classification and Recovery Division Supervisor, U.S. Fish and Wildlife Service, Florida Ecological Services Field Office, 777 37th Street, Suite D-101, Vero Beach, FL 32960; telephone 772-226-8138. 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. Please see Docket No. FWS-R4-ES-2024-0073 on

<https://www.regulations.gov> for a document that summarizes the September 24, 2024, proposed rule.

SUPPLEMENTARY INFORMATION:

Background

On September 24, 2024, we published in the **Federal Register** (89 FR 78134) a proposed rule to revise critical habitat for the Florida manatee and to designate critical habitat for the Antillean manatee under the Act (16 U.S.C. 1531 *et seq.*). The proposed rule opened a 60-day comment period, ending November 25, 2024. We have received multiple requests to extend the public comment period due to impacts from recent hurricanes. With this document, we extend the public comment period for an additional 60 days, as specified above in **DATES**.

Public Comments

We will accept written comments and information during the extended comment period on our September 24, 2024, proposed critical habitat rule for the West Indian manatee (89 FR 78134). We will consider information from all interested parties. We intend that any final action resulting from the proposal will be based on the best scientific data available and will be as accurate and as effective as possible. Our final critical habitat designation will take into consideration all comments and any additional information we receive during the open comment period on the proposed rule.

Because we will consider all comments and information we receive during the open comment period, as well as any information that may become available after the publication of our proposal, our final designations may differ from our September 24, 2024, proposed rule (89 FR 78134). Based on new information we may receive (and, if relevant, any comments on that new information), we may modify the proposed critical habitat designations. Our final designations may not include all areas proposed, may include some additional areas that meet the definition of critical habitat, or may exclude some areas if we find the benefits of exclusion outweigh the benefits of inclusion and exclusion will not result in the extinction of the species. In our final rule, we will clearly explain our rationale and the basis for our final decision, including why we made

changes, if any, that differ from the September 24, 2024, proposed rule.

If you already submitted comments or information on the September 24, 2024, proposed rule, please do not resubmit them. Any such comments are incorporated as part of the public record of the rulemaking proceeding, and we will fully consider them in the preparation of our final determination.

Comments should be as specific as possible. Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific information you assert. Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, do not provide substantial information necessary to support a determination. Section 4(b)(2) of the Act (16 U.S.C. 1533(b)(2)) directs that the Secretary shall designate critical habitat on the basis of the best scientific data available.

You may submit your comments and materials by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**. If you submit information via <https://www.regulations.gov>, your entire submission—including your personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, 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. We will post all hardcopy submissions on <https://www.regulations.gov>. Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, will be available for public inspection on <https://www.regulations.gov> at Docket No. FWS-R4-ES-2024-0073.

Authors

The primary authors of this document are members of the Fish and Wildlife Service's Species Assessment Team and the Florida and Caribbean Ecological Services Field Offices.

Authority

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), is the authority for this action.

Signing Authority

Martha Williams, Director of the U.S. Fish and Wildlife Service, approved this action on November 14, 2024, for publication. On November 20, 2024, Martha Williams authorized the

undersigned to sign the document electronically and submit it to the Office of the Federal Register for publication as

an official document of the U.S. Fish and Wildlife Service.

Madonna Baucum,

Regulations and Policy Chief, Division of Policy, Economics, Risk Management, and Analytics of the Joint Administrative Operations, U.S. Fish and Wildlife Service.

[FR Doc. 2024–27529 Filed 11–22–24; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register

Vol. 89, No. 227

Monday, November 25, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agency Information Collection Activities Comment Request; USAID Social, Economic, and Environmental Accountability Mechanism Complaint Submission Form

AGENCY: Agency for International Development (USAID).

ACTION: Notice of information collection; request for comment.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Agency for International Development (USAID), is soliciting comments concerning the “Social, Economic, and Environmental Accountability Mechanism Complaint Submission Form.”

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <https://www.regulations.gov>. Comments should be sent to www.reginfo.gov/public/do/PRAMain. Please note that USAID will not accept comments submitted after the comment period ends.

To access and review the documents related to the information collection listed in this notice, please access “Social, Economic, and Environmental Accountability Mechanism Complaint Submission Form” at <https://drive.google.com/file/d/1qc3UQv4ZIEcfgbOMbRZHJgKy3SmmPrGP/view?usp=sharing>.

Comments submitted in response to this notice should be submitted electronically through the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Erika Drazen,

accountability@usaid.gov, 771–217–2641.

SUPPLEMENTARY INFORMATION: USAID, 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 USAID assess the impact of its information collection requirements and minimize the public’s reporting burden. It also helps the public understand USAID’s information collection requirements and provide USAID the data it requested in the format it prefers. USAID is soliciting comments on the proposed information collection request (ICR) that USAID describes below.

Title of Collection: USAID’s Social, Economic, and Environmental Accountability Mechanism Complaint Submission Form.

OMB Control Number: Not yet assigned.

Type of Review: A new information collection.

Respondents/Affected Public: Program participants and project-affected people (and their representatives) harmed or potentially harmed by USAID projects or activities can submit complaints.

Total Estimated Number of Annual Respondents: 20.

Frequency: 1 per respondent per year.

Total Estimated Annual Burden

Hours: 20 hours (20 respondents × 1 response per year × 1 hour per response).

Abstract: USAID’s Social, Economic, and Environmental Accountability Mechanism (SEE–AM) Complaint Submission Form enables program participants and project-affected people (and their representatives) to submit concerns or complaints about social, economic, and environmental harms related to USAID-funded projects and activities. If the complaint is found eligible, the SEE–AM can offer two services:

- Problem Solving in which a neutral person assists both sides to help address the harm;
- Policy and Process Review in which the SEE–AM reviews USAID’s policies and processes to understand why the harm happened and how USAID can prevent it in the future; or

- Both Problem Solving and Policy and Process Review.

Erika Drazen,

Accountability Mechanism Official (AMO), Bureau for Management, USAID.

[FR Doc. 2024–27465 Filed 11–22–24; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency’s estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding these information collections are best assured of having their full effect if received by December 26, 2024. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

National Agricultural Statistics Service

Title: Generic Clearance of Survey Improvement Projects.

OMB Control Number: 0535–0248.

Summary of Collection: The primary function of the National Agricultural Statistics Service is to prepare and issue State and National estimates which include crop and livestock production, economic and environmental inputs, whole farm characteristics and operator demographics (covered by the Census of Agriculture) under the general authority of 7 U.S.C. 2204. NASS is requesting the renewal of a generic clearance in order to respond quickly to emerging issues and data collection needs. The agricultural industry and economy continue to change, and NASS needs to continuously evaluate its surveys in light of these changes. Respondents continue to change (e.g., response rates decrease over time), technology continues to change (e.g., the Web quickly became a data collection option), and data needs continue to change. In addition, our understanding of how to improve surveys continues to evolve (e.g., the application of cognitive psychology to survey methodology has increased our understanding of surveys). The generic clearance structure allows NASS to meet these information needs using a means that minimizes respondent and administrative burden. Thus, NASS requests an ongoing OMB clearance structure in place to continue to improve the overall quality of its statistical surveys, to lessen the burden it places on respondents, and to shorten the time period between changes that affect surveys and NASS' ability to formulate and update its surveys to address those changes. Prior to each test, NASS will submit to OMB a mini supporting statement that will describe the details of each specific test, along with a sample of the questions or questionnaire that will be tested.

Need and Use of the Information: The information obtained from these efforts will be used to develop new NASS surveys and improve current ones. Specifically, the information will be used to reduce respondent burden while simultaneously improving the quality of the data collected in these surveys. These objectives are met when respondents are presented with plain, coherent and unambiguous questionnaires that ask for data compatible with respondents' memory and/or current reporting and record keeping practices. The purpose of the

survey improvement projects will be to ensure that NASS surveys continuously attempt to meet these standards of excellence.

Improved NASS surveys will inform policy decisions on agriculture, as well as contributing to increased agency efficiency and reduced survey costs. In addition, methodological findings have broader implications for survey research and may be presented in technical papers at conferences or published in the proceedings of conferences or in journals.

The results of these tests won't be disseminated or used to inform policy, program, or budget decisions.

Description of Respondents: Private Sector; Businesses or other for-profits; Farms.

Number of Respondents: 25,000.

Frequency of Responses: On occasion.

Total Burden Hours: 15,000.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–27543 Filed 11–22–24; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding these information collections are best assured of having their full effect if received by December 26, 2024. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the

following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Economic Research Service.

Title: Foodborne Illness Valuation Survey.

OMB Control Number: 0536–NEW.

Summary of Collection: The Economic Research Service (ERS) will be conducting a national Foodborne Illness Valuation Survey. The mission of ERS is to provide timely research and analysis to public and private decision makers on topics related to agriculture, food, the environment, and rural America. ERS has a long history of providing estimates of the cost of foodborne illnesses in the United States. These estimates approximate the public's willingness to pay to prevent foodborne illnesses. This survey is designed to enhance the accuracy of those estimates.

Need and Use of the Information: The purpose of this survey is to estimate individuals' willingness to pay to prevent the direct disutility from illnesses that can be foodborne. This component of willingness to pay is not currently included in ERS cost of foodborne illness estimates due to a lack of research. These estimates can only be obtained using surveys like the one to be fielded. Having these estimates will provide a more complete estimate of the value of preventing foodborne illnesses in the United States.

Description of Respondents: Individuals.

Number of Respondents: 3,000.

Frequency of Responses: one time only.

Total Burden Hours: 2,000.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–27544 Filed 11–22–24; 8:45 am]

BILLING CODE 3410–18–P

DEPARTMENT OF AGRICULTURE**Submission for OMB Review;
Comment Request**

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by December 26, 2024 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Assessment of Administrative Costs of Electronic Healthy Incentives Projects.

OMB Control Number: 0584–NEW.

Summary of Collection: The U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) is authorized to collect data under Section 17 of the Food and Nutrition Act of 2008, which authorizes the Secretary of Agriculture to contract with private institutions to undertake research that will help improve the administration and effectiveness of the Supplemental

Nutrition Assistance Program (SNAP) in delivering nutrition-related benefits.

The Supplemental Nutrition Assistance Program (SNAP), administered by the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS), distributes benefits to eligible low-income households through Electronic Benefits Transfer (EBT) card technology.

In Fiscal Year 2023 FNS awarded grants to three States, Colorado, Louisiana, and Washington for implementing Electronic Healthy Incentives Projects (eHIP) to leverage EBT integration to deliver financial incentives at point of purchase to SNAP households when they purchase qualifying foods (*e.g.*, fruits and vegetables).

Need and Use of the Information: The aim of this study is to calculate the costs of eHIP in the three States to determine the startup and ongoing costs of administering incentives to SNAP households through EBT integration and to estimate the cost of administering eHIP at scale. The study will quantify startup and ongoing administrative costs to State grantees, retailers, and other eHIP stakeholders. It will also compare administrative costs to the amount of funding distributed as incentives. In addition, existing national data (such as SNAP caseloads and SNAP-authorized retailers) and State data from non-project States (such as State wage rates) will be examined in order to estimate the cost of nationwide expansion of eHIP. Lastly, data from select Gus Schumacher Nutrition Incentive Program (GusNIP) grantees—that do not use EBT integration for delivering incentives to SNAP households for purchasing fruits and vegetables will be examined to estimate the costs and return on investment (ROI) of GusNIP and compare these to the eHIP costs and ROI, in order to provide information on how these two incentive delivery modalities differ in costs and economic impact.

Description of Respondents: State, Local and Tribal Governments, Businesses.

Number of Respondents: 50.

Frequency of Responses: Reporting: Once.

Total Burden Hours: 198.48.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–27582 Filed 11–22–24; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service**

[Docket No. APHIS–2022–0010]

Privacy Act of 1974; System of Records

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Rescindment of a system of records notice.

SUMMARY: The U.S. Department of Agriculture (USDA) is issuing a public notice of its intent to rescind an Animal and Plant Health Inspection Service (APHIS) Privacy Act system of records notice, Animal Damage Control Non-Federal Personnel Records, USDA/APHIS–7. This system of records notice is rescinded because it has been superseded by another system of records notice published by the Department.

DATES: The rescindment will become applicable by December 26, 2024.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Enter APHIS–2022–0010 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.

- *Postal Mail/Commercial Delivery:* Please send one copy of your comment to Docket No. APHIS–2022–0010, Regulatory Analysis and Development, PPD, APHIS, Station 2C–10.16, 4700 River Road, Unit 25, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov> or in our reading room, which is 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: Ms. Kendra Cross, Deputy Director, Wildlife Operations, WS Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD 20737; (405) 479–3053; kendra.b.cross@usda.gov.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the U.S. Department of Agriculture's (USDA's) Animal and Plant Health Inspection Service (APHIS) is rescinding the system of records notice, Animal Damage Control Non-Federal

Personnel Records, USDA/APHIS–7, and removing it from its inventory. This system was used to provide State supervisors a system for financial and manpower management of Animal Damage Control programs, record disbursement of funds, allow for preparation of various statistical reports, and maintain records related to employees involved in animal damage control.

The Department is rescinding this system of records because the records previously maintained in the system are now maintained within the system of records titled “Wildlife Services Information Management System, USDA/APHIS–9,” which serves as the official record of Wildlife Services’ work in wildlife damage management activities related to agriculture, human health and safety, natural resources, and human property.

Rescinding the Animal Damage Control Non-Federal Personnel Records System will have no adverse impacts on individuals as the records are covered by and maintained under the Wildlife Services Information Management System, USDA/APHIS–9. This notice hereby rescinds the Animal Damage Control Non-Federal Personnel Records System of records notice as identified below.

SYSTEM NAME AND NUMBER:

Animal Damage Control Non-Federal Personnel Records System, USDA/APHIS–7.

HISTORY:

Animal Damage Control Non-Federal Personnel Records System, USDA/APHIS–7, was published in its entirety on February 27, 1987 (52 FR 6031–6038; Docket No. 86–408).

Done in Washington, DC, this 19th day of November 2024.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024–27530 Filed 11–22–24; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0032]

Deregulation of Light Brown Apple Moth for the Importation of Fruit From New Zealand Into the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that we have prepared a commodity import evaluation document (CIED) relative to deregulating light brown apple moth (LBAM) requirements for fruit imported from New Zealand into the United States. Currently, fruit imported from New Zealand into the United States must be accompanied by a phytosanitary certificate with an additional declaration stating that the fruit is free of LBAM. Based on the findings of the CIED, we are proposing to remove the requirement for the additional declaration. Accordingly, we propose to revise the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service Agricultural Commodity Import Requirements database regarding LBAM requirements for fruit imported from New Zealand into the United States. These proposed changes would harmonize our domestic and import requirements. We are making the CIED available to the public for review and comment.

DATES: We will consider all comments that we receive on or before January 24, 2025.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov> and enter APHIS–2020–0032 in the Search field.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2020–0032, Regulatory Analysis and Development, PPD, APHIS, Station 2C–10.16, 4700 River Road, Unit 25, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at <https://www.regulations.gov> by entering APHIS–2020–0032 in the Search field, 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: Ms. Julie Orr, Regulatory Policy Specialist, IRM, PPQ, APHIS, USDA, 4700 River Road, Unit 133, Riverdale, MD 20737–1236; (301) 851–4022; Julie.Orr@usda.gov.

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)

prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into or disseminated within the United States.

Section 319.56–4 of the regulations provides the requirements for authorizing the importation of fruits and vegetables into the United States, as well as revising existing requirements for the importation of fruits and vegetables. Paragraph (c) of that section provides that the name and origin of all fruits and vegetables authorized importation into the United States, as well as the requirements for their importation, are listed online; they are listed on the U.S. Department of Agriculture’s APHIS Agricultural Commodity Import Requirements (ACIR) database (<https://acir.aphis.usda.gov/s/>).¹ It also provides that, if the Administrator of APHIS determines that any of the phytosanitary measures required for the importation of a particular fruit or vegetable are no longer necessary to reasonably mitigate the plant pest risk posed by the fruit or vegetable, APHIS will publish a notice in the **Federal Register** making its pest risk documentation and determination available for public comment.

The light brown apple moth (LBAM), *Epiphyas postvittana* (Tortricidae), is a native pest of Australia and is now widely distributed in New Zealand, the United Kingdom, Ireland, and New Caledonia. LBAM is a pest of concern in the United States and elsewhere because it can damage a wide range of fruits, vegetables, and other valuable plants. It was reported in Hawaii in the late 1800s and detected in Alameda County, California in 2007. In response to the 2007 detection, APHIS conducted delimiting surveys and issued a series of Federal Orders to establish quarantines and host lists and to regulate the movement of LBAM hosts from affected areas.

However, since 2007, APHIS has developed pest risk assessments (PRAs) for a number of LBAM hosts and established that standard commercial production practices are sufficient to remove any risk from the spread of LBAM in commercially produced commodities. As a result, APHIS has determined that due to both the absence of significant damage in commercial agriculture and the availability of effective treatments, Federal involvement to regulate LBAM as a pest of quarantine significance for these

¹ On September 30, 2022, the APHIS Fruits and Vegetables Import Requirements (FAVIR) database was replaced by the ACIR database.

commodities appears to be no longer necessary.²

Currently, fruit from New Zealand imported into the United States must be accompanied by a phytosanitary certificate with an additional declaration that the fruit is free of LBAM. However, under International Standards for Phytosanitary Measures 20,³ APHIS cannot regulate an imported commodity for a specific pest more stringently than it regulates the commodity domestically unless this discrepancy is technically justified. However, based on the findings of PRAs cited in the commodity import evaluation document (CIED), APHIS has concluded that there is no technical basis for such a discrepancy, and consignments of commercially produced fresh fruit from New Zealand may safely be imported to the United States without significant risk of introducing LBAM. We propose, then, to no longer require the additional declaration of LBAM freedom for the following commodities imported from New Zealand into the United States:

New Zealand:

Apple—*Malus domestica*
 Apricot—*Prunus armeniaca*
 Avocado—*Persea americana*
 Blackberry—*Rubus* sp.
 Blueberry—*Vaccinium angustifolium*,
Vaccinium ashei, *Vaccinium corymbosum*, *Vaccinium virgatum*
 Cherry—*Prunus avium*
 Currant—*Ribes* spp.
 Feijoa—*Acca sellowiana*
 Grapes—*Vitis vinifera*
 Kiwi—*Actinidia* spp. (*A. deliciosa*, *A. arguta*, *A. chinensis*, *A. kolomikta*, *A. melanandra*, *A. polygama*, *A. rubricaulis* var. *coriacea*)
 Loquat—*Eriobotrya japonica* (Into Guam and CNMI)
 Nectarine—*Prunus persica nucipersica*
 Peach—*Prunus persica* var. *persica*
 Pear—*Pyrus communis*
 Plum—*Prunus domestica* ssp. *domestica*
 Raspberry—*Rubus* sp.
 Sand Pear—*Pyrus pyrifolia* var. *culta*
 Strawberry—*Fragaria x ananassa*

Phytosanitary Certificate: If the consignment is not precleared, the consignment must be accompanied by a phytosanitary certificate issued by the National Plant Protection Organization (NPPO) of New Zealand.

Citrus spp.

Persimmon *Diospyros kaki*

Phytosanitary Certificate: Citrus (or Persimmon) consignments must be accompanied by a phytosanitary certificate issued by the NPPO of New Zealand with an additional declaration stating the fruit is free of *Cnephasia jactatana*, *Coscinoptycha improbana*, *Ctenopseustis obliquana*, *Pezothrips kellyanus*, and *Planotortrix excessana*.

In accordance with § 319.56–4(c)(3), we are announcing the availability of our CIED for public review and comment. This document, as well as a description of the economic considerations associated with removing the LBAM declaration requirement for fruit imported from New Zealand into the United States, may be viewed on the *Regulations.gov* website or in our reading room (see **ADDRESSES** above for a link to *Regulations.gov* and information on the location and hours of the reading room). You may request paper copies of these documents by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the subject of the analysis you wish to review when requesting copies.

After reviewing any comments we receive, we will announce our decision regarding whether to remove the declaration requirement for LBAM freedom for the importation of fruit from New Zealand in a subsequent notice. If the overall conclusions of our analysis and the Administrator's determination of risk remain unchanged following our consideration of the comments, then we will remove the requirement for the importation of fruit from New Zealand as described in this notice.

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 19th day of November 2024.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024–27563 Filed 11–22–24; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Newspapers Used for Publication of Legal Notices in the Southwestern Region, Which Includes Arizona, New Mexico, and Parts of Oklahoma and Texas

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice lists the newspapers that will be used by all Ranger Districts, Grasslands, Forests, and the Regional Office of the Southwestern Region to publish legal notices. The intended effect of this action is to inform interested members of the public which newspapers the Forest Service will use to publish notices of proposed actions, notices of decision, and notices of opportunity to file an objection. This will provide the public with constructive notice of Forest Service proposals and decisions, provide information on the procedures to comment or object, and establish the date that the Forest Service will use to determine if comments or objections were timely.

DATES: Publication of legal notices in the listed newspapers will begin on the date of this publication and continue until further notice.

ADDRESSES: Roxanne Turley, Regional Administrative Review Coordinator, Forest Service, Southwestern Region; 333 Broadway SE, Albuquerque, NM 87102–3498.

FOR FURTHER INFORMATION CONTACT:

Roxanne Turley, Regional Administrative Review Coordinator; (505) 526–0020 or by email roxanne.turley@usda.gov.

SUPPLEMENTARY INFORMATION: The administrative procedures at 36 CFR parts 218 and 219 require the Forest Service to publish notices in a newspaper of general circulation. The content of the notices is specified in 36 CFR parts 218 and 219. In general, the notices will identify: the decision or project, by title or subject matter; the name and title of the official making the decision; how to obtain additional information; and where and how to file comments or objections. The date the notice is published will be used to establish the official date for the beginning of the comment or objection period. Where more than one newspaper is listed for any unit, the first newspaper listed is the primary newspaper of record of which publication date shall be used for calculating the time period to file comment or an objection.

Southwestern Regional Office

Regional Forester

Notices of Availability for Comment and Decisions and Objections affecting New Mexico Forests:—“*Albuquerque Journal*”, Albuquerque, New Mexico, for National Forest System lands in the State of New Mexico for any projects of Region-wide impact, or for any projects affecting more than one National Forest or National Grassland in New Mexico.

² The Federal Order removing domestic quarantines and other restrictions imposed by previous orders may be viewed at https://www.aphis.usda.gov/plant_health/downloads/da-2021-29-lbam-deregulation.pdf.

³ The document may be viewed at <https://www.fao.org/3/a-y5721e.pdf>.

Regional Forester Notices of Availability for Comment and Decisions and Objections affecting Arizona Forests:—“*East Valley Tribune*”, Tempe, Arizona, for National Forest System lands in the State of Arizona for any projects of Region-wide impact, or for any projects affecting more than one National Forest in Arizona.

Regional Forester Notices of Availability for Comment and Decisions and Objections affecting National Grasslands in New Mexico, Oklahoma, and Texas are listed by Grassland and location as follows: Kiowa National Grassland notices published in:—“*Union County Leader*”, Clayton New Mexico. Rita Blanca National Grassland in Cimarron County, Oklahoma notices published in:—“*Boise City News*”, Boise City, Oklahoma. Rita Blanca National Grassland in Dallam County, Texas notices published in:—“*The Dalhart Texan*”, Dalhart, Texas. Black Kettle National Grassland in Roger Mills County, Oklahoma notices published in:—“*Cheyenne Star*”, Cheyenne, Oklahoma. Black Kettle National Grassland in Hemphill County, Texas notices published in:—“*The Canadian Record*”, Canadian, Texas. McClellan Creek National Grassland in Gray County, Texas notices published in:—“*The Pampa News*”, Pampa, Texas.

Regional Forester Notices of Availability for Comment and Decisions and Objections affecting only one National Forest or National Grassland unit will appear in the newspaper of record elected by each National Forest or National Grassland as listed below.

Arizona National Forests

Apache-Sitgreaves National Forests

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Alpine Ranger District, Black Mesa Ranger District, Lakeside Ranger District, and Springerville Ranger District are published in:—“*The White Mountain Independent*”, Apache County, Arizona.

Clifton Ranger District Notices are published in:—“*Copper Era*”, Clifton, Arizona.

Coconino National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Mogollon Rim Ranger District, and Flagstaff Ranger District are published in:—“*Arizona Daily Sun*”, Flagstaff, Arizona.

Red Rock Ranger District Notices are published in:—“*Red Rock News*”, Sedona, Arizona.

Coronado National Forest

Notices for Availability for Comments, Decisions and Objections by the Forest Supervisor and Santa Catalina Ranger District are published in:—“*The Arizona Daily Star*”, Tucson, Arizona.

Douglas Ranger District Notices for projects occurring within the Chiricahua and Dragoon Mountain Ranges (the Chiricahua and Dragoon Ecosystem Management Areas) are published in:—“*Herald/Review*”, Sierra Vista, Arizona; notices for projects occurring within the Peloncillo Mountain Range (the Peloncillo Ecosystem Management Area) are published in:—“*Hidalgo County Herald*”, Lordsburg, New Mexico.

Nogales Ranger District Notices are published in:—“*Nogales International*”, Nogales, Arizona.

Sierra Vista Ranger District Notices are published in:—“*Herald/Review*”, Sierra Vista, Arizona.

Safford Ranger District Notices are published in:—“*Eastern Arizona Courier*”, Safford, Arizona.

Kaibab National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, North Kaibab Ranger District, Tusayan Ranger District, and Williams Ranger District Notices are published in:—“*Arizona Daily Sun*”, Flagstaff, Arizona.

Prescott National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Bradshaw Ranger District, and Chino Valley Ranger District are published in:—“*Daily Courier*”, Prescott, Arizona. Verde Ranger District Notices are published in:—“*Verde Independent*”, Cottonwood, Arizona.

Tonto National Forest

Notices for Availability for Comments, Decisions, and Objections by Forest Supervisor, Cave Creek Ranger District, and Mesa Ranger District are published in:—“*Arizona Capitol Times*”, in Phoenix, Arizona.

Globe Ranger District Notices are published in:—“*Arizona Silver Belt*”, Globe, Arizona. Payson Ranger District, Pleasant Valley Ranger District and Tonto Basin Ranger District Notices are published in:—“*Payson Roundup*”, Payson, Arizona.

New Mexico National Forests

Carson National Forest

Notices for Availability for Comments, Decisions and Objections by

Forest Supervisor, Camino Real Ranger District, Tres Piedras Ranger District and Questa Ranger District are published in:—“*The Taos News*”, Taos, New Mexico.

Canjilon Ranger District and El Rito Ranger District Notices are published in:—“*Rio Grande Sun*”, Espanola, New Mexico.

Jicarilla Ranger District Notices are published in:—“*Farmington Daily Times*”, Farmington, New Mexico.

Cibola National Forest and National Grasslands

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor affecting lands in New Mexico, except the National Grasslands are published in:—“*Albuquerque Journal*”, Albuquerque, New Mexico.

Forest Supervisor Notices affecting National Grasslands in New Mexico, Oklahoma and Texas are published by grassland and location as follows: Kiowa National Grassland in Colfax, Harding, Mora and Union Counties, New Mexico published in:—“*Union County Leader*”, Clayton, New Mexico. Rita Blanca National Grassland in Cimarron County, Oklahoma published in:—“*Boise City News*”, Boise City, Oklahoma. Rita Blanca National Grassland in Dallam County, Texas published in:—“*The Dalhart Texan*”, Dalhart, Texas. Black Kettle National Grassland, in Roger Mills County, Oklahoma published in:—“*Cheyenne Star*”, Cheyenne, Oklahoma. Black Kettle National Grassland, in Hemphill County, Texas, published in:—“*The Canadian Record*”, Canadian, Texas. McClellan Creek National Grassland published in:—“*The Pampa News*”, Pampa, Texas.

Mt. Taylor Ranger District Notices are published in:—“*Cibola Citizen*”, Grants, New Mexico.

Magdalena Ranger District Notices are published in:—“*El Defensor-Chieftain*”, Socorro, New Mexico.

Mountainair Ranger District Notices are published in:—“*The Independent*”, Edgewood, New Mexico.

Sandia Ranger District Notices are published in:—“*Albuquerque Journal*”, Albuquerque, New Mexico.

Kiowa National Grassland Notices are published in:—“*Union County Leader*”, Clayton, New Mexico.

Rita Blanca National Grassland Notices in Cimarron County, Oklahoma are published in:—“*Boise City News*”, Boise City, Oklahoma while Rita Blanca National Grassland Notices in Dallam County, Texas are published in:—“*Dalhart Texan*”, Dalhart, Texas.

Black Kettle National Grassland Notices in Roger Mills County, Oklahoma are published in:—“*Cheyenne Star*”, Cheyenne, Oklahoma, while Black Kettle National Grassland Notices in Hemphill County, Texas are published in:—“*The Canadian Record*”, Canadian, Texas. McClellan Creek National Grassland Notices are published in:—“*The Pampa News*”, Pampa, Texas.

Gila National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Quemado Ranger District, Reserve Ranger District, Glenwood Ranger District, Silver City Ranger District and Wilderness Ranger District are published in:—“*Silver City Daily Press*”, Silver City, New Mexico.

Black Range Ranger District Notices are published in:—“*Sierra County Sentinel*”, Truth or Consequences, New Mexico.

Lincoln National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor and the Sacramento Ranger District are published in:—“*Alamogordo Daily News*”, Alamogordo, New Mexico.

Guadalupe Ranger District Notices are published in:—“*Carlsbad Current Argus*”, Carlsbad, New Mexico.

Smokey Bear Ranger District Notices are published in:—“*Ruidoso News*”, Ruidoso, New Mexico.

Santa Fe National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Coyote Ranger District, Cuba Ranger District, Espanola Ranger District, Jemez Ranger District and Pecos-Las Vegas Ranger District are published in:—“*Albuquerque Journal*”, Albuquerque, New Mexico.

JoLynn Anderson,

Federal Register Liaison, Forest Service.

[FR Doc. 2024–27564 Filed 11–22–24; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Central Idaho Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meetings.

SUMMARY: The Central Idaho Resource Advisory Committee (RAC) will hold public meetings 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 Salmon-Challis National Forest within Custer and Lemhi Counties, consistent with the Federal Lands Recreation Enhancement Act.

DATES: An in-person and virtual meeting will be held on December 10, 2024, at 1:30 p.m. Mountain Standard Time.

Written and Oral Comments: Anyone wishing to provide in-person oral comments must pre-register by 11:59 p.m. Mountain Standard Time on December 1, 2024. Written public comments will be accepted by 11:59 p.m. Mountain Standard Time on December 1, 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: These meetings will be held in-person at the Public Lands Center, located at 1206 S Challis Street, Salmon, Idaho 83467. The public may also join the meeting virtually via telephone and/or video conference at: <https://bit.ly/3BECynp>. Committee information and meeting details can be found at the RAC website (<https://www.fs.usda.gov/main/scnf/workingtogether/advisorycommittees>) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to amy.baumer@usda.gov or via mail (postmarked) to Amy Baumer, 1206 S Challis St., Salmon, Idaho 83467. 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. Mountain Standard Time, December 1, 2024, and speakers can only register for one speaking slot. Oral comments must be sent by email to amy.baumer@usda.gov or via mail

(postmarked) to Amy Baumer, 1206 S Challis Street, Salmon, Idaho 83467.

FOR FURTHER INFORMATION CONTACT:

Amy Baumer, Central Idaho RAC Coordinator, by phone at (208) 756–5100 or via email at amy.baumer@usda.gov.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Discuss the proposed Salmon-Challis National Forest Recreation Fee Proposal;

2. Make recommendations on recreation fee proposals;

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 14 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: November 7, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024-26485 Filed 11-22-24; 8:45 am]

BILLING CODE 3411-15-P

CENTRAL INTELLIGENCE AGENCY

Privacy Act of 1974; System of Records

AGENCY: Central Intelligence Agency.

ACTION: Notice of a new system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, as amended, and Office of Management and Budget (OMB) Circular No. A-108, notice is hereby given that the Central Intelligence Agency ("CIA") is submitting to the **Federal Register** one new System of Records Notice (SORN), CIA-44 Business Analytics Records. This new SORN covers CIA's collection, curation, exploration, and objective analysis of CIA business data used to inform business decisions related to the CIA workforce, facilities, and processes.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is applicable upon publication and incorporates the CIA's 19 Routine Uses published November 28, 2022 at 87 FR 73198.

ADDRESSES: Comments may be submitted by the following methods: By mail to Mark Mouser, Privacy and Civil Liberties Officer, Central Intelligence Agency, Washington, DC 20505; or by email to FedRegComments@ucia.gov. Please include "NOTICE NEW CIA SORN" in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Mark Mouser, Privacy and Civil Liberties Officer, Central Intelligence Agency, Washington, DC 20505, (571) 280-2700.

SUPPLEMENTARY INFORMATION: CIA relies on reliable, repeatable, and comparable data to, among other purposes, inform decisions and track progress in achieving CIA priorities. This data, which the CIA refers to as "business data," is captured by, or created from the use and operations of, CIA facilities, IT systems, and applications in the normal course of CIA activities and processes. The CIA's collection, curation, exploration, and objective analysis of business data has proven significantly beneficial to the CIA. For example, business data has allowed CIA leadership to recommend adjustments to CIA resource allocations, develop applications to assist the CIA workforce in completing their administrative responsibilities, and generate statistical information to inform CIA leadership decision-making on its business needs.

The CIA proposes a new System of Record Notice, CIA-44 Business Analytics Records, to further enable its business data analytic activities and identify opportunities for efficiencies in Agency services, tools, reports, properties, and facilities.

Nothing in the new SORN indicates any change in the Agency's authorities or practices regarding the collection and maintenance of information about citizens and lawful permanent residents of the United States, nor does the new SORN change any individual's rights to access or to amend their records in accordance with the Privacy Act.

In accordance with 5 U.S.C. 552a(r), the Agency has provided a report to OMB and Congress on the new system of records.

Dated: November 4, 2024.

Mark Mouser,

Privacy and Civil Liberties Officer, Central Intelligence Agency.

PRIVACY ACT SYSTEM OF RECORDS NOTICE CIA-44

SYSTEM NAME AND NUMBER:

Business Analytics Records (CIA-44)

SECURITY CLASSIFICATION:

The classification of records in this system can range from UNCLASSIFIED to TOP SECRET.

SYSTEM LOCATION:

Central Intelligence Agency, Washington, DC 20505.

SYSTEM MANAGER(S):

Chief Strategy Officer (CSO), Central Intelligence Agency, Washington, DC 20505, and the heads of component-level offices charged with business analytic functional responsibilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The National Security Act of 1947, as amended, 50 U.S.C. 3036 *et seq.*; the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. 3501 *et seq.*; Executive Order 12333, as amended, 73 FR 45325.

PURPOSE(S) OF THE SYSTEM:

Records in this system are used by authorized personnel to ensure process integrity; enable the CIA and the Director of the CIA to carry out their lawful and authorized responsibilities; and collect, create, centralize and disseminate CIA business data to: evaluate the utilization of, and identify opportunities for efficiencies in, CIA services, tools, reports, properties, and facilities; evaluate adjustments to CIA resource allocations, processes, and business lines; develop applications and information systems to assist CIA personnel in conducting official CIA business; and perform other analyses of CIA business processes and systems as identified by authorized CIA officials.

Records in this system are also used by authorized personnel to collect, create, centralize and disseminate CIA business data to monitor, report on, and make recommendations relating to: CIA's utilization of contracts and contractors to promote the efficient use of CIA resources; CIA vacancies, hiring, compensation, awards, promotions, training, employee development, employee benefits, internal transfers, resignations, and retirements; spending by CIA components and programs; work hours and activities of CIA personnel to determine alignment of CIA activity with CIA priorities; workforce health, wellbeing status, and perceptions to allow for a more comprehensive understanding of the workforce and allow for the ability for CIA stakeholders to take action to improve the workplace, environment, and organizational processes; location and workplace presence of CIA-affiliated persons, to support commuting, alternative work, and facility location studies; official travel performed by CIA-affiliated persons; and former staff employees who retain an alumni relationship with the CIA.

CIA employees and contractors may use established business analytic methods to query, analyze, and summarize CIA business data. These methods include using programming language(s) (e.g., structured query language (SQL)), data visualization, statistical analysis, natural language processing, network analysis, and artificial intelligence/machine learning techniques.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former CIA employees, employees of other IC agencies detailed to the CIA, applicants or prospective applicants for employment with the CIA, individuals under contract with the CIA, individuals visiting CIA-managed facilities, individuals physically present in, or using, CIA-controlled facilities, United States Government personnel reading or consuming CIA-produced products, and individuals using CIA-managed information technology systems.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains CIA “business data,” which is data captured by, created by, or derived from the use and operations of CIA facilities, IT systems, and applications, that is used by authorized CIA officers for the purposes outlined in the “PURPOSE(S) OF THE SYSTEM” paragraph, above. CIA business data includes, but is not limited to:

A. Human resource, biographic, and personnel security information on the individuals listed in the “CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM” paragraph, above, such as: names of individuals; organizational affiliation; physical work location of personnel; internal contact information; personal home address and contact information; voluntarily-provided biographical information; demographic data; employment data; applicant and prospective applicant information, such as CIA position vacancies, applications, and internal and external hiring data; employee performance and promotion, retention, and resignation attributes; personnel security dispositions and clearances; personnel official travel records; voluntarily-provided information on workforce health, wellbeing status, and perceptions, utilization of employee health and wellness services, and responses to workforce surveys.

B. Financial and appropriations information, such as: CIA budget allocations and fiscal transactions; contracts and contractor personnel data; and procurement, inventory, movement, and disposition of goods and services; and

C. CIA-managed products, facilities, IT system, and application information, such as: internal communications metadata; activity records on CIA-managed information technology systems; metadata relating to CIA-produced or -consumed analyses, reporting, and content; and capacity, configuration, maintenance, and

utilization data of CIA-managed and CIA-affiliated facilities.

RECORD SOURCE CATEGORIES:

Information may be provided by individuals covered by this system; derived from other CIA IT systems and Privacy Act systems of records; and other U.S. Government departments and agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), this information is set forth in the “Statement of General Routine Uses for the Central Intelligence Agency,” set out at 87 FR 73198, November 28, 2022, which is incorporated herein by reference.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper and other hard-copy records are stored in secured areas within the CIA or in CIA-controlled facilities. Electronic records are stored in secure file-servers located within CIA-controlled facilities or in CIA-contracted facilities subject to CIA supervision.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system may be retrieved by name, chart number, social security number, CIA employee number, or other unique personal identifier by automated or hand search based on extant indices and automated capabilities utilized in the normal course of business. Under applicable law and regulations, all searches of this system of records will be performed in CIA offices by CIA personnel.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

All records are maintained and disposed of in accordance with applicable Records Control Schedules issued or approved by the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are maintained in secure, restricted areas and are accessed only by personnel who have a need for the records in the performance of their official duties and have been authorized for such access. Electronic authorization and authentication access controls are required to prevent against unauthorized access, use, and disclosure.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed as indicated in the

notification procedures section below. Regulations for access to individual records or for appealing an initial determination by CIA concerning the access to records are published in the **Federal Register** (32 CFR 1901.11–.45).

CONTESTING RECORD PROCEDURES:

Requests from individuals to correct or amend records should be addressed as indicated in the notification procedures section below. CIA’s regulations regarding requests for amendments to, or disputing the contents of, individual records or for appealing an initial determination by CIA concerning these matters are published in the **Federal Register** (32 CFR 1901.21–32, 32 CFR 1901.42).

NOTIFICATION PROCEDURES:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to: Information and Privacy Coordinator, Central Intelligence Agency, Washington, DC 20505. Identification requirements are specified in the CIA rules published in the **Federal Register** (32 CFR 1901.12–.14). Individuals must comply with these rules in order for their request to be processed.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Certain records contained within this system of records may be exempted from certain provisions of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(d)(5), (j)(1), and (k).

HISTORY:

None.

[FR Doc. 2024–26134 Filed 11–22–24; 8:45 am]

BILLING CODE 6310–02–P

DEPARTMENT OF COMMERCE**Foreign-Trade Zones Board**

[S–205–2024]

Foreign-Trade Zone 220; Application for Subzone; Wurth Electronics Midcom, Inc.; Watertown, South Dakota

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Sioux Falls Development Foundation, grantee of FTZ 220, requesting subzone status for the facility of Wurth Electronics Midcom, Inc., located in Watertown, South Dakota. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on November 20, 2024.

The proposed subzone (8.03 acres) is located at 121 Airport Drive, Watertown, South Dakota. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 220.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is January 6, 2025. Rebuttal comments in response to material submitted during the foregoing period may be submitted through January 21, 2025.

A copy of the application will be available for public inspection in the "Online FTZ Information Section" section of the FTZ Board's website, which is accessible via www.trade.gov/ftz.

For further information, contact Camille Evans at Camille.Evans@trade.gov.

Dated: November 20, 2024.

Elizabeth Whiteman,
Executive Secretary.

[FR Doc. 2024-27581 Filed 11-22-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-557-831]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From Malaysia: Amended Preliminary Determination of Countervailing Duty Investigation; Correction

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

ACTION: Notice; correction.

SUMMARY: The U.S. Department of Commerce (Commerce) published a notice in the *Federal Register* of November 7, 2024, in which Commerce amended the preliminary affirmative countervailing duty (CVD) determination on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from Malaysia. This notice incorrectly stated that the amended cash deposit rates would be effective retroactively to October 4, 2024, the date of the

publication of the *Preliminary Determination*.

FOR FURTHER INFORMATION CONTACT: Scarlet Jaldin, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4275.

SUPPLEMENTARY INFORMATION:

Background

On November 7, 2024, Commerce published in the *Federal Register* the amended preliminary determination of the CVD investigation on solar cells from Malaysia.¹ In the "Amended Cash Deposits and Suspension of Liquidation" section, we incorrectly stated that because the amended rates for Jinko Solar, all-others, and non-responsive companies resulted in increased cash deposits, they would be effective retroactively to October 4, 2024, the date of the publication of the *Preliminary Determination*.

Correction

In the *Federal Register* of November 7, 2024, in FR Doc 2024-25872, at 89 FR 88233, in the third column, correct the text in the second sentence of the section, "Amended Cash Deposits and Suspension of Liquidation" by removing and replacing it with "Because the amended rates for Jinko Solar, all-others, and non-responsive companies result in increased cash deposits, they will be effective on the date of the publication of this amended preliminary determination."

Notification to Interested Parties

This notice is issued and published in accordance with sections 703(f) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.224(e).

Dated: November 19, 2024.

Abdelali Elouaradia,
Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2024-27493 Filed 11-22-24; 8:45 am]

BILLING CODE 3510-DS-P

¹ See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from Malaysia: Amended Preliminary Determination of Countervailing Duty Investigation*, 89 FR 88232 (November 7, 2024).

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-904]

Certain Activated Carbon 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 the mandatory respondents under review sold certain activated carbon (activated carbon) to the United States from the People's Republic of China (China) at prices below normal value during the period of review (POR), April 1, 2022, through March 31, 2023.

DATES: Applicable November 25, 2024.

FOR FURTHER INFORMATION CONTACT: Andrew Hart or Kathrine Smith, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1058 or (202) 482-0557, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 2, 2024, Commerce published in the *Preliminary Results* and invited parties to comment.¹ The review covers two mandatory respondents Jilin Bright Future Chemicals Co., Ltd. (Jilin Bright), and Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd. (GHC). We received case and rebuttal briefs from GHC, Jilin Bright, and Calgon Carbon Corporation and Norit Americas Inc. (collectively, the petitioners).²

On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.³ On August

¹ See *Certain Activated Carbon from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2022-2023*, 89 FR 35797 (May 2, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

² See Petitioners' Letter, "Case Brief of Petitioners Concerning Jilin Bright," dated June 12, 2024; see also Petitioners' Letter, "Case Brief of Petitioners Concerning GHC," dated June 12, 2024; GHC's Letter, "Case Brief of Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd.," dated June 12, 2024; Jilin Bright's Letter, "Case Brief of Jilin Bright," dated June 12, 2024; Petitioner's Letter, "Petitioners' Rebuttal Brief," dated July 2, 2024; GHC's Letter, "Rebuttal Brief of Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd.," dated July 2, 2024; and Jilin Bright's Letter, "Rebuttal Case Brief of Jilin Bright," dated July 2, 2024.

³ See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated July 22, 2024.

21, 2024, Commerce extended the deadline for the final results until November 5, 2024.⁴ For a complete description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.⁵

Scope of the Order⁶

The product subject to the *Order* is activated carbon 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 in briefs filed by parties in this administrative review are addressed in the Issues and Decision Memorandum and are listed in Appendix I to this notice. The Issues and Decision Memorandum is a public document and 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>.

Separate Rate

Commerce determines that GHC and Jilin Bright, the two companies individually examined in this review, and 12 companies not individually examined are eligible to receive separate rates in this review.⁷

China-Wide Entity

Under Commerce’s policy regarding the conditional review of the China-wide entity,⁸ 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, and Commerce did not self-initiate a review

of the entity, the entity is not under review, and the entity’s rate (*i.e.*, 2.42 U.S. dollars per kilogram (USD/kg)) is not subject to change.⁹ Commerce continues to consider certain companies for which a review was requested and which did not demonstrate separate rate eligibility, listed in Appendix II to this notice, to be part of the China-wide entity.¹⁰

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties on the *Preliminary Results*, and for the reasons explained in the Issues and Decision Memorandum, we made certain changes to the margin calculations for both GHC and Jilin Bright.¹¹

Final Results of Review

For the companies subject to this review that established their eligibility for a separate rate, Commerce determines that the following estimated weighted-average dumping margins exist for the period April 1, 2022, through March 31, 2023:

Exporter	Weighted-average dumping margin (USD/kg) ¹²
Jilin Bright Future Chemicals Co., Ltd	1.95
Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd	1.21
Review-Specific Rate Applicable for Non-Selected Companies Under Review ¹³	1.44

Disclosure

Commerce intends to disclose the calculations performed in connection with these final results of review to interested parties within five days after public announcement or, if there is no public announcement, within five days of the date of publication of the notice

of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

For the GHC and Jilin Bright, Commerce will calculate importer-specific assessment rates for antidumping duties, in accordance with 19 CFR 351.212(b)(1).

For entries that were not reported in the U.S. sales database submitted by the exporter individually examined during this review, Commerce will instruct CBP to liquidate such entries at the China-wide rate.¹⁴

For the respondents that were not selected for individual examination in this administrative review but qualified for a separate rate, the per unit assessment rate will be the rate established for these companies in these final results of review.

For the six companies identified in appendix II to this notice as part of the China-wide entity, we will instruct CBP to apply the China-wide per-unit assessment rate to all entries of subject merchandise made during the POR which were exported by those companies.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

Upon publication of this notice in the **Federal Register**, the following cash deposit requirements will be effective for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) for the subject merchandise exported by the companies listed above or in appendix II that have a separate rate, the cash deposit rate will be equal to the weighted-average

⁴ See Memorandum, “Extension of Deadline for Final Results of 2022–2023 Antidumping Duty Administrative Review,” dated August 21, 2024.
⁵ See Memorandum, “Issues and Decision Memorandum for the Final Results of the 2022–2023 Administrative Review of the Antidumping Duty Order on Certain Activated Carbon from the People’s Republic of China,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).
⁶ See *Notice of Antidumping Duty Order: Certain Activated Carbon from the People’s Republic of China*, 72 FR 20988 (April 27, 2007) (*Order*).
⁷ See *Preliminary Results* at “Separate Rates” section.
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 *Order*.
¹⁰ See appendix II for the list of companies that are subject to this administrative review that are considered to be part of the China-wide entity; see also *Preliminary Results* PDM at 13.
¹¹ See Issues and Decision Memorandum at Comments 1, 4, and 7.
¹² In the second administrative review of the *Order*, Commerce determined that it would calculate per-unit weighted-average dumping margins and assessment amounts for all future reviews. See *Certain Activated Carbon from the People’s Republic of China: Final Results and Partial Rescission of Second Antidumping Duty Administrative Review*, 75 FR 70208, 70211 (November 17, 2010).
¹³ See appendix II.

¹⁴ For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

dumping margin established in the final results of this administrative review; (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above or in appendix II 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 published for the most recently completed segment of this proceeding; (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 the rate for the China-wide entity (*i.e.*, 2.42 USD/kg); and (4) for all non-Chinese exporters of subject merchandise that 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

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

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 subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5) and 351.213(h)(2).

Dated: November 5, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

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: Calculation Errors
 - Comment 2: Surrogate Country (SC) Selection and Factors of Production (FOP)
 - Comment 3: Surrogate Values (SVs)
 - Comment 4: Financial Ratio
 - Comment 5: Value-Added Tax (VAT)
 - Comment 6: Russian SV Data
 - Comment 7: Carbonized Screenings and By-Product FOP
 - Comment 8: GHC's Separate Rate
 - Comment 9: GHC's FOP Database
- VI. Recommendation

Appendix II

Review-Specific Rate Applicable for Non-Selected Companies Under Review

1. Bengbu Modern Environmental Co., Ltd.
2. Carbon Activated Tianjin Co., Ltd.
3. Datong Hongdi Carbon Co., Ltd.
4. Datong Juqiang Activated Carbon Co., Ltd.
5. Datong Municipal Yunguang Activated Carbon Co., Ltd.
6. Jacobi Carbons AB; Jacobi Carbons Industry (Tianjin) Co., Ltd.; Tianjin Jacobi International Trading Co. Ltd.; Jacobi Adsorbent Materials
7. Ningxia Huahui Environmental Technology Co., Ltd.
8. Ningxia Mineral & Chemical Limited
9. Shanxi Industry Technology Trading Co., Ltd.
10. Shanxi Sincere Industrial Co., Ltd.
11. Tancarb Activated Carbon Co., Ltd.
12. Tianjin Channel Filters Co., Ltd.

Companies Considered To Be Part of the China-Wide Entity

1. Beijing Pacific Activated Carbon Products Co., Ltd.
2. Shanxi Dapu International Trade Co., Ltd.
3. Shanxi DMD Corp.
4. Shanxi Tianxi Purification Filter Co., Ltd.
5. Sinoacarbon International Trading Co., Ltd.
6. Tianjin Maijin Industries Co., Ltd.

[FR Doc. 2024-27580 Filed 11-22-24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-186, A-533-936]

Overhead Door Counterbalance Torsion Springs From the People's Republic of China and India: Initiation of Less-Than-Fair-Value Investigations

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

DATES: Applicable November 18, 2024.

FOR FURTHER INFORMATION CONTACT: Joshua Weiner (the People's Republic of China (China)) and Ajay Menon (India), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3902 and (202) 482-0208, respectively.

SUPPLEMENTARY INFORMATION:

The Petitions

On October 29, 2024, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of overhead door counterbalance torsion springs (overhead door springs) from China and India filed in proper form on behalf of IDC Group, Inc., Iowa Spring Manufacturing, Inc., and Service Spring Corp. (collectively, the petitioners), U.S. producers of overhead door springs.¹ The AD Petitions were accompanied by countervailing duty (CVD) petitions concerning imports of overhead door springs from China and India.²

Between November 1 and 15, 2024, Commerce requested supplemental information pertaining to certain aspects of the Petitions in supplemental questionnaires.³ The petitioners responded to Commerce's supplemental questionnaires on November 7 and 15, 2024.⁴

¹ See Petitioners' Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties," dated October 29, 2024 (Petitions).

² *Id.*

³ See Commerce's Letters, "Supplemental Questions," dated November 1, 2024 (General Issues Questionnaire); *see also* Country-Specific AD Supplemental Questionnaires: China Supplemental and India Supplemental, dated November 1 and 4, 2024; and Memorandum, "Phone Call," dated November 15, 2024 (November 15, 2024, Memorandum).

⁴ See Petitioners' Letters, "Petitioners' Supplement to Volume I of the Petition for the Imposition of Antidumping and Countervailing duties on Imports from China and India," dated November 7, 2024 (General Issues Supplement); *see also* Country-Specific AD Supplemental Responses: China AD Supplement and India AD Supplement, dated November 7, 2024; and Petitioners' Letter,

Continued

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of overhead door springs from China and India are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the overhead door springs industry in the United States. Consistent with section 732(b)(1) of the Act, the Petitions were accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petitions on behalf of the domestic industry, because the petitioners are interested parties, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry support for the initiation of the requested LTFV investigations.⁵

Periods of Investigation

Because the Petitions were filed on October 29, 2024, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) for the India LTFV investigation is October 1, 2023, through September 30, 2024. Because China is a non-market economy (NME) country, pursuant to 19 CFR 351.204(b)(1), the POI for the China LTFV investigation is April 1, 2024, through September 30, 2024.

Scope of the Investigations

The products covered by these investigations are overhead door springs from China and India. For a full description of the scope of these investigations, see the appendix to this notice.

Comments on the Scope of the Investigations

On November 1 and 15, 2024, Commerce requested information and clarification from the petitioners regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.⁶ On November 7 and 15, 2024, the petitioners provided clarifications and revised the scope.⁷

⁵ ‘Petitioners’ Amendment to the Scope of the Petition for the Imposition of Antidumping and Countervailing Duties on Imports from China and India,’ dated November 15, 2024 (Scope Supplement).

⁶ See section on ‘Determination of Industry Support for the Petitions,’ *infra*.

⁷ See General Issues Questionnaire; see also November 15, 2024, Memorandum.

⁸ See General Issues Supplement at 3–18; see also Scope Supplement at 2 and Attachment.

The description of merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce’s regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).⁸ Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,⁹ all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on December 9, 2024, which is the next business day after 20 calendar days from the signature date of this notice.¹⁰ Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on December 19, 2024, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent LTFV and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance’s Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹¹ An

⁸ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); see also 19 CFR 351.312.

⁹ See 19 CFR 351.102(b)(21) (defining ‘factual information’).

¹⁰ See 19 CFR 351.303(b)(1). The deadline for scope comments falls on December 8, 2024, which is a Sunday. In accordance with 19 CFR 351.303(b)(1), Commerce will accept comments filed by 5:00 p.m. ET on December 9, 2024 (‘For both electronically filed and manually filed documents, if the applicable due date falls on a non-business day, the Secretary will accept documents that are filed on the next business day.’).

¹¹ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and*

electronically filed document must be received successfully in its entirety by the time and date it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of overhead door springs to be reported in response to Commerce’s AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors of production (FOP) or cost of production (COP) accurately, as well as to develop appropriate product comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) general product characteristics; and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe overhead door springs, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on December 9, 2024, which is the next business day after 20 calendar days from the signature date of this notice.¹² Any

Compliance: Change of Electronic Filing System Name, 79 FR 69046 (November 20, 2014) for details of Commerce’s electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.

¹² See 19 CFR 351.303(b)(1). The deadline for comments on product characteristics falls on December 8, 2024, which is a Sunday. In accordance with 19 CFR 351.303(b)(1), Commerce will accept comments filed by 5:00 p.m. ET on December 9, 2024 (‘For both electronically filed and manually filed documents, if the applicable due date falls on a non-business day, the Secretary

rebuttal comments must be filed by 5:00 p.m. ET on December 19, 2024, which is 10 calendar days from the initial comment deadline. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of each of the LTFV investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the “industry.”

Section 771(4)(A) of the Act defines the “industry” as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether “the domestic industry” has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,¹³ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce’s determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹⁴

will accept documents that are filed on the next business day.”).

¹³ See section 771(10) of the Act.

¹⁴ See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.*

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation” (i.e., the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations.¹⁵ Based on our analysis of the information submitted on the record, we have determined that overhead door springs, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.¹⁶

In determining whether the petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the “Scope of the Investigations,” in the appendix to this notice. To establish industry support, the petitioners provided their own production of the domestic like product in 2023 and compared this to the estimated total 2023 production of the domestic like product for the entire industry.¹⁷ We relied on data provided by the petitioners for purposes of measuring industry support.¹⁸

Our review of the data provided in the Petitions, the General Issues Supplement, and other information readily available to Commerce indicates that the petitioners have established industry support for the Petitions.¹⁹ First, the Petitions established support

v. United States, 688 F. Supp. 639, 644 (CIT 1988), *aff’d Algoma Steel Corp., Ltd. v. United States*, 865 F.2d 240 (Fed. Cir. 1989)).

¹⁵ For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, see Checklists, “Antidumping Duty Investigation Initiation Checklists: Overhead Door Counterbalance Torsion Springs from the People’s Republic of China and India,” dated concurrently with, and hereby adopted by, this notice (Country-Specific AD Initiation Checklists), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Overhead Door Counterbalance Torsion Springs from the People’s Republic of China and India (Attachment II). These checklists are on file electronically via ACCESS.

¹⁶ See Attachment II of the Country-Specific AD Initiation Checklists.

¹⁷ *Id.*

¹⁸ For further discussion, see Attachment II of the Country-Specific AD Initiation Checklists.

¹⁹ *Id.*

from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (e.g., polling).²⁰ Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.²¹ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.²² Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.²³

Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioners allege that subject imports from China and India exceed the negligibility threshold provided for under section 771(24)(A) of the Act.²⁴

The petitioners contend that the industry’s injured condition is illustrated by the significant and increasing volume of subject imports; reduced market share; underselling and price depression and/or suppression; lost sales and revenues; and decline in the domestic industry’s production, shipments, and financial performance.²⁵ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, cumulation, as well as negligibility, and we have determined

²⁰ *Id.*; see also section 732(c)(4)(D) of the Act.

²¹ See Attachment II of the Country-Specific AD Initiation Checklists.

²² *Id.*

²³ *Id.*

²⁴ For further information regarding negligibility and the injury allegation, see Country-Specific AD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Overhead Door Counterbalance Torsion Springs from the People’s Republic of China and India (Attachment III).

²⁵ *Id.*

that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.²⁶

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate LTFV investigations of imports of overhead door springs from China and India. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the Country-Specific AD Initiation Checklists.

U.S. Price

For China and India, the petitioners based export price (EP) on pricing information for overhead door springs sold or offered for sale in the United States and exported from each country during the POI.²⁷ For each country, the petitioners made certain adjustments to U.S. price to calculate a net ex-factory U.S. price, where applicable.²⁸

Normal Value²⁹

For India, the petitioners based NV on home market pricing information they obtained for overhead door springs produced in and sold, or offered for sale, in India during the applicable time period.³⁰ The petitioners provided information indicating that the prices for overhead door springs sold or offered for sale in the Indian market were below the COP.³¹ Therefore, for India, the petitioners also based NV on constructed value.³² For further discussion of CV for India, see the section “Normal Value Based on Constructed Value,” below.

Commerce considers China to be an NME country.³³ In accordance with

section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat China as an NME country for purposes of the initiation of the China LTFV investigation. Accordingly, we base NV on FOPs valued in a surrogate market economy country in accordance with section 773(c) of the Act.

The petitioners claim that Malaysia is an appropriate surrogate country for China because it is a market economy that is at a level of economic development comparable to that of China and is a significant producer of comparable merchandise.³⁴ The petitioners provided publicly available information from Malaysia to value all FOPs except labor.³⁵ Consistent with Commerce’s recent practice in cases involving Malaysia as a surrogate country,³⁶ to value labor, the petitioners provided data from another surrogate country, the Republic of Türkiye (Türkiye). Based on the information provided by the petitioners, we believe it is appropriate to use Malaysia as a surrogate country for China to value all FOPs except labor and Türkiye to value labor for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determinations.

Factors of Production

Because information regarding the volume of inputs consumed by Chinese producers/exporters was not reasonably available, the petitioners used the production experience and product-specific consumption rates of a U.S. producer of overhead door springs as a surrogate to value Chinese manufacturers’ FOPs.³⁷ Additionally, the petitioners calculated factory overhead, selling, general, and administrative (SG&A) expenses, and profit based on the experience of a

Malaysian producer of comparable merchandise.³⁸

Normal Value Based on Constructed Value

As noted above for India, the petitioners provided information indicating that the prices for overhead door springs sold or offered for sale in India were below the COP.³⁹ Therefore, for India, the petitioners also calculated NV based on CV.⁴⁰

Pursuant to section 773(e) of the Act, the petitioners calculated CV as the sum of the cost of manufacturing, SG&A expenses, financial expenses, and profit.⁴¹ For India, in calculating the cost of manufacturing, the petitioners relied on the production experience and product-specific consumption rates of a U.S. producer of overhead door springs, valued using publicly available information applicable India, where applicable.⁴² For India, in calculating SG&A expenses, financial expenses, and profit ratios, the petitioners relied on the fiscal year 2023 financial statements of an Indian producer of comparable merchandise.⁴³

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of overhead door springs from China and India are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for overhead door springs for each of the countries covered by this initiation are as follows: (1) China—669.36 to 778.31 percent; and (2) India—46.75 to 126.14 percent.⁴⁴

Initiation of LTFV Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating LTFV investigations to determine whether imports of overhead door springs from China and India are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of these initiations.

²⁶ *Id.*

²⁷ See Country-Specific AD Initiation Checklists.

²⁸ See Country-Specific AD Initiation Checklists.

²⁹ In accordance with section 773(b)(2) of the Act, for the India investigation, Commerce will request information necessary to calculate the constructed value (CV) and COP to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product.

³⁰ See India AD Initiation Checklist.

³¹ *Id.*

³² *Id.*

³³ See, e.g., *Certain Freight Rail Couplers and Parts Thereof from the People’s Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances*, 88 FR 15372 (March 13, 2023), and accompanying Preliminary Decision Memorandum at 5, unchanged in *Certain Freight Rail Couplers and Parts Thereof from the People’s Republic of China: Final Affirmative Determination of Sales at Less-Than-Fair Value and Final Affirmative Determination of Critical Circumstances*, 88 FR 34485 (May 30, 2023).

³⁴ See China AD Initiation Checklist.

³⁵ *Id.*

³⁶ See, e.g., *Certain Collated Steel Staples from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review; and Final Determination of No Shipments; 2021–2022*, 88 FR 85242 (December 7, 2023), and accompanying Issues and Decision Memorandum (IDM) at Comment 2; and *Light-Walled Rectangular Pipe and Tube from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review*, 88 FR 15671 (March 14, 2023), and accompanying IDM at Comment 2.

³⁷ See China AD Initiation Checklist.

³⁸ *Id.*

³⁹ See India AD Initiation Checklist.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ See Country-Specific AD Initiation Checklists.

Respondent Selection

India

In the Petitions, the petitioners identified eight companies in India as producers/exporters of overhead door springs.⁴⁵ In the event that Commerce determines that the number of companies is large, and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based on quantity and value (Q&V) questionnaires issued to potential respondents. Following standard practice in LTFV investigations involving market economy countries, Commerce would normally select respondents based on U.S. Customs and Border Protection (CBP) entry data for imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheading(s) listed in the "Scope of the Investigations" in the Appendix. However, for these investigations, the main HTSUS subheadings under which the subject merchandise would enter (7320.20.5020, 7320.20.5045, and 7320.20.5060) are not limited to subject merchandise and therefore may also cover non-subject merchandise. Therefore, we cannot rely on CBP entry data in selecting respondents. Accordingly, for India, Commerce will send Q&V questionnaires to each producer and/or exporter for which there is complete address information on the record.

Commerce will post the Q&V questionnaire along with filing instructions on Commerce's website at <https://www.trade.gov/ec-adcvd-case-announcements>. Producers/exporters of overhead door springs from India that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the Q&V questionnaire must be submitted by the relevant Indian producers/exporters no later than 5:00 p.m. ET on December 2, 2024, which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under administrative protective order (APO) in

accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at <https://www.trade.gov/administrative-protective-orders>.

China

In the Petitions, the petitioners identified 80 companies in China as producers and/or exporters of overhead door springs.⁴⁶ Our standard practice for respondent selection in AD investigations involving NME countries is to select respondents based on Q&V questionnaires in cases where Commerce has determined that the number of companies is large, and it cannot individually examine each company based upon its resources. Therefore, considering the number of producers and/or exporters identified in the Petitions, Commerce will solicit Q&V information that can serve as a basis for selecting exporters for individual examination in the event that Commerce determines that the number is large and decides to limit the number of respondents individually examined pursuant to section 777A(c)(2) of the Act. Because there are 80 Chinese producers and/or exporters identified in the Petitions, Commerce has determined that it will issue Q&V questionnaires to the largest producers and/or exporters in China that are identified in the U.S. Customs and Border Protection POI entry data for which there is complete address information on the record.⁴⁷

Commerce will post the Q&V questionnaires along with filing instructions on Commerce's website at <https://www.trade.gov/ec-adcvd-case-announcements>. Producers/exporters of overhead door springs from China that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the Q&V questionnaire must be submitted by the relevant Chinese producers/exporters no later than 5:00 p.m. ET on December 2, 2024, which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b).

⁴⁶ Petitions at Volume I (page 15 and Exhibit GEN-4); see General Issues Supplement at 2-3 and Exhibit SUPP-GEN-1.

⁴⁷ See Memorandum, "Release of U.S. Customs and Border Protection Entry Data," dated November 15, 2024.

As stated above, instructions for filing such applications may be found on Commerce's website at <https://www.trade.gov/administrative-protective-orders>.

Separate Rates

In order to obtain separate rate status in an NME investigation, exporters and producers must submit a separate rate application. The specific requirements for submitting a separate rate application in an NME investigation are outlined in detail in the application itself, which is available on Commerce's website at <https://access.trade.gov/Resources/nme/nme-sep-rate.html>. The separate rate application will be due 30 days after publication of this initiation notice. Exporters and producers must file a timely separate rate application if they want to be considered for individual examination. Exporters and producers who submit a separate rate application and have been selected as mandatory respondents will be eligible for consideration for separate rate status only if they respond to all parts of Commerce's AD questionnaire as mandatory respondents. Commerce requires that companies from China submit a response both to the Q&V questionnaire and to the separate rate application by the respective deadlines to receive consideration for separate rate status. Companies not filing a timely Q&V questionnaire response will not receive separate rate consideration.

Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that {Commerce} will now assign in its NME investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the {weighted average} of the individually calculated rates. This practice is referred to as the application of "combination rates" because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and

⁴⁵ See Petitions at Volume I (page 15 and Exhibit GEN-4); see General Issues Supplement at 2-3 and Exhibit SUPP-GEN-1.

produced by a firm that supplied the exporter during the period of investigation.⁴⁸

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the governments of China and India via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of overhead door springs from China and/or India are materially injuring, or threatening material injury to, a U.S. industry.⁴⁹ A negative ITC determination for any country will result in the investigation being terminated with respect to that country.⁵⁰ Otherwise, these LTFV investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted⁵¹ and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or

correct.⁵² Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Particular Market Situation Allegation

Section 773(e) of the Act addresses the concept of particular market situation (PMS) for purposes of CV, stating that “if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.” When an interested party submits a PMS allegation pursuant to section 773(e) of the Act (*i.e.*, a cost-based PMS allegation), the submission must be filed in accordance with the requirements of 19 CFR 351.416(b), and Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a cost-based PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act, nor 19 CFR 351.301(c)(2)(v), sets a deadline for the submission of cost-based PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a cost-based PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent's initial section D questionnaire response.

We note that a PMS allegation filed pursuant to sections 773(a)(1)(B)(ii)(III) or 773(a)(1)(C)(iii) of the Act (*i.e.*, a sales-based PMS allegation) must be filed within 10 days of submission of a respondent's initial section B questionnaire response, in accordance with 19 CFR 351.301(c)(2)(i) and 19 CFR 351.404(c)(2).

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension

request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.⁵³ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in these investigations.⁵⁴

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.⁵⁵ Parties must use the certification formats provided in 19 CFR 351.303(g).⁵⁶ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.*, by filing the required letter of appearance). Note that Commerce has amended certain of its

⁵³ See 19 CFR 351.301; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

⁵⁴ See 19 CFR 351.302; see also, *e.g.*, *Time Limits Final Rule*.

⁵⁵ See section 782(b) of the Act.

⁵⁶ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*). Additional information regarding the *Final Rule* is available at <https://access.trade.gov/Resources/filing/index.html>.

⁴⁸ See Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, “Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation Involving NME Countries,” (April 5, 2005) at 6 (emphasis added), available on Commerce's website at <https://access.trade.gov/Resources/policy/bull05-1.pdf>.

⁴⁹ See section 733(a) of the Act.

⁵⁰ *Id.*

⁵¹ See 19 CFR 351.301(b).

⁵² See 19 CFR 351.301(b)(2).

requirements pertaining to the service of documents in 19 CFR 351.303(f).⁵⁷

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: November 18, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The merchandise covered by these investigations is helically-wound, overhead door counterbalance torsion steel springs (overhead door counterbalance torsion springs) and any cones, plugs or other similar fittings for mounting and creating torque in the spring (herein collectively referred to as cones) attached to or entered with and invoiced with the subject overhead door counterbalance torsion springs. Overhead door counterbalance torsion springs are helical steel springs with tightly wound coils that store and release mechanical energy by winding and unwinding along the spring's axis by an angle, using torque to create a lifting force in the counterbalance assembly typically used to raise and lower overhead doors, including garage doors, industrial rolling doors, warehouse doors, trailer doors, and other overhead doors, gates, grates, or similar devices. The merchandise covered by these investigations covers all overhead door counterbalance torsion springs with a coil inside diameter of 15.8 millimeters (mm) or more but not exceeding 304.8 mm (measured across the diameter from inner edge to inner edge); a wire diameter of 2.5 mm to 20.4 mm; a length of 127 mm or more; and regardless of the following characteristics:

- wire type (including, but not limited to, oil-tempered wire, hard-drawn wire, music wire, galvanized or other coated wire);
- wire cross-sectional shape (e.g., round, square, or other shapes);
- coating (e.g., uncoated, oil- or water-based coatings, lubricant coatings, zinc, aluminum, zinc-aluminum, paint or plastic coating, etc.);
- winding orientation (left-hand or right-hand wind direction);
- end type (including, but not limited to, looped, double looped, clipped, long length, mini warehouse, Barcol, Crawford, Kinnear, Wagner, rolling steel or barrel ends); and
- whether the overhead door counterbalance torsion springs are fitted with hardware, including but not limited to fasteners, clips, and cones (winding or stationary cones).

For purposes of the diameters referenced above, where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above.

The steel torsion springs included in the scope of these investigations are produced

from steel in which: (1) iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less, by weight.

Subject merchandise includes cones attached to or entered with and invoiced with the subject overhead door counterbalance torsion springs. Such cones, which are typically cast aluminum, aluminum alloy or steel (but may be made from other materials) are made to mount the subject springs to the overhead door counterbalance system and create and maintain torque in the spring. Cones or other similar fittings that are not attached to the subject springs or are not entered with and invoiced with the subject springs are not included within the scope unless entered as parts of kits as described below.

Subject merchandise also includes all subject overhead door counterbalance torsion springs and cones or other similar fittings for mounting and tensioning the spring entered as a part of overhead door kits, overhead door mounting or assembly kits, or as a part of a spring-operated motor assembly or as a part of a spring winder assembly kit for torsion springs. When counterbalance torsion springs and cones or other similar fittings for attaching and tensioning the torsion spring are entered as a part of such kits, only the counterbalance spring and cones or other similar fittings in the kit are within scope.

Subject merchandise also includes overhead door counterbalance torsion springs that have been further processed in a third country, including but not limited to cutting to length, attachment of hardware, cones or end-fittings, inclusion in garage door kits or garage door mounting or assembly kits, or any other processing that would not remove the merchandise from the scope of these investigations if performed in the country of manufacture of the in-scope overhead door counterbalance torsion springs.

All products that meet the written physical description are within the scope of these investigations unless specifically excluded. The following products are specifically excluded from the scope of these investigations:

- leaf springs (slender arc-shaped length of spring steel of a rectangular cross-section);
- disc springs (conical springs consisting of a convex disc with the outer edge working against the center of the disc);
- extension springs (close-wound round helical wire springs that store and release energy by resisting the external pulling forces applied to the spring's ends in the direction of its length);
- compression springs (helical coiled springs with open wound active coils (such open winding is also known as pitch) that are designed to compress under load or force); and
- spiral springs (torsion springs wound as concentric spirals such as a clock spring or mainspring).

The products subject to these investigations are currently classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7320.20.5020, 7320.20.5045, and 7320.20.5060. They may also be classified under HTSUS subheading 8412.90.9085 if entered as parts of spring-

operated motors. They may also be classified in HTSUS subheading 8412.80.1000 (spring-operated motors) if entered as part of a spring counterweight assembly for an overhead door. They may also be classified in HTSUS subheading 7308.90.9590, a basket category that includes metal garage doors entered with mounting accessories or assemblies. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these investigations is dispositive.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–187, C–533–937]

Overhead Door Counterbalance Torsion Springs From the People's Republic of China and India: Initiation of Countervailing Duty Investigations

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

DATES: Applicable November 18, 2024.

FOR FURTHER INFORMATION CONTACT: William Horn (the People's Republic of China (China)) and Krisha Hill (India), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4868 and (202) 482–4037, respectively.

SUPPLEMENTARY INFORMATION:

The Petitions

On October 29, 2024, the U.S. Department of Commerce (Commerce) received countervailing duty (CVD) petitions concerning imports of overhead door counterbalance torsion springs (overhead door springs) from China and India filed in proper form on behalf of IDC Group, Inc., Iowa Spring Manufacturing, Inc., and Service Spring Corp. (collectively, the petitioners), U.S. producers of overhead door springs.¹ The CVD Petitions were accompanied by antidumping duty (AD) petitions concerning imports of overhead door springs from China and India.²

Between October 30 and November 15, 2024, Commerce requested supplemental information pertaining to certain aspects of the Petitions.³

¹ See Petitioners' Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties," dated October 29, 2024 (Petitions).

² *Id.*

³ See Commerce's Letters, "Supplemental Questions," dated November 1, 2024 (General

Continued

⁵⁷ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069 (September 29, 2023).

Between November 4 and 15, 2024, the petitioners filed timely responses to these requests for additional information.⁴

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that the Government of China (GOC) and the Government of India (GOI) (collectively, Governments) are providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of overhead door springs from China and India and that such imports are materially injuring, or threatening material injury to, the domestic industry producing overhead door springs in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating CVD investigations, the Petitions were accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petitions on behalf of the domestic industry because the petitioners are interested parties, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry support with respect to the initiation of the requested CVD investigations.⁵

Periods of Investigation

Because the Petitions were filed on October 29, 2024, the periods of investigation for the China and India CVD investigations are January 1, 2023, through December 31, 2023.⁶

Scope of the Investigations

The products covered by these investigations are overhead door springs from China and India. For a full description of the scope of these investigations, *see* the appendix to this notice.

Issues Questionnaire), *see also* Country-Specific CVD Supplemental Questionnaires: China Supplemental and India Supplemental, dated October 30, 2024, and November 4, 2024; and Memorandum, “Phone Call,” dated November 15, 2024 (November 15, 2024, Memorandum).

⁴ *See* Petitioners’ Letters, “Petitioners’ Supplement to Volume I of the Petition for the Imposition of Antidumping and Countervailing duties on Imports from China and India,” dated November 7, 2024 (General Issues Supplement); *see also* Country-Specific CVD Supplemental Responses: China CVD Supplement and India CVD Supplement, dated November 4, 2024, and November 7, 2024; and Petitioners’ Letter, “Petitioners’ Amendment to the Scope of the Petition for the Imposition of Antidumping and Countervailing Duties on Imports from China and India,” dated November 15, 2024 (Scope Supplement).

⁵ *See* section on “Determination of Industry Support for the Petitions,” *infra*.

⁶ *See* 19 CFR 351.204(b)(2).

Comments on the Scope of the Investigations

On November 1 and 15, 2024, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.⁷ On November 7 and 15, 2024, the petitioners provided clarifications and revised the scope.⁸ The description of merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce’s regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).⁹ Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information, all such factual information should be limited to public information.¹⁰ To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on December 9, 2024, which is the next business day after 20 calendar days from the signature date of this notice.¹¹ Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on December 19, 2024, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of the investigations be submitted during that time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party must contact Commerce and request permission to submit the additional information. All

⁷ *See* General Issues Questionnaire; *see also* November 15, 2024, Memorandum.

⁸ *See* General Issues Supplement at 3–18; *see also* Scope Supplement at 2 and Attachment.

⁹ *See Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

¹⁰ *See* 19 CFR 351.102(b)(21) (defining “factual information”).

¹¹ *See* 19 CFR 351.303(b)(1). The deadline for scope comments falls on December 8, 2024, which is a Sunday. In accordance with 19 CFR 351.303(b)(1), Commerce will accept comments filed by 5:00 p.m. ET on December 9, 2024 (“For both electronically filed and manually filed documents, if the applicable due date falls on a non-business day, the Secretary will accept documents that are filed on the next business day.”).

scope comments must be filed simultaneously on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance’s Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹² An electronically filed document must be received successfully in its entirety by the time and date it is due.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the Governments of the receipt of the Petitions and provided an opportunity for consultations with respect to the Petitions.¹³ The GOC and the GOI did not request consultations.

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the “industry.”

Section 771(4)(A) of the Act defines the “industry” as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the

¹² *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014), for details of Commerce’s electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.

¹³ *See* Commerce’s Letters, “Invitation for Consultation to Discuss the Countervailing Duty Petition,” dated October 31, 2024.

requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether “the domestic industry” has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,¹⁴ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce’s determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹⁵

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation” (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations.¹⁶ Based on our analysis of the information submitted on the record, we have determined that overhead door springs, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.¹⁷

In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered

the industry support data contained in the Petitions with reference to the domestic like product as defined in the “Scope of the Investigations,” in the appendix to this notice. To establish industry support, the petitioners provided their own production of the domestic like product in 2023 and compared this to the estimated total 2023 production of the domestic like product for the entire industry.¹⁸ We relied on data provided by the petitioners for purposes of measuring industry support.¹⁹

Our review of the data provided in the Petitions, the General Issues Supplement, and other information readily available to Commerce indicates that the petitioners have established industry support for the Petitions.²⁰ First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.*, polling).²¹ Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.²² Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.²³ Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.²⁴

Injury Test

Because China and India are “Subsidies Agreement Countries” within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject

merchandise from China and/or India materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefiting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioners allege that subject imports from China and India exceed the negligibility threshold provided for under section 771(24)(A) of the Act.²⁵

The petitioners contend that the industry’s injured condition is illustrated by the significant and increasing volume of subject imports; reduced market share; underselling and price depression and/or suppression; lost sales and revenues; and decline in the domestic industry’s production, shipments, and financial performance.²⁶ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, cumulation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.²⁷

Initiation of CVD Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating CVD investigations to determine whether imports of overhead door springs from China and India benefit from countervailable subsidies conferred by the GOC and GOI, respectively. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the date of these initiations.

China

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on 16 of the 16 programs alleged by the petitioners. For a full

¹⁴ See section 771(10) of the Act.

¹⁵ See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff’d Algoma Steel Corp., Ltd. v. United States*, 865 F.2d 240 (Fed. Cir. 1989)).

¹⁶ For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, see Checklists, “Countervailing Duty Investigation Initiation Checklists: Overhead Door Counterbalance Torsion Springs from the People’s Republic of China and India,” dated concurrently with, and hereby adopted by, this notice (Country-Specific CVD Initiation Checklists), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Overhead Door Counterbalance Torsion Springs from the People’s Republic of China and India (Attachment II). These checklists are on file electronically via ACCESS.

¹⁷ See Attachment II of the Country-Specific CVD Initiation Checklists.

¹⁸ *Id.*

¹⁹ For further discussion, see Attachment II of the Country-Specific CVD Initiation Checklists.

²⁰ For further discussion, see Attachment II of the Country-Specific CVD Initiation Checklists.

²¹ *Id.*; see also section 702(c)(4)(D) of the Act.

²² See Attachment II of the Country-Specific CVD Initiation Checklists.

²³ *Id.*

²⁴ *Id.*

²⁵ For further information regarding negligibility and the injury allegation, see Country-Specific CVD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Overhead Door Counterbalance Torsion Springs from the People’s Republic of China and India (Attachment III).

²⁶ See Attachment III of the Country-Specific CVD Initiation Checklists.

²⁷ *Id.*

discussion of the basis for our decision to initiate on each program, *see* the China CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

India

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on 24 of the 31 programs alleged by the petitioners. For a full discussion of the basis for our decision to initiate on each program, *see* the India CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

China and India

In the Petitions, the petitioners identified 80 companies in China and eight companies in India as producers/exporters of overhead door springs.²⁸ Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in these investigations. In the event that Commerce determines that the number of companies is large and it cannot individually examine each company based on Commerce's resources, Commerce normally selects mandatory respondents in CVD investigations using U.S. Customs and Border Protection (CBP) entry data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheading(s) listed in the "Scope of the Investigations" in the appendix. However, for these investigations, the main HTSUS subheadings under which the subject merchandise would enter (7320.20.5020, 7320.20.5045, and 7320.20.5060) are not limited to subject merchandise and therefore may also cover non-subject merchandise. Therefore, we cannot rely on CBP entry data in selecting respondents. Notwithstanding the decision to rely on quantity and value (Q&V) questionnaires for respondent selection, due to the number of Chinese producers and/or exporters identified in the Petitions, Commerce has determined to limit the number of Q&V questionnaires that it will issue to Chinese producers and/or exporters based on CBP data for overhead door springs from China during the POI under the appropriate HTSUS subheadings listed in the "Scope of the Investigations," in the

appendix.²⁹ Accordingly, for China, Commerce will issue Q&V questionnaires to the largest producers and/or exporters that are identified in the CBP entry data for which there is complete address information on the record. For India, because there are eight companies identified, Commerce will issue Q&V questionnaires to each producer and/or exporter in India for which there is complete address information on the record.

Commerce will also post the Q&V questionnaire along with filing instructions on Commerce's website at <https://www.trade.gov/ec-adcvd-case-announcements>. Producers/exporters of overhead door springs from China and India that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the Q&V questionnaire must be submitted by the relevant Chinese and Indian producers/exporters no later than 5:00 p.m. ET on December 2, 2024, which is two weeks from the signature date of this notice.³⁰ All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under administrative protective order (APO) in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at <https://www.trade.gov/administrative-protective-orders>.

Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petitions has been provided to the GOC and GOI via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there

is a reasonable indication that imports of overhead door springs from China and/or India are materially injuring, or threatening material injury to, a U.S. industry.³¹ A negative ITC determination for any country will result in the investigation being terminated with respect to that country.³² Otherwise, these CVD investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors of production under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted³³ and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.³⁴ Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.³⁵ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce

²⁸ See Petitions at Volume I (page 30 and Exhibit I–46); *see also* General Issues Supplement at 1 and Exhibit I–46 (Revised).

²⁹ See Memorandum, "Release of U.S. Customs and Border Protection Entry Data," dated November 15, 2024.

³⁰ See 19 CFR 351.303(b)(1).

³¹ See section 703(a)(1) of the Act.

³² *Id.*

³³ See 19 CFR 351.301(b).

³⁴ See 19 CFR 351.301(b)(2).

³⁵ See 19 CFR 351.302.

may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in these investigations.³⁶

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.³⁷ Parties must use the certification formats provided in 19 CFR 351.303(g).³⁸ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letters of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).³⁹

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: November 18, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The merchandise covered by these investigations is helically-wound, overhead door counterbalance torsion steel springs (overhead door counterbalance torsion springs) and any cones, plugs or other similar fittings for mounting and creating torque in the spring (herein collectively referred to as cones) attached to or entered with and invoiced with the subject overhead door counterbalance torsion springs. Overhead door counterbalance torsion springs are helical steel springs with tightly wound coils that store and release mechanical energy by winding and unwinding along the spring's axis by an angle, using torque to create a lifting force in the counterbalance assembly typically used to raise and lower overhead doors, including garage doors, industrial rolling doors, warehouse doors, trailer doors, and other overhead doors, gates, grates, or similar devices. The merchandise covered by these investigations covers all overhead door counterbalance torsion springs with a coil inside diameter of 15.8 millimeters (mm) or more but not exceeding 304.8 mm (measured across the diameter from inner edge to inner edge); a wire diameter of 2.5 mm to 20.4 mm; a length of 127 mm or more; and regardless of the following characteristics:

- wire type (including, but not limited to, oil-tempered wire, hard-drawn wire, music wire, galvanized or other coated wire);
- wire cross-sectional shape (e.g., round, square, or other shapes);
- coating (e.g., uncoated, oil- or water-based coatings, lubricant coatings, zinc, aluminum, zinc-aluminum, paint or plastic coating, etc.);
- winding orientation (left-hand or right-hand wind direction);
- end type (including, but not limited to, looped, double looped, clipped, long length, mini warehouse, Barcol, Crawford, Kinnear, Wagner, rolling steel or barrel ends); and
- whether the overhead door counterbalance torsion springs are fitted with hardware, including but not limited to fasteners, clips, and cones (winding or stationary cones).

For purposes of the diameters referenced above, where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above.

The steel torsion springs included in the scope of these investigations are produced from steel in which: (1) iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less, by weight.

Subject merchandise includes cones attached to or entered with and invoiced with the subject overhead door counterbalance torsion springs. Such cones, which are typically cast aluminum, aluminum alloy or steel (but may be made

from other materials) are made to mount the subject springs to the overhead door counterbalance system and create and maintain torque in the spring. Cones or other similar fittings that are not attached to the subject springs or are not entered with and invoiced with the subject springs are not included within the scope unless entered as parts of kits as described below.

Subject merchandise also includes all subject overhead door counterbalance torsion springs and cones or other similar fittings for mounting and tensioning the spring entered as a part of overhead door kits, overhead door mounting or assembly kits, or as a part of a spring-operated motor assembly or as a part of a spring winder assembly kit for torsion springs. When counterbalance torsion springs and cones or other similar fittings for attaching and tensioning the torsion spring are entered as a part of such kits, only the counterbalance spring and cones or other similar fittings in the kit are within scope.

Subject merchandise also includes overhead door counterbalance torsion springs that have been further processed in a third country, including but not limited to cutting to length, attachment of hardware, cones or end-fittings, inclusion in garage door kits or garage door mounting or assembly kits, or any other processing that would not remove the merchandise from the scope of these investigations if performed in the country of manufacture of the in-scope overhead door counterbalance torsion springs.

All products that meet the written physical description are within the scope of these investigations unless specifically excluded. The following products are specifically excluded from the scope of these investigations:

- leaf springs (slender arc-shaped length of spring steel of a rectangular cross-section);
- disc springs (conical springs consisting of a convex disc with the outer edge working against the center of the disc);
- extension springs (close-wound round helical wire springs that store and release energy by resisting the external pulling forces applied to the spring's ends in the direction of its length);
- compression springs (helical coiled springs with open wound active coils (such open winding is also known as pitch) that are designed to compress under load or force); and
- spiral springs (torsion springs wound as concentric spirals such as a clock spring or mainspring).

The products subject to these investigations are currently classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7320.20.5020, 7320.20.5045 and 7320.20.5060. They may also be classified under HTSUS subheading 8412.90.9085 if entered as parts of spring-operated motors. They may also be classified in HTSUS subheading 8412.80.1000 (spring-operated motors) if entered as part of a spring counterweight assembly for an overhead door. They may also be classified in HTSUS subheading 7308.90.9590, a basket category that includes metal garage doors entered with mounting accessories or assemblies. Although the HTSUS subheadings are provided for convenience and customs

³⁶ See 19 CFR 351.301; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

³⁷ See section 782(b) of the Act.

³⁸ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/tlei/notices/factual_final_rule_FAQ_07172013.pdf.

³⁹ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069 (September 29, 2023).

purposes, the written description of the scope of these investigations is dispositive.

[FR Doc. 2024–27494 Filed 11–22–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Artificial Intelligence Advisory Committee

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) announces that the National Artificial Intelligence Advisory Committee (NAIAC or Committee) will meet virtually via web conference on December 12, 2024, from 2:00 p.m.–3:00 p.m. Eastern time. The primary purpose of this meeting is for the Committee to report working group findings, identify actionable recommendations, and receive public briefings. The final agenda will be posted on the NIST website at <https://www.nist.gov/itl/national-artificial-intelligence-advisory-committee-naiac>.

DATES: The NAIAC will meet on Thursday, December 12, 2024, from 2:00 p.m.–3:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held virtually via web conference. Please note participation instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT:

Cheryl L. Gendron, Designated Federal Officer, Information Technology Laboratory, National Institute of Standards and Technology, Telephone: (301) 975–2785, Email address: cheryl.gendron@nist.gov. Please direct any inquiries to the committee at naiac@nist.gov.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. 1001 *et seq.*, notice is hereby given that the NAIAC will meet virtually as set forth in the **DATES** section of this notice. The meeting will be open to the public.

The NAIAC is authorized by Section 5104 of the National Artificial Intelligence Initiative Act of 2020 (Pub. L. 116–283), in accordance with the provisions of the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C. 1001 *et seq.* The Committee advises the President and the National Artificial Intelligence Initiative Office on matters related to the National

Artificial Intelligence Initiative. Additional information on the NAIAC is available at ai.gov/naiac/.

The primary purpose of this meeting is for the Committee to report working group findings, identify actionable recommendations, and receive public briefings. The meeting will include continued discussion and deliberation on the NAIAC's planned Transition Report. Briefings from outside subject matter experts to the full Committee include speakers from areas such as industry, nonprofit organizations, the scientific community, the defense and law enforcement communities, and other appropriate organizations. Additional information, including the speaker names, will be available on the agenda, which will be posted online. Members of the public interested in reviewing the agenda in advance and viewing the meeting are encouraged to visit <https://www.nist.gov/itl/national-artificial-intelligence-advisory-committee-naiac> for meeting details and to register to watch virtually. The agenda items may change to accommodate NAIAC business. The final agenda will be posted on the NAIAC Upcoming Meeting Page on the NIST website at <https://www.nist.gov/itl/national-artificial-intelligence-advisory-committee-naiac>.

Comments: Individuals and representatives of organizations who would like to offer comments and suggestions related to items on the Committee's agenda for this meeting are invited to submit comments in advance of the event. Please note that all comments submitted via email will be treated as public documents and will be made available for public inspection. For consideration prior to the meeting, all comments must be submitted via email with the subject line "December 12, 2024, NAIAC Public Meeting" to naiac@nist.gov by 5:00 p.m. Eastern Time, December 10, 2024. NIST will not accept comments accompanied by a request that part or all of the comment be treated confidentially because of its business proprietary nature or for any other reason. Therefore, do not submit confidential business information or otherwise sensitive, protected, or personal information, such as account numbers, Social Security numbers, or names of other individuals. Members of the public may also submit written comments to the NAIAC at any time.

Virtual Meeting Registration Instructions: The meeting will be broadcast via web conference. Requests for special accommodations may be made by emailing cheryl.gendron@nist.gov. Registration is required to view the web conference. Instructions on how

to register will be made available at <https://www.nist.gov/itl/national-artificial-intelligence-advisory-committee-naiac>. Registration will remain open until the conclusion of the meeting.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2024–27461 Filed 11–22–24; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE463]

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

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

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

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

DATES: This LOA is effective through March 15, 2025.

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

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

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of

marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

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

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: any act of pursuit, torment, or annoyance which: (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

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

Our regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on

marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

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

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

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

Murphy subsequently requested, and NMFS issued, a modification to the LOA expiration date, extending it to January 31, 2025 (89 FR 83464, October 16, 2024). On November 1, 2024 Murphy informed NMFS that the survey had further delays, and requested a second modification to the expiration date of the LOA (from December 31, 2025 to March 15, 2025) to accommodate the delays. There are no other changes to Murphy’s planned activity.

Authorization

NMFS has changed the expiration date of the LOA from January 31, 2025

to March 15, 2025. There are no other changes to the LOA as described in the October 16, 2024, **Federal Register** notice of issuance (89 FR 83464): the specified survey activity, estimated take by incidental harassment, and small numbers analysis and determination remain unchanged and are referenced in this notice.

Dated: November 19, 2024.

Kimberly Damon-Randall,

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

[FR Doc. 2024–27528 Filed 11–22–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE482]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the Duckabush Estuary Restoration Project in Washington

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

ACTION: Notice; receipt of application for letter of authorization; request for comments and information.

SUMMARY: NMFS has received a request from the U.S. Army Corps of Engineers (USACE) for authorization to take marine mammals incidental to the Duckabush Estuary Restoration Project (DERP) in Hood Canal, Washington, for a period of 5 years (2025–2029). Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of USACE’s request for the development and implementation of regulations governing the incidental taking of marine mammals. NMFS invites the public to provide information, suggestions, and comments on USACE’s application and request.

DATES: Comments and information must be received no later than December 26, 2024.

ADDRESSES: Comments on the application should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to ITP.Pauline@noaa.gov.

Instructions: NMFS is not responsible for comments sent by any other method,

to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

An electronic copy of USACE's application may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Robert Pauline, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (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 incidental take authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an immitigable 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 April 17, 2024, NMFS received an application from the USACE requesting authorization for take of marine mammals incidental to in-water construction activities associated with the DERP in Hood Canal. We provided comments on the application and the USACE submitted a revised version on September 27, 2024. The application was deemed adequate and complete on November 5, 2024. The requested regulations under which we would issue the requested LOA would be valid for 5 years, November 2025 through October 2029. The USACE's DERP would reconnect floodplain and intertidal wetlands to improve tidal exchange, sediment transport, and estuary development plans to restore the Duckabush River Estuary. Construction-related activities include building temporary work platforms, bridge demolition, bridge construction, road realignment, channel excavation, causeway and training berms demolition. Construction activities are expected to disturb nearby pinnipeds, resulting in incidental take by Level B harassment only. Therefore, the USACE requests authorization to incidentally take marine mammals.

Specified Activities

The purpose of the DERP is to reconnect floodplain and intertidal wetlands to improve tidal exchange, sediment transport, and estuary development plans to restore the Duckabush River Estuary. Construction-related activities include building temporary work platforms, bridge demolition, bridge construction, road realignment, channel excavation, and causeway demolition.

The USACE anticipates construction will take up to 764 workdays across 48 months to complete. Time estimates assume that construction will operate 8 hours per day, 5 days per week for most

of the project and 12 hours per day, 7 days per week for some components of the work. The number of work days per year would range from 28 (Year 1) to 263 (Years 2 and 3). Take by Level B harassment has been requested for harbor seal (*Phoca vitulina*). The USACE's application contains mitigation and monitoring measures designed to reduce impacts to marine mammals. The application also contains proposed marine mammal monitoring and reporting plans.

Information Solicited

Interested persons may submit information, suggestions, and comments concerning USACE's request (see **ADDRESSES**). NMFS will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by USACE, if appropriate.

Dated: November 20, 2024.

Catherine Marzin,

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

[FR Doc. 2024-27572 Filed 11-22-24; 8:45 am]

BILLING CODE 3510-22-P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Extend Collection 3038-0104: Clearing Exemption for Swaps Between Certain Affiliated Entities

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission ("Commission" or "CFTC") is announcing an opportunity for public comment on the proposed renewal of a collection of certain information by the agency. Under the Paperwork Reduction Act ("PRA"), Federal agencies are required to publish 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. This notice solicits comments on reporting requirements relating to uncleared swaps between certain affiliated entities electing the exemption under Commission regulation 50.52 (Exemption for swaps between affiliates).

DATES: Comments must be submitted on or before January 24, 2025.

ADDRESSES: You may submit comments, identified by “OMB Control No. 3038–0104” by any of the following methods:

- The Agency’s website, at <https://comments.cftc.gov/>. Follow the instructions for submitting comments through the website.

- **Mail:** Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

- **Hand Delivery/Courier:** Same as Mail above.

Please submit your comments using only one method. All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <https://www.cftc.gov>.

FOR FURTHER INFORMATION CONTACT:

Daniel O’Connell, Special Counsel, Division of Clearing and Risk, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; (202) 418–5583; email: doconnell@cftc.gov.

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.*, 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 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the Commission is publishing notice of the proposed extension of the existing collection of information listed below. 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.¹

Title: Clearing Exemption for Swaps Between Certain Affiliated Entities (OMB Control No. 3038–0104). This is a request for an extension of a currently approved information collection.

Abstract: Section 2(h)(1)(A) of the Commodity Exchange Act requires certain entities to submit for clearing certain swaps if they are required to be cleared by the Commission. Commission regulation 50.52 permits certain affiliated entities to elect not to clear inter-affiliate swaps that otherwise would be required to be cleared, provided that they meet certain conditions. The rule further requires the reporting of certain information if the inter-affiliate exemption from clearing is elected. The Commission will use the information described in this collection and reported pursuant to Commission regulation 50.52 to monitor the use of the inter-affiliate exemption from the Commission’s swap clearing requirement and to assess any potential market risks associated with such exemption.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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.

You should submit only information that you wish to make available publicly. If you wish for the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission’s regulations.²

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the Information Collection

Request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The Commission is revising its estimate of the burden for this collection for counterparties to swaps between certain affiliated entities that elect the inter-affiliate exemption under Commission regulation 50.52. The respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents: 478.

Estimated Average Burden Hours per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 478 hours.

Frequency of Collection: Annually; on occasion.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: November 20, 2024.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2024–27550 Filed 11–22–24; 8:45 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before December 26, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice’s publication to OIRA, at <https://www.reginfo.gov/public/do/PRAMain>. Please find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the website’s search function. Comments can be entered electronically by clicking on the

¹ 44 U.S.C. 3512, 5 CFR 1320.5(b)(2)(i) and 1320.8(b)(3)(vi). The OMB control numbers for the CFTC regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981).

² 17 CFR 145.9.

“comment” button next to the information collection on the “OIRA Information Collections Under Review” page, or the “View ICR—Agency Submission” page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting <https://www.reginfo.gov/public/do/PRAMain>.

In addition to the submission of comments to <https://Reginfo.gov> as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the “Commission” or “CFTC”) by clicking on the “Submit Comment” box next to the descriptive entry for OMB Control No. 3038–3033, at <https://comments.cftc.gov/FederalRegister/PublicInfo.aspx>.

Or by either of the following methods:

- **Mail:** Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

- **Hand Delivery/Courier:** Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission’s regulations.¹ The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Lynn Bulan, Managing Counsel, Office of the General Counsel, Commodity Futures Trading Commission, (202) 418–5143; email: lbulan@cftc.gov, and refer to OMB Control No. 3038–3033.

SUPPLEMENTARY INFORMATION:

Title: Notification of Pending Legal Proceedings Pursuant to 17 CFR 1.60 (OMB Control Number 3038–0033). This is a request for extension of a currently approved information collection.

Abstract: Rule 1.60 of the Commission’s Part 1 regulations requires every designated contract market (“DCM”) and futures commission merchant (“FCM”) to submit to the Commodity Futures Trading Commission (“Commission”) certain specified information concerning pending legal proceedings to which the DCM or FCM is a party or to which its property is subject. Rule 37.2 of the same part makes the requirement of 1.60 applicable to swap execution facilities (“SEFs”). This renewal updates the total requested burden based on available reported data.

The Commission originally estimated that 101 entities would be affected by this rule. That number was based on the number of active registrants, including 62 FCMs, 18 DCMs, and 21 SEFs.

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.² On September 13, 2024, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 89 FR 74930 (“60-Day Notice”). The Commission did not receive any comments on the 60-Day Notice.

Burden Statement: The respondent burden for this collection is estimated to average 0.25 hours per response, once annually. This estimate includes providing the Commission with notice and copies of specified legal documents.

Estimated Number of Respondents: 101.

Estimated Average Burden Hours per Respondent: 0.25.

Estimated Total Annual Burden Hours: 25.25.

Frequency of Collection: Once annually.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: November 20, 2024.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2024–27549 Filed 11–22–24; 8:45 am]

BILLING CODE 6351–01–P

² 44 U.S.C. 3512, 5 CFR 1320.5(b)(2)(i) and 1320.8(b)(3)(vi). The OMB control numbers for the CFTC regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981).

DEPARTMENT OF DEFENSE

Department of the Air Force

Members of the Performance Review Board for the Department of the Air Force

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice.

SUMMARY: Notice is given of the names of members of the 2024 Performance Review Board for the Department of the Air Force.

DATES: Applicable December 16, 2024.

FOR FURTHER INFORMATION CONTACT:

Please direct any written comments or requests for information to Ms. Virginia Reynolds (Primary Point of Contact) and Ms. Jacquelyn Salkeld, Department of the Air Force Civilian Senior Executive Management Office, SAF/MRL, 1660 Air Force Pentagon, Washington, DC 20330–1040, Primary POC telephone (703) 695–4555; email virginia.reynolds@us.af.mil.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 4314(c) (1–5), the Department of the Air Force announces the appointment of members to the Air Force’s Senior Executive Service (SES) Performance Review Board. Appointments are made by the authorizing official. Each board member shall review and evaluate performance scores provided by the Senior Executive’s rater/immediate supervisor. Performance standards must be applied consistently across the Air Force. The board will make final recommendations to the authorizing official relative to the performance of the executive.

The members of the 2024 Performance Review Board for the Air Force are:

1. Honorable Alex Wagner (Chair), Assistant Secretary of the Air Force for Manpower and Reserve Affairs
2. General Duke Richardson (Co-Chair), Commander, Air Force Materiel Command
3. Ms. Gwendolyn DeFilippi, Principal Deputy Assistant Secretary of the Air Force for Manpower and Reserve Affairs
4. Mr. Carlos Rodgers, Principal Deputy Assistant Secretary of the Air Force for Financial Management and Comptroller
5. Major General Michael Martin, Director of Operations, United States Special Operations Command
6. Mr. Edwin Oshiba, Administrative Assistant to the Secretary of the Air Force

¹ 17 CFR 145.9.

7. Ms. Glenda Scheiner, Assistant Deputy Chief of Staff for Manpower, Personnel and Services
 8. Ms. Darlene Costello, Principal Deputy Assistant Secretary of the Air Force Acquisition, Technology & Logistics
 9. Mr. Douglas Sanders, Principal Deputy General Counsel of the Air Force
 10. Ms. Katharine Kelley, Deputy Chief of Space Operations for Human Capital, United States Space Force
 11. Ms. Shannon McGuire (Legal Advisor), Deputy General Counsel for Fiscal Ethics and Administrative Law
 12. Mr. Richard Desmond (Legal Advisor), Associate General Counsel of the Air Force
- The following Tier 3 Career SES members will serve as alternates:
1. Mr. Douglas Bennett, Auditor General of the Air Force
 2. Mr. William Bailey, Director and Program Executive Officer for the Air Force Rapid Capabilities Office
 3. Mr. Thomas Lawhead, Assistant Deputy Chief of Staff, Strategy Integration and Requirements
 4. Mr. Stephen Hart, Assistant Deputy Chief of Staff, Strategic Plans and Programs
 5. Ms. Venice Goodwine, Chief Information Officer
 6. Ms. Jennifer Miller, Director of Staff, Office of the Secretary of the Air Force

Tommy W. Lee,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2024–27567 Filed 11–22–24; 8:45 am]

BILLING CODE 3911–44–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Adoption of Categorical Exclusions Under the National Environmental Policy Act

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of adoption of categorical exclusions.

SUMMARY: The Department of the Air Force (DAF) has identified categorical exclusions (CATEXes) established by the Department of the Army (DA), Department of the Navy (DON), National Aeronautics and Space Administration (NASA), Tennessee Valley Authority (TVA) and Agricultural Research Service (ARS) that cover categories of actions that DAF is adopting. This notice identifies the thirty-five

CATEXes established by the above listed Federal agencies and describes the categories of proposed actions for which the DAF intends to use these CATEXes. The DAF has consulted with these agencies, as described herein, and obtained concurrence on DAF use of these CATEXes.

DATES: The CATEXes identified below are available for DAF use effective immediately.

ADDRESSES: Mr. Jack Bush, DAF NEPA Policy and Execution Oversight, 703–695–1773, af.a4c.nepaworkflow@us.af.mil.

SUPPLEMENTARY INFORMATION:

I. Background

NEPA and CATEXes

Congress enacted the National Environmental Policy Act, 42 U.S.C. 4321–4347 (NEPA) to encourage productive and enjoyable harmony between humans and the environment, recognizing the profound impact of human activity and the critical importance of restoring and maintaining environmental quality to the overall welfare of humankind. (42 U.S.C. 4321 and 4331). NEPA seeks to ensure that agencies consider the environmental effects of their proposed major actions in their decision-making processes and inform and involve the public in that process. NEPA created the Council on Environmental Quality (CEQ), which promulgated NEPA implementing regulations, 40 CFR parts 1500–1508 (CEQ regulations).

To comply with NEPA, agencies determine the appropriate level of review of any major Federal action—an environmental impact statement (EIS), environmental assessment (EA), or categorical exclusion (CATEX) (40 CFR 1501.3). If a proposed action is likely to have significant environmental effects, the agency must prepare an EIS and document its decision in a record of decision (40 CFR part 1502, and § 1505.2). If the proposed action is not likely to have significant environmental effects or the effects are unknown, the agency may instead prepare an environmental assessment (EA), which involves a more concise analysis and process than an EIS (40 CFR 1501.5). Following the EA, the agency may conclude that the action will have no significant effects and document that conclusion in a finding of no significant impact (40 CFR 1501.6). If the analysis concludes that the action is likely to have significant effects, then an EIS is required.

Pursuant to NEPA and the CEQ regulations, a Federal agency can also

establish CATEXes—categories of actions that the agency has determined normally do not significantly affect the quality of the human environment—in their agency NEPA procedures (42 U.S.C. 4336e(1); 40 CFR 1501.4, 1507.3(c)(8)(ii), and 1508.1(e)).

If an agency determines that a CATEX covers a proposed action, it then evaluates the proposed action for extraordinary circumstances in which a normally excluded action may have a significant effect (40 CFR 1501.4(b)). If no extraordinary circumstances are present, the agency may apply the CATEX to the proposed action without preparing an EA or EIS (42 U.S.C. 4336(a)(2), 40 CFR 1501.4). DAF considers extraordinary circumstances pursuant to appendix B to 32 CFR part 989—Categorical Exclusions, § A2.2. *Additional Analysis* and will concurrently use the agency extraordinary circumstances for the adopted CATEXes as identified below.

If an extraordinary circumstance exists, the agency nevertheless may apply the categorical exclusion if the agency conducts an analysis and determines that the proposed action does not in fact have the potential to result in significant effects notwithstanding the extraordinary circumstance or the agency modifies the action to address the extraordinary circumstance. In such cases, the agency shall document such determination and should publish it on the agency's website or otherwise make it publicly available (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 another Federal agency's CATEX for proposed actions (42 U.S.C. 4336c). To use another agency's CATEXes under section 109, the adopting agency must identify the relevant CATEX listed in another agency's ("establishing agency") NEPA procedures that covers the adopting agency's category of proposed actions or related actions; consult with the establishing agency to ensure that the proposed adoption of the CATEX is appropriate for a category of actions; identify to the public the CATEX that the adopting agency plans to use for its proposed actions; and document adoption of the CATEX (42 U.S.C. 4336c).

II. DA, DON, NASA, TVA, and ARS Categorical Exclusions

DAF is adopting fifteen CATEXes established by the DA. These CATEXes are listed in DA's NEPA regulations at 32 CFR part 651, appendix B. Each of the DA CATEXes includes conditions on the scope and application of the

CATEX within the text of the numbered paragraphs listed below.

1. (b)(13) Actions affecting Army property that fall under another Federal agency's list of categorical exclusions when the other Federal agency is the lead agency (decision maker), or joint actions on another Federal agency's property that fall under that agency's list of categorical exclusions (Record of Environmental Consideration [REC] required). (*Note:* The DAF Environmental Planning Function must document application of this CATEX on AF Form 813 *Request for Environmental Impact Analysis* as the DAF does not use Army required RECs; this applies to each instance of REC application in the following discussions).

2. (c)(1) Construction of an addition to an existing structure or new construction on a previously undisturbed site if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required).

3. (c)(2) Demolition of non-historic buildings, structures, or other improvements and disposal of debris therefrom, or removal of a part thereof for disposal, in accordance with applicable regulations, including those regulations applying to removal of asbestos, polychlorinated biphenyls (PCBs), lead-based paint, and other special hazard items (REC required).

4. (c)(3) Road or trail construction and repair on existing rights-of-ways or on previously disturbed areas.

5. (d)(1) Land regeneration activities using only native trees and vegetation, including site preparation. This does not include forestry operations (REC required).

6. (d)(2) Routine maintenance of streams and ditches or other rainwater conveyance structures (in accordance with USACE permit authority under section 404 of the Clean Water Act and applicable state and local permits), and erosion control and stormwater control structures (REC required).

7. (d)(3) Implementation of hunting and fishing policies or regulations that are consistent with state and local regulations.

8. (e)(2) Acquisition, installation, and operation of utility and communication systems, mobile antennas, data processing cable and similar electronic equipment that use existing right-of-way, easement, distribution systems, and/or facilities (REC required).

9. (e)(4) Modification, product improvement, or configuration engineering design change to materiel, structure, or item that does not change the original impact of the materiel, structure, or item on the environment (REC required).

10. (e)(7) Modification and adaptation of commercially available items and products for military application (for example, sportsman's products and wear such as holsters, shotguns, sidearms, protective shields, etc.), as long as modifications do not alter the normal impact to the environment (REC required).

11. (f)(1) Grants or acquisitions of leases, licenses, easements, and permits for use of real property or facilities in which there is no significant change in land or facility use. Examples include, but are not limited to, Army controlled property and Army leases of civilian property to include leases of training, administrative, general use, special purpose, or warehouse space (REC required).

12. (f)(2) Disposal of excess easement areas to the underlying fee owner (REC required).

13. (f)(6) Disposal of real property (including facilities) by the Army where the reasonably foreseeable use will not change significantly (REC required).

14. (g)(1) Routine repair and maintenance of buildings, airfields, grounds, equipment, and other facilities. Examples include but are not limited to: Removal and disposal of asbestos-containing material (for example, roof material and floor tile) or lead-based paint in accordance with applicable regulations; removal of dead, diseased, or damaged trees; and repair of roofs, doors, windows, or fixtures (REC required for removal and disposal of asbestos-containing material and lead-based paint or work on historic structures).

15. (g)(2) Routine repairs and maintenance of roads, trails, and firebreaks. Examples include but are not limited to: grading and clearing the roadside of brush with or without the use of herbicides; resurfacing a road to its original conditions; pruning vegetation, removal of dead, diseased, or damaged trees and cleaning culverts; and minor soil stabilization activities.

The DAF is adopting fifteen CATEXes established by the DON. These CATEXes are listed in DON NEPA regulations at 32 CFR 775.6. Each of the DON CATEXes includes conditions on the scope and application of the CATEX within the text of the numbered paragraphs listed below.

1. (f)(14) Alterations of and additions to existing buildings, facilities, and

systems (e.g., structures, roads, runways, vessels, aircraft, or equipment) when the environmental effects will remain substantially the same and the use is consistent with applicable regulations.

2. (f)(27) Minor land acquisitions or disposals where anticipated or proposed land use is like existing land use and zoning, both in type and intensity.

3. (f)(33) New construction that is like or compatible with existing land use (i.e., site and scale of construction are consistent with those of existing adjacent or nearby facilities) and, when completed, the use or operation of which complies with existing regulatory requirements (e.g., a building within a cantonment area with associated discharges and runoff within existing handling capacities). The test for whether this CATEX can be applied should focus on whether the proposed action generally fits within the designated land use of the proposed site.

4. (f)(34) Demolition, disposal, or improvements involving buildings or structures when done in accordance with applicable regulations including those regulations applying to removal of asbestos, PCBs, and other hazardous materials.

5. (f)(37) Maintenance dredging and debris disposal where no new depths are required, applicable permits are secured, and disposal will be at an approved disposal site.

6. (f)(38) Relocation of personnel into existing federally owned or commercially leased space that does not involve a substantial change affecting the supporting infrastructure (e.g., no increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase).

7. (f)(39) Pre-lease upland exploration activities for oil, gas, or geothermal reserves (e.g., geophysical surveys).

8. (f)(40) Installation of devices to protect human or animal life (e.g., raptor electrocution prevention devices, fencing to restrict wildlife movement onto airfields, and fencing and grating to prevent accidental entry to hazardous areas).

9. (f)(41) Reintroduction of endemic or native species (other than endangered or threatened species) into their historic habitat when no substantial site preparation is involved.

10. (f)(42) Temporary closure of public access to DON property to protect human or animal life.

11. (f)(45) Natural resources management actions undertaken or permitted pursuant to agreement with or subject to regulation by Federal, State, or local organizations having

management responsibility and authority over the natural resources in question, including, but not limited to, prescribed burning, invasive species actions, timber harvesting, and hunting and fishing during seasons established by State authorities pursuant to their State fish and game management laws. The natural resources management actions must be consistent with the overall management approach of the property as documented in an Integrated Natural Resources Management Plan (INRMP) or other applicable natural resources management plan.

12. (f)(46) Minor repairs in response to wildfires, floods, earthquakes, landslides, or severe weather events that threaten public health or safety, security, property, or natural and cultural resources, and that are necessary to repair or improve lands unlikely to recover to a management-approved condition (*i.e.*, the previous state) without intervention. Covered activities must be completed within one year following the event and cannot include the construction of new permanent roads or other new permanent infrastructure. Such activities include but are not limited to: Repair of existing essential erosion control structures or installation of temporary erosion controls; repair of electric power transmission infrastructure; replacement or repair of storm water conveyance structures, roads, trails, fences, and minor facilities; revegetation; construction of protection fences; and removal of hazard trees, rocks, soil, and other mobile debris from, on, or along roads, trails, or streams.

13. (f)(47) Modernization (upgrade) of range and training areas, systems, and associated components (including, but not limited to, targets, lifters, and range control systems) that support current testing and training levels and requirements. Covered actions do not include those involving a substantial change in the type or tempo of operation, or the nature of the range (*i.e.*, creating an impact area in an area where munitions had not been previously used).

14. (f)(49) DON actions that occur on another Military Service's property where the action qualifies for a CATEX of that Service, or for actions on property designated as a Joint Base or Joint Region that would qualify for a CATEX of any of the Services included as part of the Joint Base or Joint Region. If the DON action proponent chooses to use another Service's CATEX to cover a proposed action, the DON must obtain written confirmation the other Service does not object to using its CATEX to

cover the DON action. The DON official making the CATEX determination must ensure the application of the CATEX is appropriate and that the DON's proposed action was of a type contemplated when the CATEX was established by the other Service. Use of this CATEX requires preparation of a Record of CATEX or Decision Memorandum.

15. (f)(8) Routine repair and maintenance of buildings, facilities, vessels, aircraft, ranges, and equipment associated with existing operations and activities (*e.g.*, localized pest management activities, minor erosion control measures, painting, refitting, general building/structural repair, landscaping, or grounds maintenance).

The DAF is adopting three CATEXes established by the NASA. These CATEXes are listed in NASA NEPA regulations at 14 CFR 1216.304. Each of the NASA CATEXes includes conditions on the scope and application of the CATEX within the text of the numbered paragraphs listed below.

1. (d)(2)(i) Routine maintenance, minor construction or rehabilitation, minor demolition, minor modification, minor repair, and continuing or altered operations at, or of, existing NASA or NASA-funded or -approved facilities and equipment, such as buildings, roads, grounds, utilities, communication systems, and ground support systems, such as space tracking and data systems.

2. (d)(3)(i) Research, development, and testing in compliance with all applicable Federal, federally recognized Indian Tribe, State, and/or local law or requirements and Executive orders.

3. (d)(3)(iii) Use of lasers for research and development, scientific instruments and measurements, and distance and ranging, where such use meets all applicable Federal, federally recognized Indian Tribe, State, and/or local law or requirements, and Executive orders. This applies to lasers used in spacecraft, aircraft, laboratories, watercraft, or outdoor activities.

The DAF is adopting one CATEX established by the TVA. This CATEX is listed in TVA's NEPA regulations at 18 CFR part 1318, appendix A. The TVA CATEX includes conditions on the scope and application of the CATEX within the text of the paragraph below.

1. (31) The following forest management activities:

a. Actions to manipulate species composition and age class, including, but not limited to, harvesting or thinning of live trees and other timber stand improvement actions (*e.g.*, prescribed burns, non-commercial removal, chemical control), generally covering up to 125 acres and requiring

no more than 1 mile of temporary or seasonal permanent road construction.

b. Actions to salvage dead and/or dying trees including, but not limited to, harvesting of trees to control insects or disease or address storm damage (including removal of affected trees and adjacent live, unaffected trees as determined necessary to control the spread of insects or disease), generally covering up to 250 acres and requiring no more than 1 mile of temporary or seasonal permanent road construction; and

c. Actions to regenerate forest stands, including, but not limited to, planting of native tree species upon site preparation, generally covering up to 125 acres and requiring no more than 1 mile of temporary or seasonal permanent road construction.

The DAF is adopting a CATEX established by the ARS. This CATEX is listed in 7 CFR 520.5. The ARS CATEX includes conditions on the scope and application of the CATEX within the text of the paragraph below.

1. (b)(2) Research programs or projects of limited size and magnitude or with only short-term effects on the environment. Examples are:

(i) Research operations conducted within any laboratory, greenhouse or other contained facility where research practices and safeguards prevent environment impacts such as the release of hazardous materials into the environment.

(ii) Inventories, studies or other such activities that have limited context and minimal intensity in terms of changes in the environment.

(iii) Testing outside of the laboratory, such as in small, isolated field plots, which does not involve the use of control agents requiring containment or a special license or a permit from a regulatory agency.

III. DAF's Use of Adopted CATEXes

DAF expects to use the above listed CATEXes for proposed actions that would enhance mission capabilities and effectiveness, improve safety, and increase operational efficiencies. The examples listed below are illustrative and not an exclusive list of the proposed actions for which CATEXes may be available. For example, the DAF would construct minor additions or small construction projects where the site and scale of the new construction is compatible with existing land use, and upon completion, the use or operation of the new construction would comply with existing regulations consistent with DA CATEX (c)(1) or DON CATEX (f)(33). Also, consistent with DA CATEX (c)(2), the DAF may utilize this CATEX

for the demolition of facilities and structures, not including historic buildings even where asbestos, PCB's, lead-based paint, and other special hazard items are present. DON CATEX (f)(37) would allow DAF to conduct routine dredging to maintain navigational channels to their original permitted depths. Use of DA CATEX (d)(2) would allow the DAF to conduct routine maintenance of stormwater conveyance structures in accordance with USACE permit requirements under section 404 of the Clean Water Act to reduce flooding. The categories of actions described herein are activities for which the DAF contemplates using the CATEXes at this time; however, DAF may expand use of the CATEXes identified in section II to other activities where appropriate and would consult with the establishing agency, as needed. When the establishing agency CATEX requires written record to document application of the CATEX, the DAF Environmental Planning Function (EPF) shall complete a detailed Air Force Form 813 *Request for Environmental Impact Analysis* to document application of the CATEX. Where the CATEX mentions the owning agency, DAF adoption makes the CATEX available for DAF activities.

IV. Consideration of Extraordinary Circumstances

If an agency determines that a CATEX covers a proposed action, the agency must evaluate the proposed action for extraordinary circumstances in which a normally excluded action may have a significant effect consistent with 40 CFR 1501.4(b). DAF has its own NEPA implementing procedures to guide its application of extraordinary circumstances. Further, DAF will apply the owning agency's extraordinary circumstances. If an extraordinary circumstance is present, determine whether there are circumstances that lessen the impacts or other conditions sufficient to avoid significant effects, consistent with 40 CFR 1501.4(b). The DAF EPF must document application of any mitigated CATEX on a fully developed AF Form 813. If DAF cannot apply a CATEX to a particular proposed action due to extraordinary circumstances, DAF will prepare an EA or EIS, consistent with 40 CFR 1501.4(b)(2).

V. Consultation With Establishing Agencies and Determination of Appropriateness

DAF worked with DA, DON, NASA, TVA, and ARS to identify thirty-five CATEXes that could apply to DAF proposed actions and began

consultation on 20 March 2024. During the consultation, the agencies discussed whether the categories of DAF proposed actions would be appropriately covered by CATEXes from the above listed Federal agencies; the extraordinary circumstances that DAF should consider before applying these CATEXes to DAF's proposed actions; the requirement to evaluate, before use of the above listed Federal agencies CATEXes, the conditions listed as integral elements in these agencies NEPA regulations (listed in Section II above); and what documentation DAF should complete when applying these CATEXes. The agencies also considered past use of the CATEXes by the DA, DON, NASA, TVA, and ARS, including how often these agencies modified a proposed action or prepared an EA or EIS for a proposed action otherwise covered by the CATEXes. At the conclusion of that process, the agencies determined that DAF's proposed use of the CATEXes as described in this notice would be appropriate.

VI. Conclusion

This notice documents adoption of the thirty-five CATEXes listed above in accordance with 42 U.S.C. 4336c (4)), and they are available for use by DAF, effective immediately.

Tommy W. Lee,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2024-27545 Filed 11-22-24; 8:45 am]

BILLING CODE 3911-44-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Military Personnel Testing; Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, Department of 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 Advisory Committee on Military Personnel Testing (DAC-MPT) will take place.

DATES: Day 1—Open to the public Wednesday, January 22, 2025 from 8:30 a.m. to 5:45 p.m., Mountain Time. Day 2—Open to the public Thursday, January 23, 2025 from 8:30 a.m. to 1:15 p.m., Mountain Time.

ADDRESSES: Venue to-be-determined. Meeting details will be posted on: <https://DAC-MPT.com>.

FOR FURTHER INFORMATION CONTACT: Designated Federal Officer (DFO), Dr. Sofiya Velgach, (703) 697-9271 (Voice), 703 614-9272 (Facsimile), osd.pentagon.ousd-p-r.mbx.DAC-MPT@mail.mil (Email). Mailing address is Designated Federal Officer, Accession Policy, Office of the Under Secretary of Defense for Personnel and Readiness, Room 3D1066, Defense Pentagon, Washington, DC 20301-4000. The most up-to-date changes to the meeting can be found on the website: <https://DAC-MPT.com>.

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"); section 552b of title 5, U.S.C. (commonly known as the "Government in the Sunshine Act"); and 41 Code of Federal Regulations (CFR) 102-3.140 and 102-3.150.

Purpose of the Meeting: The purpose of the meetings is to provide an overview of the accession testing program: progress on Armed Services Vocational Aptitude Batter (ASVAB) form development, special purpose tests, calculator study, adverse impact analyses, and updates to the ASVAB Career Exploration Program. Additional information can be found at <https://DAC-MPT.com>.

Agenda

Day 1, Wednesday, January 22, 2025 (Mountain Time)

8:30 a.m.–8:45 a.m.: Welcome and Opening Remarks—Dr. Sofiya Velgach, (OASD(M&R)/AP)
8:45 a.m.–9:15 a.m.: Accession Policy Brief—Dr. Katherine Helland (OASD(M&R)/AP)
9:15 a.m.–10:00 a.m.: R&D Milestones Brief—Dr. Mary Pommerich (OPA/DTAC)
10:00 a.m.–10:15 a.m.: *Break*
10:15 a.m.–11:15 a.m.: Update on Committee Recommendations—Dr. Mary Pommerich (OPA/DTAC)
11:15 a.m.–12:15 p.m.: Update on P&P Forms—Dr. Jeff Dahlke (HumRRO)
12:15 p.m.–1:45 p.m.: *Lunch*
1:45 p.m.–2:45 p.m.: Form Equating Sampling Design—Dr. Jeff Dahlke (HumRRO)
2:45 p.m.–3:15 p.m.: Complex Reasoning Update—Dr. Kate Klein (HumRRO)
3:15 p.m.–3:45 p.m.: Computational Thinking Update—Dr. Kimberly Adams (HumRRO)

3:45 p.m.–4:00 p.m.: *Break*
 4:00 p.m.–5:30 p.m.: Calculator
 Analyses Efforts
 a. Calculator Impact Study—Dr. Kevin
 Bradley (HumRRO)
 b. CAT Simulation—Dr. Glen
 Heinrich-Wallace (HumRRO)
 c. Calculator Needs Assessment—Dr.
 Monica Gribben (HumRRO)
 5:30 p.m.–5:45 p.m.: *Public Comments*
Day 2, Thursday, January 23, 2025
(Mountain Time)
 8:30 a.m.–9:30 a.m.: Refinement of the
 Joint Service—TAPAS Instrument—
 Dr. Dan Putka (HumRRO)
 9:30 a.m.–10:30 a.m.: Adverse Impact—
 Dr. Nick Howald (HumRRO)
 10:30 a.m.–10:45 a.m.: *Break*
 10:45 a.m.–11:30 a.m.: Curriculum
 Alignment Study—Dr. Rod McCloy
 (HumRRO)
 11:30 a.m.–12:30 p.m.: ASVAB CEP
 a. General—Dr. Irina Rader (OPA/
 DTAC)
 b. Find Your Interest—Dr. Rod
 McCloy (HumRRO)
 c. Work Values—Dr. Maura Burke
 (HumRRO)
 12:30 p.m.–12:45 p.m.: Future Topics—
 Dr. Mary Pommerich (OPA/DTAC)
 12:45 p.m.–1:00 p.m.: *Public Comments*
 1:00 p.m.–1:15 p.m.: Closing
 Comments—Dr. Fred Oswald, Chair
 1:15 p.m.–3:00 p.m.: *Working Lunch*
(Administrative Items)

Abbreviations Key

ASVAB—Armed Services Vocational
 Aptitude Battery
 ASVAB CEP—ASVAB Career Exploration
 Program, student testing program provided
 at no charge to high schools nation-wide to
 help students develop career exploration
 skills and used by recruiters to identify
 potential applicants for enlistment.
 CAT—computerized adaptive testing
 HumRRO—Human Resources Research
 Organization
 OASD(M&RA)/AP—Office of the Assistant
 Secretary of Defense (Manpower and
 Reserve Affairs)/Accession Policy
 OPA/DTAC—Office of People Analytics/
 Defense Testing and Assessment Center
 P&P—paper and pencil
 TAPAS—Tailored Adaptive Personality
 Assessment System

Latest version of the agenda will be
 posted on <https://DAC-MPT.com>.

Meeting Accessibility: Pursuant to 5
 U.S.C. 552b and 41 CFR 102–3.140
 through 102–3.165, and the availability
 of space, this meeting is open to the
 public. Seating availability is on a first-
 come, first-served basis. All members of
 the public who wish to attend the
 public meeting must contact the DFO no
 later than 12:00 p.m. on Friday, January
 10, 2025, as listed in the **FOR FURTHER
 INFORMATION CONTACT** section.

Written Statements: Pursuant to 41
 CFR 102–3.105(j) and 102–3.140 and
 section 10(a)(3) of the FACA, interested
 persons may submit written statements
 to the DAC–MPT at any time about its
 approved agenda or at any time on the
 DAC–MPT’s mission. Written
 statements should be submitted to the
 DAC–MPT’s DFO at the address or
 facsimile number listed in the **FOR
 FURTHER INFORMATION CONTACT** section.
 If statements pertain to a specific topic
 being discussed at the planned meeting,
 then these statements must be submitted
 no later than five (5) business days prior
 to the meeting in question. Written
 statements received after this date may
 not be provided to, or not considered by
 the DAC–MPT until its next meeting.
 The DFO will review all timely
 submitted written statements and
 provide copies to all the DAC–MPT
 members before the meeting that is the
 subject of this notice. Please note that
 since the DAC–MPT operates under the
 provisions of the FACA, all submitted
 comments and public presentations will
 be treated as public documents and will
 be made available for public inspection.
 Opportunity for public comments will
 be provided at the end of each day.
 Public comments will be limited to 5
 minutes per person, as time allows.

Dated: November 19, 2024.

Stephanie J. Bost,

*Alternate OSD Federal Register Liaison
 Officer, Department of Defense.*

[FR Doc. 2024–27546 Filed 11–22–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Office of Indian Education Formula Grants to Local Educational Agencies

AGENCY: Office of Elementary and
 Secondary Education, Department of
 Education.

ACTION: Notice.

SUMMARY: The Department of Education
 (Department) is issuing a notice inviting
 applications for new awards for fiscal
 year (FY) 2025 for Office of Indian
 Education (OIE) Formula Grants to
 Local Educational Agencies (Formula
 Grants).

DATES:

*Part I of Electronic Application
 System for Indian Education (EASIE)
 Applications Available:* February 3,
 2025.

*Deadline for Transmittal of EASIE
 Part I:* March 7, 2025.

*Part II of EASIE Applications
 Available:* March 31, 2025.

*Deadline for Transmittal of EASIE
 Part II:* May 9, 2025.

FOR FURTHER INFORMATION CONTACT: For
 questions about the Formula Grants
 program, contact Crystal C. Moore, U.S.
 Department of Education, 400 Maryland
 Avenue SW, MS 6335, Washington, DC
 20202–6335. Telephone: (202) 987–
 0607. Email: crystal.moore@ed.gov.

For technical questions about the
 EASIE application and uploading
 documentation, contact the Partner
 Support Center (PSC). Telephone: 877–
 457–3336. Email: OIE.EASIE@ed.gov.

If you are deaf, hard of hearing, or
 have a speech disability and wish to
 access telecommunications relay
 services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

Note: Applicants must meet the
 deadlines for both EASIE Part I and Part
 II to be eligible to receive a grant.
 Failure to submit the required
 supplemental documentation, described
 under *Content and Form of Application
 Submission* in section IV of this notice,
 by the EASIE Part I or Part II deadline,
 will result in an incomplete application
 that will not be considered for funding.
 OIE recommends uploading the
 documentation at least four days prior
 to the deadlines to ensure any potential
 submission issues are resolved prior to
 the deadlines.

I. Funding Opportunity Description

Purpose of Program: The Formula
 Grants program provides grants to
 support local educational agencies
 (LEAs), Indian Tribes and organizations,
 and other eligible entities in developing
 and implementing elementary and
 secondary school programs that serve
 Indian students. These funds must be
 used to support comprehensive
 programs that are designed to meet the
 unique cultural, language, and
 educational needs of American Indian
 and Alaska Native (AIAN) students and
 ensure that all students meet
 challenging State academic standards.
 The information gathered from the
 project’s final annual performance
 report (APR) will be utilized to
 complete OIE’s required annual
 reporting. Specifically, the APR covers
 the Secretary’s established performance
 measures for assessing the effectiveness
 and efficiency of the Formula Grants
 program as detailed in this notice.

Assistance Listing Number (ALN):
 84.060A.

OMB Control Number: 1810–0021.

Integration of Services Authorized: As
 authorized under section 6116 of the
 Elementary and Secondary Education

Act of 1965 (ESEA), the Secretary will, upon receipt of an acceptable plan for the integration of education and related services, and in cooperation with other relevant Federal agencies, authorize the entity receiving the funds under this program to consolidate all Federal funds that are to be used exclusively for Indian students. Instructions for submitting an integration of education and related services plan are included in EASIE, which is described under *Application and Submission Information* in section IV of this notice.

Note: Under the Formula Grants program, all applicants must develop proposed projects in open consultation, including through public hearings to provide a full opportunity to understand the program and to offer recommendations regarding the program (section 6114(c)(3)(C) of the ESEA), with parents and teachers of Indian children, representatives of Indian Tribes on Indian lands located within 50 miles of any school that the LEA will serve if such Tribes have any children in such school, Indian organizations (IOs), and, if appropriate, Indian students from secondary schools. LEA applicants must develop proposed projects with the participation and written approval of an Indian Parent Committee whose membership includes parents and family members of Indian children in the LEA's schools; representatives of Indian Tribes on Indian lands located within 50 miles of any school that the LEA will serve if such Tribes have any children in such school; teachers in the schools; and, if appropriate, Indian students attending secondary schools of the LEA (ESEA section 6114(c)(4)). The majority of the Indian Parent Committee members must be parents and family members of Indian children (ESEA section 6114(c)(4)(B)).

Definition: The following definition is from ESEA section 6112(d)(3):

Indian community-based organization (ICBO) means any organization that (1) is composed primarily of Indian parents, family members, and community members, Tribal government education officials, and Tribal members, from a specific community; (2) assists in the social, cultural, and educational development of Indians in such community; (3) meets the unique cultural, language, and academic needs of Indian students; and (4) demonstrates organizational and administrative capacity to manage the grant.

Statutory Hiring Preference: Awards are subject to the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C.

5307(b)). To the greatest extent feasible, a grantee is required to—

(1) Give to Indians preferences and opportunities for training and employment in connection with the administration of the grant; and

(2) Give to Indian organizations and to Indian-owned economic enterprises, as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452(e)), preference in the award of contracts in connection with the administration of the grant.

For purposes of this requirement, an Indian is a member of any federally recognized Indian Tribe (25 U.S.C. 1452(b)).

Program Authority: 20 U.S.C. 7421, *et seq.*

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 81, 82, 84, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Guidance for Federal Financial Assistance in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

II. Award Information

Type of Award: Formula grants.

Estimated Available Funds: The Administration requested \$110,381,000 for the Formula Grants program for FY 2025. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: \$4,000 to \$2,416,936.

Estimated Average Size of Awards: \$84,908.

Estimated Number of Awards: 1,300.

Note: The Department is not bound by any estimates in this notice.

Project Period: 12 months.

III. Eligibility Information

1. *Eligible Applicants:* The following entities are eligible under this program: certain LEAs, as prescribed by ESEA section 6112(b), including charter schools authorized as LEAs under State law; certain schools funded by the Bureau of Indian Education of the U.S. Department of the Interior (BIE), as

prescribed by ESEA section 6113(d); Indian Tribes and IOs under certain conditions, as prescribed by ESEA section 6112(c); and ICBOs, as prescribed by ESEA section 6112(d). Consortia of two or more eligible entities are also eligible under certain circumstances, as prescribed by ESEA section 6112(a)(4).

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Supplement Not Supplant:* ESEA section 6114(c)(1) requires an LEA to use these grant funds only to supplement the funds that, in the absence of these Federal funds, such agency would make available for services described in this application, and not to supplant such funds.

c. *Indirect Cost Rate Information:* This program uses a restricted indirect cost rate. For more information regarding restricted indirect costs, or to obtain a negotiated restricted indirect cost rate, please see: <https://www.ed.gov/about/ed-offices/fofo/ocfos-financial-improvement-post-audit-operations>.

d. *Administrative Cost Limitation:* Under ESEA section 6115(d), no more than five percent of funds awarded for a grant under this program may be used for administrative purposes. Note that, since fiscal year 2020, Congress has included language in appropriations bills to clarify that the statutory 5 percent limit does not include indirect costs. In the event such language is not included in the FY 2025 appropriations bill, the Department will work with successful applicants to make budget adjustments to align with administrative cost restrictions, if necessary.

IV. Application and Submission Information

1. *How to Request an Application Package:* You can obtain an entity-specific link for the electronic application for grants under this program by contacting the PSC listed under **FOR FURTHER INFORMATION CONTACT**.

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

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit and

technical assistance resources, are located on the EASIE Communities of Practice website at <https://easie.communities.ed.gov/>.

Note: OIE and PSC will provide comprehensive documentation to support applicants and grantees with accessing, navigating, and entering data and submitting their responses into *Connect.gov*. Prior to the opening of EASIE Part I, this documentation will be announced and posted on the EASIE Communities of Practice website at: <https://easie.communities.ed.gov/>.

User accounts were replaced with an entity-specific link (also known as a token) to access the EASIE application in the *Connect.gov* Survey. Only individuals that are registered as the current Point of Contact (POC), Project Director (PD), or Authorized Official Representative (AOR) will receive the entity-specific link to access the application for EASIE Part I and Part II. The AOR can continue to delegate the responsibility of completing the EASIE application in the new *Connect.gov* Survey to other entity contacts by sharing their entity-specific link internally. The AOR is ultimately responsible for reviewing and certifying the application. Please contact the PSC with any questions related to this change.

Supplementary Documentation: The EASIE application requires submission of the following supplementary documentation in electronic Portable Document Format (PDF):

(1) In EASIE Part I, applicants that are Tribes, IOs, or ICBOs must submit the appropriate “Applying in Lieu of the LEA” agreement form with their application to verify their eligibility no later than March 7, 2025 (which is the closing date of EASIE Part I). Each separate eligibility document is identified by applicant type as either Tribe Applying in Lieu of an LEA Agreement; IO Agreement; or ICBO Agreement. These are available on the EASIE Communities of Practice website (<https://easie.communities.ed.gov/>) as downloadable documents. The details of the verification process, which are necessary to meet the statutory eligibility requirements for Tribes, IOs, and ICBOs, are in the application package.

(2) In EASIE Part I, the lead applicant for a consortium must use the consortium agreement form that is available on the Getting Started page in the EASIE Portal as a downloadable document and upload it to EASIE no later than March 7, 2025 (the closing date of EASIE Part I).

(3) In EASIE Part II, for an applicant that is an LEA or a consortium of LEAs,

the EASIE application requires the electronic PDF submission of the Indian Parent Committee Approval form no later than May 9, 2025 (which is the deadline for transmittal of EASIE Part II). Applicants are encouraged to begin planning parent committee meetings early to ensure parent committee requirements are met before EASIE Part II closes. The form is available on the EASIE Communities of Practice website at <https://easie.communities.ed.gov/>.

3. Submission Dates and Times:

Part I of the Formula Grant EASIE Applications Available: February 3, 2025.

Deadline for Transmittal of EASIE Part I: March 7, 2025, 11:59 p.m., Eastern Time.

Part II of the Formula Grant EASIE Applications Available: March 31, 2025.

Deadline for Transmittal of EASIE Part II: May 9, 2025, 11:59 p.m., Eastern Time.

Submit applications for grants under this program electronically using EASIE located in the OIE-provided portal. For information (including dates and times) about how to submit your application, please refer to *Other Submission Requirements* in section IV of this notice.

OIE will only consider applications that are compliant with deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual’s application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Unique Entity Identification (UEI) Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department, you must—

- Have a Unique Entity Identification (UEI) number and a Taxpayer Identification Number (TIN);
- Register both your UEI number and TIN with the System for Award Management (SAM), the Government’s primary registrant database;
- Provide your UEI number and TIN on your SAM application; and
- Maintain an active SAM registration with current information while your application is under review

by the Department and, if you are awarded a grant, during the project period.

You can obtain a UEI number from *SAM.gov* at the following website: <https://sam.gov/>. A UEI number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter in the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your UEI number and TIN.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your UEI number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at <https://sam.gov/>. To further assist you with obtaining and registering your UEI number and TIN in SAM or updating your existing SAM account, we have prepared a *SAM.gov* Tip Sheet, which you can find here: <https://sam.gov/content/duns-uei>.

Other Submission Requirements: Electronic Submission of Applications.

EASIE is an electronic application within *Connect.gov* Survey that users access via an entity-specific link. It is divided into two parts: EASIE Part I and EASIE Part II.

EASIE Part I (student count) provides the appropriate data entry screens to submit verified, aggregated, Indian student count totals based on either the Indian School Equalization Program (ISEP) count or the Indian Student Eligibility Certification Form (ED 506 Form). All applicants must submit a current Indian student count for FY 2025. Applicants must use the ED 506 Form to document eligible Indian students; however, BIE schools may use either the ISEP count or the ED 506 Form count to verify their Indian student counts. Applicants must protect the privacy of all individual data collected and only report aggregated data to the Secretary.

Applicants that verify their Indian student count with the ED 506 Form must document their Indian student counts by completing the following: (1) annually, the applicant must verify there is a valid ED 506 Form for each Indian child included in the count; (2) all ED 506 Forms included in the count must be completed, signed, and dated by the parent or legal guardian, and be on file with the applicant; (3) the applicant must maintain a copy of the student enrollment roster(s) covering the same period of time indicated in the application as the count period; and (4) each Indian child included in the count must be listed on the LEA's enrollment roster(s) and in attendance for at least 1 day during the count period.

BIE schools that enter an ISEP count to verify their Indian student count must use the most current Indian student count certified by the BIE.

Once an Indian child is determined to be eligible to be counted for such grant award, the applicant must maintain a record of such determination and must not require a new or duplicate form to be made for such child for a subsequent application for a grant under this program.

Applicants must indicate the time span for the project objectives and corresponding activities and services for AIAN students. Applicants can choose to set objectives that remain the same for up to four years to facilitate data collection and enhance long-term planning.

In EASIE Part II, all applicants are required to—

(1) Select the type of program being submitted as either regular formula grant project, formula grant project consolidated with a Title I schoolwide program, or integration of services under ESEA section 6116;

(2) Select the grade levels offered by the LEA or BIE school;

(3) Identify, from a list of possible Department grant programs (e.g., ESEA Title I), the programs in the LEA that are currently coordinated with a Formula Grant project, or with which the school district plans to coordinate during the project year, in accordance with ESEA section 6114(c)(5), and describe the comprehensive program for AIAN students with those grant programs;

(4) Describe the professional development opportunities that will be provided as part of a comprehensive program to ensure that teachers and other school professionals who are new to the Indian community are prepared to work with Indian children, and that all teachers who will be involved in programs assisted by this grant have been properly trained to carry out such

programs, as required by ESEA section 6114(b)(5);

(5) Provide information on how the State assessment data of all Indian students (not just those served) are used and how such information will be disseminated to the Indian community, Indian Parent Committee, and Indian Tribes whose children are served by the LEA. Also describe how assessment data from the previous school year (SY) were used, as required by ESEA section 6114(b)(6);

(6) Indicate when the public hearing was held for SY 2025–26, as required by ESEA section 6114(c)(3)(C);

(7) For an applicant that is an LEA, BIE school, or a consortium of LEAs or BIE schools, describe the process the applicant used to meaningfully collaborate with Indian Tribes located in the community in a timely, active, and ongoing manner in the development of the comprehensive program and the actions taken as a result of such collaboration (ESEA section 6114(b)(7));

(8) Identify specific project objectives that will further the goal of providing culturally responsive education for AIAN students to meet their academic needs and help them meet State achievement standards (ESEA section 6115(b));

(9) For an LEA that selects a schoolwide application, identify how the use of such funds in a schoolwide program will produce benefits to Indian students that would not be achieved if the funds were not used in a schoolwide program (ESEA section 6115(c)(3));

(10) Submit a program budget and justification based on the estimated grant amount that the EASIE calculates from the Indian student count submitted in EASIE Part I. After the initial grant amounts are determined, additional funds may become available due to such circumstances as withdrawn applications or a reduction in another applicant's student count. An applicant whose award amount increases or decreases more than \$5,000 must submit a revised budget prior to receiving its grant award but will not need to re-certify its application. If an applicant's award amount increases or decreases by less than \$5,000, a budget update is not required. For an applicant that receives an increased award amount following submission of its original budget, the applicant must allocate the increased amount only to previously approved budget categories;

(11) As required by section 427 of the General Education Provisions Act (GEPA), describe the steps the applicant proposes to take to ensure equitable access to, and participation in, the project or activity to be conducted with

such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age; and

(12) If needed, provide additional comments to assist OIE in the review of the application.

Registration for Formula Grant EASIE:

Current, former, and new applicants interested in submitting a Formula Grants application must register for EASIE. Prior to the opening of EASIE Part I, PSC will send a broadcast to prior year grantees and new prospective applicants that have contacted PSC and registered for EASIE. All recipients who receive PSC's broadcast will be asked to complete their intent to apply for the upcoming application period in the EASIE Portal. All prospective applicants will be provided the opportunity to confirm if any updates to their registration information are necessary, and/or if they would like to completely decline registration. Entities that do not have an active registration or are new applicants should contact the PSC listed under **FOR FURTHER INFORMATION CONTACT** to register any time before the EASIE Part I application deadline date. Registration does not serve as the entity's grant application. For assistance registering, contact the PSC listed under **FOR FURTHER INFORMATION CONTACT**.

Certification for Formula Grant EASIE: The applicant's AOR must be a senior-level official (e.g., Superintendent, Tribal Chief, or similar) of the entity and legally authorized by the applicant organization to approve the application. The AOR must certify EASIE Part I and Part II by the deadline date. Each applicant should identify at least three system users, one for each of the following: Project Director, Authorized Official Representative, and another party (such as a Budget Director) designated to answer questions in the event the project director is unavailable. The certification process ensures that the information in the application is true, reliable, and valid. An applicant that provides a false statement in the application is subject to penalties under the False Claims Act, 18 U.S.C. 1001.

b. Submission of Paper Applications by Mail.

We discourage paper applications, but if electronic submission is not possible (e.g., you do not have access to the internet), please submit a written statement that you intend to submit a paper application no later than Friday, January 31, 2025.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date of EASIE Part I. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date of EASIE Part I. If you email the written statement, it must be sent no later than two weeks before the application deadline date to the person listed under **FOR FURTHER INFORMATION CONTACT.**

Address and mail or fax your statement to: Crystal C. Moore, U.S. Department of Education, Office of Indian Education, 400 Maryland Avenue SW, MS 6335 Washington, DC 20202–6335. FAX: (202) 205–0606.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

You must mail the original and two copies of your application, on or before the application deadline dates for both EASIE Part I and Part II, to the Department at the following address: U.S. Department of Education, Office of Indian Education, Attention: Crystal Moore, 400 Maryland Avenue SW, MS 6335, Washington, DC 20202–6335.

You must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark.
- (2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date for EASIE Part I or Part II.

c. *Submission of Paper Applications by Hand Delivery.*

If you are submitting a paper application, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline dates for both EASIE Part I and Part II, to the

Department at the following address: U.S. Department of Education, Office of Indian Education, Attention: Crystal Moore, 400 Maryland Avenue SW, MS 6335, Washington, DC 20202–6335.

The program office accepts hand deliveries daily between 8:00 a.m. and 4:30 p.m., Eastern Time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the Assistance Listing Number, including suffix letter, of this program—84.060A; and

(2) The program office will mail you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should contact the program office at (202) 987–0607.

V. Grant Administration Information

1. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of a grant in the *Applicable Regulations* section of this notice and include these and other specific conditions in the Grant Award Notification (GAN). The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this program, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive

funding. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) You must submit a final annual performance report (APR) using EASIE via the *Connect.gov* Survey entity-specific link, including financial information, as directed by the Secretary, within 120 days after the close of the grant year. Grantees will be able to access the APR via the EASIE portal link provided to registered entities prior to the system being open to users. Grantees will receive an email from the PSC identifying the date that the APR will be available to grantees and the deadline for its transmission.

4. *Performance Measures:* For the purposes of Department reporting under 34 CFR 75.110, the Secretary has established the following key performance measures for assessing the effectiveness and efficiency of the Formula Grants program: (1) the percentage of AIAN students in grades four and eight who score at or above the basic level in reading on the National Assessment of Educational Progress (NAEP); (2) the percentage of AIAN students in grades four and eight who score at or above the basic level in mathematics on the NAEP; (3) the percentage of AIAN students in grades three through eight meeting State achievement standards by scoring at or above the proficient level in reading and mathematics on State assessments; (4) the difference between the percentage of AIAN students in grades three through eight at or above the proficient level in reading and mathematics on State assessments and the percentage of all students scoring at those levels; (5) the percentage of AIAN students who graduate from high school as measured by the 4-year adjusted cohort graduation rate; (6) the percentage of grantees providing culturally responsive activities; and (7) the percentage of funds used by grantees prior to award closeout.

Note: In any year in which NAEP or State assessment data are systematically unavailable, reporting of such data will not be required and will not be used for purposes of performance measures.

5. *Integrity and Performance System:* If you receive an award under this grant program that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system

(currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through <https://sam.gov/>. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

VI. Other Information

Accessible Format: On request to the PSC listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotope, compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site, you can view this document, as well as other Department documents published in the **Federal Register**, in text or PDF. To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access Department documents published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Adam Schott,

Principal Deputy Assistant Secretary for Policy and Programs Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2024–27532 Filed 11–22–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Reinstatement of a Previously Approved Information Collection for the Weatherization Assistance Program

AGENCY: Office of State and Community Energy Programs, U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The U.S. Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend a previously approved collection, without change, for three years with the Office of Management and Budget (OMB). The information collection request, Weatherization Assistance Program Sub-Programs, was previously approved on May 26, 2022, under OMB Control No. 1910–5157 and expires on May 31, 2025.

DATES: Comments regarding this collection must be received on or before January 24, 2025. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent to Rose Croog by email to the following address: rose.croog@hq.doe.gov with the subject line “Weatherization Assistance Program Sub-Programs (OMB No. 1910–5157)” included in the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Rose Croog, by email or phone at rose.croog@hq.doe.gov, (240) 702–5375.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions 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.

This information collection request contains:

(1) *OMB No.:* 1910–5157;

(2) *Information Collection Request*

Title: “Weatherization Enhancement

and Innovation (E&I), Sustainable Energy Resources for Consumers (SERC), and Community Scale Weatherization Pilot Grants”;

(3) *Type of Request:* Extension, without change, of a previously approved collection for which approval has expired;

(4) *Purpose:* To collect information on the status of grantee activities, including but not limited to weatherized units, total people assisted with grant funds, expenditures, and results, to ensure that program funds are being used appropriately, effectively and expeditiously. All information collection proposed under these programs is necessary for their implementation, and thus necessary for the function of the Agency as a whole. The information collected will be used by program staff to track the recipients of E&I, SERC, and Community Scale activities, their progress in achieving scheduled milestones, and funds expended (including expenditure rates). The information also enables program staff to provide required or requested information on program activities to OMB, Congress and the public.

(5) *Annual Estimated Number of Respondents:* 205;

(6) *Annual Estimated Number of Total Responses:* 379;

(7) *Annual Estimated Number of Burden Hours:* 2,013 hours;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* \$136,954.47.

Statutory Authority: Section 414D of the Energy Act of 2020, Pub. L. 116–260, div. Z, title I, codified at 42 U.S.C. 6864d and section 411(b) of the Energy Independence and Security Act of 2007, Pub. L. 110–140, title IV, codified at 42 U.S.C. 6872.

Signing Authority

This document of the Department of Energy was signed on November 19, 2024, by David Crane, Under Secretary for Infrastructure for U.S. Department 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 November 20, 2024.

Treena V. Garrett,

*Federal Register Liaison Officer, U.S.
Department of Energy.*

[FR Doc. 2024-27523 Filed 11-22-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP24-658-000.
Applicants: Jay-Bee Production Company v. Texas Gas Transmission, LLC.

Description: Texas Gas Transmission, LLC submits Refund Report.

Filed Date: 11/18/24.

Accession Number: 20241118-5213.

Comment Date: 5 p.m. ET 12/2/24.

Docket Numbers: RP25-191-000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: FOSA Signature Blocks to be effective 12/18/2024.

Filed Date: 11/18/24.

Accession Number: 20241118-5122.

Comment Date: 5 p.m. ET 12/2/24.

Docket Numbers: RP25-192-000.
Applicants: Trunkline Gas Company, LLC.

Description: § 4(d) Rate Filing: Amended Non-Conforming NRA—FP&L to be effective 12/1/2024.

Filed Date: 11/19/24.

Accession Number: 20241119-5037.

Comment Date: 5 p.m. ET 12/2/24.

Docket Numbers: RP25-193-000.
Applicants: Kinder Morgan Louisiana Pipeline LLC.

Description: § 4(d) Rate Filing: Periodic Rate Adjustment—Fuel and L&U Retention Percentages December 2024 to be effective 1/1/2025.

Filed Date: 11/19/24.

Accession Number: 20241119-5085.

Comment Date: 5 p.m. ET 12/2/24.

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: RP24-333-003.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: Compliance filing: TGP Compliance Filing to Implement the Period 2 Settlement Rates to be effective 1/1/2025.

Filed Date: 11/18/24.

Accession Number: 20241118-5152.

Comment Date: 5 p.m. ET 12/2/24.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.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.

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 19, 2024.

Carlos D. Clay,

Acting Deputy Secretary.

[FR Doc. 2024-27584 Filed 11-22-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP24-512-000]

Texas Connector Pipeline, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Texas Connector Amendment Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document, that will discuss the environmental impacts of the Texas Connector Amendment

Project (Amendment Project) involving construction and operation of facilities by Texas Connector Pipeline LLC (Texas Connector), in Jefferson and Orange Counties, Texas. The Commission will use this environmental document in its decision-making process to determine whether the Project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of an authorizing Order. This gathering of public input is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the NEPA Process and Environmental Document section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on December 18, 2024. Comments may be submitted in written form. Further details on how to submit comments are provided in the Public Participation section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

If you submitted comments on this Project to the Commission before the opening of this docket on August 12, 2024, you will need to file those comments in Docket No. CP24-512-000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this Project. State and local government representatives should notify their constituents of this

proposed Project and encourage them to comment on their areas of concern.

Public Participation

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208-3676 or FercOnlineSupport@ferc.gov.

(1) You can file your comments electronically using the eComment feature, which is located on the Commission's website (www.ferc.gov) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; a comment on a particular project is considered a "Comment on a Filing"; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the Project docket number (CP24-512-000) 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, Maryland 20852.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice

communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Summary of the Proposed Project

On November 29, 2016, Port Arthur Pipeline, LLC (PAPL) filed an application with FERC for the Texas Connector Project in Docket No. CP17-21-000. In January 2019, FERC issued a final Environmental Impact Statement (EIS) that analyzed the Texas Connector Project, together with the Port Arthur Liquefaction Project (Docket No. CP17-20-000), and the Louisiana Connector Project (Docket No. CP18-7-000). The Commission issued an Order authorizing those combined projects on April 18, 2019. In May 2023, in Docket No. CP17-21-003 et al., the Commission issued an Order, authorizing among other things, the abandonment by transfer of the certificated Texas Connector Project from PAPL to Texas Connector. Texas Connector further evaluated the Project and proposes modifications as part the Amendment Project.

The Amendment Project includes the following modifications to the previously authorized project.

- The Southern Compressor Station would not be constructed, and the original site of the Southern Compressor Station would be utilized for a laydown yard and access road.
- The southern pipeline segment (Southern Segment) would decrease in length from 7.6 miles to 1.4 miles.
- Compression at the Northern Compressor Station (renamed Orangefield Compressor Station) would increase from three natural gas-driven turbine compressors rated at 16,684 hp each, to four SolarTitan 130 Gas Turbine driven compressors rated at approximately 24,009 hp each.
- The footprint and configuration of the Orangefield Compressor Station would shift slightly north and west and increase in size from 40 acres to 82.4 acres.
- The northern pipeline segment (Northern Segment) would increase in length from 26.6 miles to 29.6 miles and include several modifications to the alignment and workspace to accommodate landowner requests and development within the previously authorized right-of-way.
- Texas Connector proposes to use about 16,320 feet of the Big Hill Bayou south of Taylor Bayou and South

Mansfield Ferry Road Canal as a water access routes. Big Hill Bayou would require dredging to facilitate vessel transit.

- The KMPL Meter Station would not be constructed.

The general location of the Project facilities and maps showing the modifications associated with the Amendment Project are included in appendix 1.¹

Land Requirements for Construction

The modifications associated with the Amendment Project would result in additional impact footprint of 95.6 acres of land; including the pipelines; aboveground facilities; additional temporary workspaces; contractor staging and pipe storage yards/spoil storage areas; and new or improved access roads. Additionally, the Amendment Project's proposed water access routes encompass about 94.4 acres. The modifications associated with the Amendment Project would result in an additional 94.8 acres of permanent impact for operation of the overall Texas Connector Project.

NEPA Process and the Environmental Document

Any environmental document issued by the Commission would discuss impacts that could occur as a result of the construction and operation of the proposed project under the relevant general resource areas:

- Geology, soils, and sediments;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- environmental justice;
- air quality and noise; and
- reliability and safety.

Commission staff would also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine

¹ The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at www.ferc.gov using the link called "eLibrary". For instructions on connecting to eLibrary, refer to the last page of this notice. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll free, (866) 208-3676 or TTY (202) 502-8659.

whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed Project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/ Notice of Schedule* will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary² and the Commission's natural gas environmental documents web page (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this Project to formally cooperate in the preparation of the environmental document.³ Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.⁴

² For instructions on connecting to eLibrary, refer to the last page of this notice.

³ The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at 40 CFR 1501.8.

⁴ The Advisory Council on Historic Preservation's regulations are at 36 CFR part 800. Those regulations define historic properties as any

The environmental document for this Project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list Federal, State, and local government representatives and agencies; elected officials; environmental and public interest groups; Indian Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to GasProjectAddressChange@ferc.gov stating your request. You must include the docket number CP24-93-000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments. OR

(2) Return the attached "Mailing List Update Form" (appendix 2).

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at www.ferc.gov using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number in the "Docket Number" field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at

prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

FercOnlineSupport@ferc.gov or (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at <https://www.ferc.gov/news-events/events> along with other related information.

Dated: November 18, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024-27474 Filed 11-22-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable

proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40

CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. Each filing may be viewed on the Commission’s website at <https://www.ferc.gov> using the eLibrary link.

Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket Nos.	File date	Presenter or requester
<i>Prohibited:</i> NONE. <i>Exempt:</i> 1. ER24–99–000, EL24–148–000, ER25–118–000	11–12–2024	Congressman Brian Fitzpatrick.

Dated: November 19, 2024.
Carlos D. Clay,
Acting Deputy Secretary.
[FR Doc. 2024–27586 Filed 11–22–24; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1922–000]

Ketchikan Public Utilities; Notice of Authorization for Continued Project Operation

The license for the Beaver Falls Hydroelectric Project No. 1922 was issued for a period ending October 31, 2024.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project’s prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 1922 is issued to Ketchikan Public Utilities for a period effective November 1, 2024, through October 31, 2025, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before October 31, 2025, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Ketchikan Public Utilities is authorized to continue operation of the Beaver Falls Hydroelectric Project under the terms and conditions of the prior license until the issuance of a subsequent license for the project or other disposition under the FPA, whichever comes first.

Dated: November 18, 2024.
Debbie-Anne A. Reese,
Secretary.
[FR Doc. 2024–27471 Filed 11–22–24; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2489–000]

Green Mountain Power Corporation; Notice of Authorization for Continued Project Operation

The license for the Cavendish Hydroelectric Project No. 2489 was issued for a period ending October 31, 2024.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue

from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project’s prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2489 is issued to Green Mountain Power Corporation for a period effective November 1, 2024, through October 31, 2025, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before October 31, 2025, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Green Mountain Power Corporation is authorized to continue operation of the Cavendish Hydroelectric Project under the terms and conditions of the

prior license until the issuance of a subsequent license for the project or other disposition under the FPA, whichever comes first.

Dated: November 18, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024–27470 Filed 11–22–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR25–2–000]

Antero Resources Corporation; Notice of Petition

Take notice that on November 12, 2024, pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure,¹ Antero Resources Corporation (Antero) filed a petition for emergency relief requesting rulings related to invoices issued or that may be issued by certain pipelines (including Enterprise TE Products Pipeline Company LLC) to retroactively account for the revision of the oil pipeline index for the period from March 1, 2022, through September 17, 2024.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene, or protest must serve a copy of that document on the Petitioner.

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 (<https://www.ferc.gov>) using the "eLibrary" link. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field. User assistance is available for eLibrary and the Commission's website during normal

business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

The Commission strongly encourages electronic filings of comments, protests, and interventions in lieu of paper using the "eFiling" link at <https://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 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.

Comment Date: 5:00 p.m. Eastern time on December 12, 2024.

Dated: November 18, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024–27472 Filed 11–22–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC24–28–000]

Commission Information Collection Activities (FERC–523); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on a renewal of currently approved information

collection, FERC–523 (Application for Authorization for the Issuance of Securities or the Assumption of Liabilities). There were no comments received on the 60-day notice that ended on November 12, 2024.

DATES: Comments on the collection of information are due December 26, 2024.

ADDRESSES: Send written comments on FERC–523 to OMB through www.reginfo.gov/public/do/PRAMain. Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number (1902–0043) in the subject line of your comments. Comments should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain.

Please submit copies of your comments to the Commission. You may submit copies of your comments (identified by Docket No. IC24–28–000) by one of the following methods:

Electronic filing through <https://www.ferc.gov>, is preferred.

- **Electronic Filing:** Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.

- For those unable to file electronically, comments may be filed by USPS mail or by other delivery methods:

- **Mail via U.S. Postal Service Only:** Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- **All other delivery methods:** Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at www.reginfo.gov/public/do/PRAMain. Using the search function under the "Currently Under Review" field, select Federal Energy Regulatory Commission; click "submit," and select "comment" to the right of the subject collection.

FERC submissions must be formatted and filed in accordance with submission guidelines at: <https://www.ferc.gov/ferc-online/overview>. For user assistance, contact FERC Online Support by email at ferconlinesupport@ferc.gov, or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <https://www.ferc.gov/ferc-online/overview>.

FOR FURTHER INFORMATION CONTACT: Kayla Willams may be reached by email at DataClearance@FERC.gov, telephone at (202) 502–6468.

¹ 18 CFR 385.207 (2024).

SUPPLEMENTARY INFORMATION: Title: FERC–523, Application for Authorization for the Issuance of Securities or the Assumption of Liabilities.

OMB Control No.: 1902–0043.

Type of Request: Three-year approval of the FERC–523 information collection requirements with no changes to the current reporting requirements.

Abstract: The information collected by FERC–523 is required to implement the statutory provisions of section 204 of the Federal Power Act (FPA) (16 U.S.C. 824c). Under section 204 of the FPA, no public utility or licensee shall issue any security, or assume any obligation or liability as guarantor,

endorser, surety, or otherwise in respect of any security of another person, until the public utility applies for and receives Commission approval by order authorizing the issuance or assumption of the liability. The Commission issues an order if it finds that such issuance or assumption (a) is for lawful object, within the corporate purposes of the applicant and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the applicant as a public utility, and which will not impair its ability to perform that service, and (b) is reasonably necessary or appropriate for such purposes.

The Commission uses the information contained in filings to determine its acceptance and/or rejection of applications for authorization to either issue securities or to assume an obligation or liability by the public utilities and licensees who submit these applications.

The specific application requirements and filing format are found at 18 CFR part 34, and 18 CFR 131.43 and 131.50. This information is filed electronically.

Type of Respondents: Public utilities subject to the Federal Power Act.

Estimate of Annual Burden¹ and Cost:² The Commission estimates the reduction in the annual public reporting burden for the FERC–523, as follows:

FERC–523—APPLICATION FOR AUTHORIZATION FOR ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hrs. & cost (\$) per response	Total annual burden hrs. & total annual cost (\$)	Cost per respondent (\$)
	(1)	(2)	(1) * (2) = (3)	(3) * (4) = (5)	(5) ÷ (1))
72	1	72	70 hrs.; \$7,000	5,040 hrs.; \$504,000	\$7,000

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency’s estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: November 18, 2024.

Debbie-Anne A. Reese,
Secretary.
[FR Doc. 2024–27473 Filed 11–22–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY	
Federal Energy Regulatory Commission	
Notice of Revocation of Market-Based Rate Authority and Termination of Electric Market-Based Rate Tariff	
	Docket Nos.
Electric Quarterly Reports	ER02–2001–020
Astral Energy LLC	ER14–519–000
Clear Green Energy LLC ...	ER23–946–000
GP Energy Management LLC.	ER15–230–000
Mega Energy Holdings LLC.	ER13–1298–001
Planet Energy (Maryland) Corp.	ER11–2168–001
Planet Energy (New York) Corp.	ER11–2179–001
Planet Energy (Pennsylvania) Corp.	ER11–2167–001
Planet Energy (USA) Corp	ER11–2166–001
Power Supply Services LLC.	ER12–862–000
Relief Energy LLC	ER23–945–000
The Valence Group, LLC ..	ER22–549–000

On October 23, 2024, the Commission issued an order announcing its intent to

revoke the market-based rate authority of several public utilities that had failed to file their required Electric Quarterly Reports.¹ The Commission directed those public utilities to file the required Electric Quarterly Reports within 15 days of the date of issuance of the order or face revocation of their authority to sell power at market-based rates and termination of their electric market-based rate tariffs.²

The time period for compliance with the October 23 Order has elapsed. The above-captioned companies failed to file their delinquent Electric Quarterly Reports. The Commission hereby revokes, effective as of the date of issuance of this notice, the market-based rate authority and terminates the electric market-based rate tariff of each of the companies who are named in the caption of this order.

Dated: November 19, 2024.

Debbie-Anne A. Reese,
Secretary.
[FR Doc. 2024–27576 Filed 11–22–24; 8:45 am]

BILLING CODE 6717–01–P

¹ Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

² Commission staff estimates that the industry’s skill set and cost (for wages and benefits) for FERC–523 are approximately the same as the Commission’s average cost. The FERC 2024 average salary plus benefits for one FERC full-time

equivalent (FTE) is \$207,786/year (or \$100.00/hour).

¹ *Electric Quarterly Reports*, 189 FERC ¶ 61,050 (2024) (October 23 Order).

² *Id.* at Ordering Paragraph A.

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. CP18–6–002]

RH energytrans, LLC; Notice of
Request for Extension of Time

Take notice that on November 13, 2024, RH energytrans, LLC (RH) requested that the Federal Energy Regulatory Commission (Commission) grant a third extension of time, until December 7, 2026, to complete construction of, and place into service, its Meadville and County Line compressor stations in Crawford and Erie Counties, Pennsylvania. The Commission previously issued letter orders granting extensions of time until and including December 7, 2022¹ and December 7, 2024.² The Order Issuing Certificate (Certificate Order)³ required RH to complete the construction of the proposed Risberg Line Project facilities⁴ and make them available for service within two years from issuance, or by December 7, 2020.⁵

In RH's previous requests for extensions of time RH stated that it had experienced construction delays due to winter weather, the dissolution of one of its pipeline contractors, and delays resulting from COVID–19 pandemic restrictions. RH states that it has continued to experience similar conditions and that commercial activity has only slowly been returning in the areas served by the Risberg Line. RH explains that in recent months, it has encountered an increase in interest from potential shippers developing data centers near the Risberg Line, and has concluded that the additional capacity they would need to require the compression provided by the Meadville and Countyline compressor stations. As a result, RH now requests an additional two years, or until December 7, 2026, to complete the authorized construction at the Meadville and County Line

compressor stations and make them available for service.⁶

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on RH's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (NGA) (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension requests that are contested,⁷ the Commission will aim to issue an order acting on the request within 45 days.⁸ The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.⁹ The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act (NEPA).¹⁰ At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.¹¹ The Director of the Office of Energy Projects, or his or her designee, will act on all of those extension requests that are uncontested.

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 (<https://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

The Commission strongly encourages electronic filings of comments in lieu of paper using the “eFile” link at <https://www.ferc.gov>. In lieu of electronic filing, you may submit a paper copy which must reference the Project docket number.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission'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.

Comment Date: 5:00 p.m. Eastern Time on December 4, 2024.

Dated: November 19, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024–27578 Filed 11–22–24; 8:45 am]

BILLING CODE 6717–01–P

¹ RH energytrans, LLC, Docket No. CP18–6–000, Letter Order (Nov. 18, 2020).

² RH energytrans, LLC, Docket No. CP18–6–000, Letter Order (Dec. 21, 2022).

³ RH energytrans, LLC, 165 FERC ¶ 61,218 (2018) (Certificate Order).

⁴ The Risberg Line Project consists of the conversion of 31.6 miles of existing 8-inch and 12-inch natural gas gathering pipeline to transmission service, construction of 28.3 miles of new 12-inch pipeline, conversion of the existing Countyline Compressor station from gathering to transmission service, and construction of a new compressor station at Meadville, PA.

⁵ *Id.* at ordering para. (B)(1).

⁶ On December 1, 2019, RH placed all of the Risberg Line Project facilities into service except for the Meadville and County Line compressor stations.

⁷ Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1).

⁸ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

⁹ *Id.* at P 40.

¹⁰ Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

¹¹ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OMS-2024-0126; FRL-12430-01-OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Drug Testing for Contractor Employees (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Background Checks for Contractor Employees (EPA ICR Number 2183.09, OMB Control Number 2030-0044) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2024. Public comments were previously requested via the **Federal Register** on May 29, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments. **DATES:** Comments may be submitted on or before December 26, 2024.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA ICR Number 2159.09, OMB Control Number 2030-0043 to EPA online using www.regulations.gov (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Pamela Leftrict, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460;

telephone number; 202-564-9463; email address: lefrict.pamela@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through November 30, 2024. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on May 29, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The EPA uses contractors to perform services throughout the nation with regard to environmental emergencies involving the release, or threatened release, of oil, radioactive materials, or hazardous chemicals that may potentially affect communities and the surrounding environment. The Agency may request contractors responding to any of these types of incidents to conduct background checks and apply Government-established suitability criteria in Title 5 CFR Administrative Personnel 731.104 *Appointments Subject to Investigation*, 732.201 *Sensitivity Level Designations and Investigative Requirements*, and 736.102 *Notice to Investigative Sources* when determining whether employees are acceptable to perform on given sites or on specific projects. In addition to emergency response contractors, EPA may require background checks for contractor personnel working in sensitive sites or sensitive projects. The background checks and application of the Government's suitability criteria must be completed prior to contract employee performance. The contractor shall maintain records associated with all background checks. Background checks cover citizenship or valid visa status, criminal convictions, weapons offenses, felony convictions, and parties prohibited from receiving federal contracts.

Form numbers: None.

Respondents/affected entities: Private Contractors.

Respondent's obligation to respond: Required to obtain a benefit per Title 5

CFR Administrative Personnel 731.104 *Appointments Subject to Investigation*, 732.201 *Sensitivity Level Designations and Investigative Requirements*, and 736.102 *Notice to Investigative Sources*.

Estimated number of respondents: 500 (total).

Frequency of response: Annually.

Total estimated burden: 1,125 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$135,030 (per year), includes \$0 annualized capital or operation & maintenance costs.

Changes in the estimates: There is no change in the hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2024-27521 Filed 11-22-24; 8:45 am]

BILLING CODE 6560-50-P

EXPORT-IMPORT BANK**Review of Updated Additionality Guidance and Checklist for EXIM's Medium and Long-Term Transactions**

AGENCY: Export-Import Bank.

ACTION: Notice.

SUMMARY: Pursuant to the Charter directive to supplement and encourage, and not compete with, private capital the Export-Import Bank ("EXIM") reviews all applications for additionality. EXIM is in the process of updating the 2020 Guidance on assessing additionality and is seeking comments on proposed guidelines for determining Additionality on requests the Bank receives to support export transactions with repayment amortizing over the medium or long term. The proposed revisions can be viewed at: <https://www.exim.gov/2024-draft-revised-additionality-checklist>.

DATES: Comments are due 21 days from publication in the **Federal Register**.

ADDRESSES: Interested parties may submit comments on this transaction electronically on www.regulations.gov. To submit a comment, enter "Review of Updated Additionality Guidance and Checklist for EXIM's Medium and Long-term Transactions" under the heading "Enter Keyword or ID" and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and "Review of Updated Additionality Guidance and Checklist for EXIM's Medium and Long-term Transactions" on any attached

document. Comments can also be sent by email to Scott.Condren@exim.gov.

Scott Condren,

Vice President, Policy Analysis Division.

[FR Doc. 2024-27519 Filed 11-22-24; 8:45 am]

BILLING CODE 6690-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1301; FR ID 263308]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, 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. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.” The Commission 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 comments and recommendations for the proposed information collection should be submitted on or before December 26, 2024.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into www.reginfo.gov per the above instructions for it to be considered. In addition to submitting in www.reginfo.gov also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to PRA@fcc.gov and to Nicole.Ongele@fcc.gov. Include in the comments the OMB control number as

shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418-2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page <https://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called “Currently Under Review,” (3) click on the downward-pointing arrow in the “Select Agency” box below the “Currently Under Review” heading, (4) select “Federal Communications Commission” from the list of agencies presented in the “Select Agency” box, (5) click the “Submit” button to the right of the “Select Agency” box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (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 burden estimates; (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 the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

OMB Control Number: 3060-1301.

Title: Preparation of Annual Reports to Congress for the Collection & Use of Fees for 988 Services by States & Other Jurisdictions Under the National Suicide Hotline Designation Act of 2020.

Form Number: N/A.

Type of Review: Extension of a currently-approved collection.

Respondents: State, Local, or Tribal Government.

Number of Respondents and Responses: 630 respondents; 630 responses.

Estimated Time per Response: 55 hours.

Frequency of Response: Annual reporting requirement.

Obligation to Respond: Voluntary. Statutory authority for this information collection is contained in National Suicide Hotline Designation Act of 2020, Public Law 116-172, 134 Stat. 832 (2020) (988 Act).

Total Annual Burden: 34,650 hours.

Total Annual Cost: No Cost.

Needs and Uses: This information collection enables the Federal Communications Commission (Commission) to fulfill its continuing obligations under the National Suicide Hotline Designation Act of 2020, Public Law 116-172, 134 Stat. 832 (2020) (988 Act), to submit an annual “Fee Accountability Report” to the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, and the Committees on Energy and Commerce and Appropriations of the House of Representatives, detailing “the status in each State, political subdivision of a State, Indian Tribe, or village or regional corporation serving” an Alaska Native Claims Settlement Act region, of the collection and distribution of fees or charges for “the support or implementation of 9-8-8 services,” including “findings on the amount of revenues obligated or expended by each [state, political entity, and subdivision] for any purpose other than the purpose for which any such fees or charges are specified.” (988 Act, 134 Stat. at 833-34.)

The Commission will collect information for the preparation of the annual Fee Accountability Report through a survey, to be distributed via electronic mail, that appropriate officials of States and political subdivisions thereof, Indian Tribes, and village or regional corporations serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*) can use to submit data pertaining to the collection and distribution of revenues from fees and charges for the support or implementation of 988 services, including the use of such collected fees and charges for any purpose other than for the support or implementation of 988 services. In addition, consistent with the definition of “State” set forth in 47 U.S.C. 153(40) of the Communications Act, the Commission will collect this information from states as well as the District of Columbia and

the inhabited U.S. Territories and possessions.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024–27548 Filed 11–22–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0743; FR ID 263012]

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 24, 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: 3060–0743.

Title: Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96–128.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 4,471 respondents; 10,071 responses.

Estimated Time per Response: .50–100 hours.

Frequency of Response: On occasion, monthly and quarterly reporting requirements, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. 276 of the Telecommunications Act of 1996.

Total Annual Burden: 118,137 hours.

Need and Uses: This collection of information implements the following requirements under section 276 of the Telecommunications Act of 1996. They are: (a) state showing of proof of market failure for exception to market-rate local coin call requirement; (b) state review of adequacy of provision of public interest payphone; (c) payphone providers' transmission of specific payphone coding digits; (d) LEC verification of disputed ANIS and maintaining and making available the verification data; (e) LEC timely notification of payphone disconnection; (f) LEC indication on the payphone's monthly bill that the amount due is for payphone service; (g) LEC tariff filing; (h) reclassification of LEC-owned payphones; (i) payphone provider's verification of its status to payer of compensation; (j) payphone providers' posting of local coin call rate on each payphone placard; and (k) LEC provision of emergency numbers to carrier-payers.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024–27559 Filed 11–22–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0537; FR ID 262655]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). 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 comments should be submitted on or before January 24, 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 contacts 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 No.: 3060–0537.

Title: Sections 13.9(c), 13.13(c), 13.17(b), 13.211(e) and 13.217,

Commercial Operator License Examination Managers (COLEM) Records.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit entities, not-for-profit institutions, and State, local, or tribal government.

Number of Respondents and

Responses: 3,742 respondents and 3,742 responses.

Estimated Time per Response: 0.44 hours to 30 hours.

Frequency of Response:

Recordkeeping requirement and on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection 47 U.S.C. 154 and 303 of the Communications Act of 1934.

Total Annual Burden: 19,132 hours.

Annual Cost Burden: No cost.

Needs and Uses: The Commission will submit this expiring information collection after this comment period to obtain the full, three-year clearance from the Office of Management and Budget (OMB). The Commission is requesting approval for a three-year extension. The rule sections approved under this collection are 47 CFR 13.9, 13.13, 13.17, 13.211, and 13.217. If this information collection requirement was not kept or fulfilled, it is conceivable that examinees could be overcharged, and that fraud and deceit could be used for unjust enrichment of the examiners.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024-27558 Filed 11-22-24; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 263017]

Federal Advisory Committee Act; Communications Security, Reliability, and Interoperability Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Communications Security, Reliability, and Interoperability Council (CSRIC) IX will hold its third meeting on December 18, 2024 at 1 p.m. eastern standard time (EST).

DATES: December 18, 2024.

ADDRESSES: The third meeting will be held at 45 L Street NE, Washington, DC, and via conference call. The meeting is open to the public and is also available via WebEx at <https://www.fcc.gov/live> and on the FCC's YouTube channel.

FOR FURTHER INFORMATION CONTACT:

Suzon Cameron, Designated Federal Officer (DFO), CSRIC IX, FCC, (202) 418-1916 or email: CSRIC@fcc.gov, Kurian Jacob, Deputy DFO, CSRIC IX, FCC, (202) 418-2040 or email: CSRIC@fcc.gov, or Logan Bennett, Deputy DFO, CSRIC IX, FCC, (202) 418-7790 or email: CSRIC@fcc.gov.

SUPPLEMENTARY INFORMATION: The meeting will be held on December 18, 2024, at 1 p.m. EST, in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC. While the CSRIC IX meeting is open to the public, the FCC headquarters building is not open access, and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: <https://www.fcc.gov/visit>.

The CSRIC is a Federal Advisory Committee that will provide recommendations to the Commission to improve the security, reliability, and interoperability of communications systems. On March 26, 2024, the Commission, pursuant to the Federal Advisory Committee Act, renewed the charter for CSRIC IX for a period of two years through March 25, 2026. The meeting on December 18, 2024, will be the third meeting of CSRIC IX under the current charter. The FCC will provide audio and/or video coverage of the meeting over the internet from the FCC's web page at <https://www.fcc.gov/live> and on the FCC's YouTube channel. The public may submit written comments before the meeting to Suzon Cameron, DFO, CSRIC IX, via email to CSRIC@fcc.gov.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to fcc504@fcc.gov or by calling the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice). Such requests should include a detailed description of the accommodation needed. In addition, please include a way the Commission can contact you if it needs more information. Please allow at least five days' advance notice; last-

minute requests will be accepted but may be impossible to fill.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024-27561 Filed 11-22-24; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than December 26, 2024.

A. Federal Reserve Bank of Atlanta (Erien O. Terry, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can

also be sent electronically to Applications.Comments@atl.frb.org:
1. *First Commerce Bancorp, Inc.*,
Lewisburg, Tennessee; to acquire
Peoples Bank of Middle Tennessee,
Shelbyville, Tennessee.

Board of Governors of the Federal Reserve
System.
Michele Taylor Fennell,
Associate Secretary of the Board.
[FR Doc. 2024–27573 Filed 11–22–24; 8:45 am]
BILLING CODE P

DEPARTMENT OF HEALTH AND
HUMAN SERVICES

Agency for Healthcare Research and
Quality

Supplemental Evidence and Data
Request on Dietary Saturated Fat
Replacement and Plasma Lipid and
Cardiovascular Events

AGENCY: Agency for Healthcare Research
and Quality (AHRQ), HHS.
ACTION: Request for supplemental
evidence and data submission.

SUMMARY: The Agency for Healthcare
Research and Quality (AHRQ) is seeking
scientific information submissions from
the public. Scientific information is
being solicited to inform our review on
*Dietary Saturated Fat Replacement and
Plasma Lipid and Cardiovascular
Events*, which is currently being
conducted by the AHRQ’s Evidence-
based Practice Centers (EPC) Program.
Access to published and unpublished
pertinent scientific information will
improve the quality of this review.

DATES: *Submission Deadline* on or
before December 26, 2024.

ADDRESSES:
Email submissions: epc@ahrq.hhs.gov.
Print submissions:
Mailing Address: Center for Evidence
and Practice Improvement, Agency for
Healthcare Research and Quality,
ATTN: EPC SEADs Coordinator, 5600
Fishers Lane, Mail Stop 06E53A,
Rockville, MD 20857.
Shipping Address (FedEx, UPS, etc.):
Center for Evidence and Practice
Improvement, Agency for Healthcare

Research and Quality, ATTN: EPC
SEADs Coordinator, 5600 Fishers Lane,
Mail Stop 06E77D, Rockville, MD
20857.

FOR FURTHER INFORMATION CONTACT:
Kelly Carper, Telephone: 301–427–1656
or Email: epc@ahrq.hhs.gov.

SUPPLEMENTARY INFORMATION: The
Agency for Healthcare Research and
Quality has commissioned the
Evidence-based Practice Centers (EPC)
Program to complete a review of the
evidence for *Dietary Saturated Fat
Replacement and Plasma Lipid and
Cardiovascular Events*. AHRQ is
conducting this review pursuant to
section 902 of the Public Health Service
Act, 42 U.S.C. 299a.

The EPC Program is dedicated to
identifying as many studies as possible
that are relevant to the questions for
each of its reviews. In order to do so, we
are supplementing the usual manual
and electronic database searches of the
literature by requesting information
from the public (e.g., details of studies
conducted). We are looking for studies
that report on *Dietary Saturated Fat
Replacement and Plasma Lipid and
Cardiovascular Events*. The entire
research protocol is available online at:
[https://effectivehealthcare.ahrq.gov/
products/saturated-fat-replacement/
protocol](https://effectivehealthcare.ahrq.gov/products/saturated-fat-replacement/protocol).

This is to notify the public that the
EPC Program would find the following
information on *Dietary Saturated Fat
Replacement and Plasma Lipid and
Cardiovascular Events* helpful:

- A list of completed studies that
your organization has sponsored for this
topic. In the list, please *indicate
whether results are available on
ClinicalTrials.gov* along with the
ClinicalTrials.gov trial number.
- *For completed studies that do not
have results on ClinicalTrials.gov*, a
summary, including the following
elements, if relevant: study number,
study period, design, methodology,
indication and diagnosis, proper use
instructions, inclusion and exclusion
criteria, primary and secondary
outcomes, baseline characteristics,
number of patients screened/eligible/
enrolled/lost to follow-up/withdrawn/
analyzed, effectiveness/efficacy, and
safety results.

■ *A list of ongoing studies that your
organization has sponsored for this
topic*. In the list, please provide the
ClinicalTrials.gov trial number or, if the
trial is not registered, the protocol for
the study including, if relevant, a study
number, the study period, design,
methodology, indication and diagnosis,
proper use instructions, inclusion and
exclusion criteria, and primary and
secondary outcomes.

■ Description of whether the above
studies constitute *ALL Phase II and
above clinical trials* sponsored by your
organization for this topic and an index
outlining the relevant information in
each submitted file.

Your contribution is very beneficial to
the Program. Materials submitted must
be publicly available or able to be made
public. Materials that are considered
confidential; marketing materials; study
types not included in the review; or
information on topics not included in
the review cannot be used by the EPC
Program. This is a voluntary request for
information, and all costs for complying
with this request must be borne by the
submitter.

The draft of this review will be posted
on AHRQ’s EPC Program website and
available for public comment for a
period of 4 weeks. If you would like to
be notified when the draft is posted,
please sign up for the email list at:
[https://effectivehealthcare.ahrq.gov/
email-updates](https://effectivehealthcare.ahrq.gov/email-updates).

The review will answer the following
questions. This information is provided
as background. AHRQ is not requesting
that the public provide answers to these
questions.

Key Questions (KQ)

KQ 1: What are the effects of replacing
dietary intake of total or individual
saturated fatty acids with unsaturated,
mono-unsaturated or polyunsaturated
fatty acids, carbohydrates, or protein on
plasma lipid concentrations in the
general population?

KQ 2: What are the effects of replacing
dietary intake of total or individual
saturated fatty acids with unsaturated,
mono-unsaturated or polyunsaturated
fatty acids, carbohydrates, or protein on
cardiovascular events in the general
population?

PICOTS (POPULATIONS, INTERVENTIONS, COMPARATORS, OUTCOMES, TIMING, AND SETTING)
[Study eligibility criteria based on Population, Intervention, Comparator, Outcome (PICO), and other elements]

Element	Inclusion criteria	Exclusion criteria
Population	Both Key Questions	Both Key Questions

PICOTS (POPULATIONS, INTERVENTIONS, COMPARATORS, OUTCOMES, TIMING, AND SETTING)—Continued

[Study eligibility criteria based on Population, Intervention, Comparator, Outcome (PICO), and other elements]

Element	Inclusion criteria	Exclusion criteria
	General population, without CVD, with or without modifiable CV risk factors, including. ○ Dyslipidemia (including if taking lipid lowering medications). ○ Overweight/obese ○ Hyperglycemia and related conditions, including type 2 diabetes. ○ Hypertension/high blood pressure Key Question 1 Children and adults Key Question 2 Adults (≥18 years old)	• Participants with a health-related condition or taking medications that impact fat absorption, fat metabolism. • Participants taking weight loss medications, including glucagon-like peptide-1 agonists. • Undernourished, underweight, stunted, or wasted participants. • Participants who are pre- or post-bariatric surgery. • Participants with other chronic diseases (e.g., cancer, gastrointestinal disease, rheumatic disease, chronic kidney disease, neurologic diseases), including type 1 diabetes. • Participants with clinical CVD (e.g., history of myocardial infarction, angina, stroke, arrhythmia), including congenital heart diseases, or familial hypercholesterolemia.
Interventions	Both Key Questions • Diets with a lower intake of total saturated fatty acids. • Diets with a lower intake of individual saturated fatty acids. • Diets with a lower intake of a combination of saturated fatty acids other than stearic acid (ranging from C8 to C16; <i>i.e.</i>, caprylic, caproic, lauric, myristic, palmitic). • Saturated fatty acid intake is exchanged for: ○ Carbohydrates, including different types (complex including fiber, refined, sugars). ○ Protein ○ Unsaturated fatty acids, any ○ Mono-unsaturated fatty acids (MUFA) .. ○ Polyunsaturated fatty acids (PUFA) ○ Combination of the above • Dietary intake must be defined or described prospectively (in real time). • Must specify daily quantity of dietary saturated fat intake. Key Question 1 For studies in children, ○ Include multicomponent interventions (e.g., diet + exercise vs. exercise). ○ Infant formula.	Both Key Questions • Studies that do not quantify fatty acid intake as either g/day or % of total energy intake from saturated fat. • Analyses with fat intake as a continuous variable. • Fatty acid intake during a single meal or eating occasion. • Fatty acid intake via infusion (not orally). • Food products or dietary supplements not widely available to U.S. consumers. • Multi-component interventions (e.g., diet + exercise vs. exercise or plant sterols + diet vs. plant sterols) (adult studies). • Multi-component interventions of statins + diet where statins are being initiated. Dietary interventions among existing statin users will be included. • Interventions designed to induce weight loss or treat overweight and obesity through energy restriction or hypocaloric diets. • Interventions designed for the purposes of treating medical conditions other than modifiable CV risk factors. • Enteral feeding.
Comparators	Both Key Questions • Diets with no exchange and, thus, a higher intake of total saturated fatty acids, individual saturated fatty acids, or combination of saturated fatty acids. • Well defined conventional or usual diet • Diets with same reduction in saturated fat intake but different replacement (e.g., 6% saturated fatty acids in all arms, replaced with protein vs. replaced with carbohydrates).	Both Key Questions Diets with a caloric intake that are significantly higher or lower than the intervention/exposure diet. Diets or interventions that vary substantially in intake of macronutrients (or other factors) other than the intervention and comparator of interest. Different dietary fat exposure (e.g., comparison of undefined quantiles).
Outcomes	Key Question 1	Key Question 1

PICOTS (POPULATIONS, INTERVENTIONS, COMPARATORS, OUTCOMES, TIMING, AND SETTING)—Continued

[Study eligibility criteria based on Population, Intervention, Comparator, Outcome (PICO), and other elements]

Element	Inclusion criteria	Exclusion criteria
	- Plasma lipoprotein concentrations - LDL cholesterol (LDL-c) - HDL cholesterol (HDL-c) - Non-HDL-cholesterol - Triglycerides (triacylglycerol) (Tg) - Lipoprotein(a) - Apolipoprotein B (ApoB) - Key Question 2 - Cardiovascular events - Atherosclerotic cardiovascular disease (total). - Major adverse cardiac (or cerebral) events (MAC[C]E). - Specific cardiovascular events - Myocardial infarction - Coronary heart/artery disease - Peripheral vascular/artery disease - Revascularization (for studies published after 1995). - Cardiovascular disease-related mortality. - Stroke - Incident atrial fibrillation	- Total cholesterol (TC). - TC:HDL ratio. - LDL:HDL ratio. - Chylomicrons. - VLDL-c. - IDL-c. - Other apolipoproteins. - Lipoprotein profiles. - Evaluations of fatty acid biomarker levels. - Key Question 2 - Other cardiac or vascular related outcomes. - Participant reported events.
Subgroups/effect modifiers of interest	Both Key Questions - Specific life stages - Infants (for Key Question 1 only) - Children and adolescents (for Key Question 1 only). - Adults (19–64) - Older adults (≥65) - Pregnant or postpartum - Menopausal status.	None.
	- Other characteristics - Sex (male, female) - Socioeconomic status - Social determinants of health - Race/ethnicity - Physical activity level - Anthropometry - Health status, including type 2 diabetes - Percent of total energy intake replaced - Dietary trans fatty acid intake - Baseline lipid concentrations - Dietary cholesterol intake.	
Design	Key Question 1 - Studies of adults - Parallel or cross-over randomized controlled trials (RCTs). - n ≥25/group * - Studies of children - Parallel or cross-over RCTs - n ≥25/group * - Nonrandomized comparative studies - Must account for potential confounders. - Dietary intake must be defined or described prospectively. - n ≥50/group *	Both Key Questions - Observational studies that do not account for confounders. - Analyses of dietary fat as a continuous variable (e.g., RR per g/day intake) without an analysis at a threshold (e.g., RR for > vs < threshold). - All other study designs.

PICOTS (POPULATIONS, INTERVENTIONS, COMPARATORS, OUTCOMES, TIMING, AND SETTING)—Continued
 [Study eligibility criteria based on Population, Intervention, Comparator, Outcome (PICO), and other elements]

Element	Inclusion criteria	Exclusion criteria
	Key Question 2 • Studies of adults ○ Parallel or cross-over RCTs ■ $n \geq 25/\text{group}^*$ ○ Nonrandomized comparative studies ■ Must account for potential confounders. ■ Dietary intake must be defined or described prospectively. ■ We will aim for a minimum of about 10 observational studies for each specific intervention—CV event pair (e.g., reduced saturated fat and stroke). We will thus select the largest observational studies within each category.†. ■ $n \geq 100/\text{group}$.	
Timing	Key Question 1 • Minimum intervention length: 4 weeks • In cross-over studies, any change in outcome measure must exclude data from the first week after end of any prior treatments Key Question 2 • Minimum follow-up ○ If population has no CV risk factors: 10 years. ○ If population has one or more CV risk factors (or unselected general population): 5 years.	None.
Setting	• General community settings, including nursing homes, assisted living facilities, etc.	• Hospital or other acute care settings. • Institutionalized, confined settings (e.g., prisons)
Publication	• English language • Published in peer-reviewed journals.	

* Minimum sample size may be altered depending on the number of eligible studies found.

† Applying this approach for the 2016 AHRQ report n-3 fatty acids and cardiovascular disease (<https://doi.org/10.23970/AHRQEPERTA223>), we included: for cardiac event outcomes, observational studies with at least 10,000 participants; for stroke outcomes, at least 3000 participants; for arrhythmia outcomes, at least 2000 participants; congestive heart failure outcomes, at least 700 participants; and for peripheral vascular disease events and MACE outcomes, at least 500 participants. In all instances, if a study meets eligibility criteria for any outcome, we will extract all outcomes of interest from that study; therefore, there will be multiple instances of studies being included for an outcome even though the study might not have met study size criteria for that specific outcome.

CV = cardiovascular; CVD = cardiovascular disease; MUFA = mono-unsaturated fatty acids; PUFA = polyunsaturated fatty acids; c = cholesterol; LDL = low-density lipoprotein; IDL = intermediate-density lipoprotein; HDL high-density lipoprotein; TC—total cholesterol; Tg = Triglycerides/Triacylglycerols; apoA = apolipoprotein; MAC[C]E = Major adverse cardiac (or cerebro) events; BMI = body mass index; KQ = key question; N = number of participants.

Dated: November 19, 2024.

Marquita Cullom,

Associate Director.

[FR Doc. 2024–27488 Filed 11–22–24; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[30Day–25–0047]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Agency for Toxic Substances and Disease Registry

(ATSDR) has submitted the information collection request titled “Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery” to the Office of Management and Budget (OMB) for review and approval. ATSDR previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on August 16, 2024, to obtain comments from the public and affected agencies. ATSDR did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

ATSDR 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

Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (OMB Control No. 0923-0047, Expiration Date 2/28/2025)—Extension—Agency for Toxic Substances and Disease Registry (ATSDR).

Background and Brief Description

The information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Federal government’s commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study.

This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations, provide an early warning of issues with service, or focus attention

on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between the ATSDR and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency’s services will be unavailable.

ATSDR will only submit a collection for approval under this Generic Clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are noncontroversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency (if released, the agency must indicate the qualitative nature of the information);
- Information gathered will not be used for the purpose of substantially

informing influential policy decisions; and

- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this Generic Clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of Generic Clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: (1) the target population to which generalizations will be made; (2) the sampling frame; (3) the sample design (including stratification and clustering); (4) the precision requirements or power calculations that justify the proposed sample size; (5) the expected response rate; (6) the methods for assessing potential nonresponse bias; (7) the protocols for data collection; and (8) any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results. As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This is an Extension of the previously approved collection. The respondents are Individuals and Households; Businesses and Organizations; and State, Local, or Tribal Government. ATSDR requests OMB approval for an estimated 7,075 annualized burden hours. There is no cost to respondents other than their time.

Estimated Annualized Burden Hours

Type of collection	Number of respondents	Annual frequency per response	Hours per response
Small discussion groups	300	1	90/60
Request for customer comment cards/complaint forms/post-conference or training surveys	1,500	1	15/60
Focus groups of customers, potential customers, delivery partners, or other stakeholders	2,000	1	2
Qualitative customer satisfaction surveys or interviews	3,000	1	30/60
Usability testing/in-person observation testing	1,500	1	30/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office,
Office of Public Health Ethics and
Regulations, Office of Science, Centers for
Disease Control and Prevention.

[FR Doc. 2024-27468 Filed 11-22-24; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-25-1255; Docket No. CDC-2024-
0096]

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 Emergency
Cruise Ship Outbreak Investigations
(CSOIs). The Vessel Sanitation Program
(VSP) conducts CSOIs in response to
acute gastroenteritis (AGE) outbreaks on
cruise ships within the VSP's
jurisdiction.

DATES: CDC must receive written
comments on or before January 24,
2025.

ADDRESSES: You may submit comments,
identified by Docket No. CDC-2024-
0096 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

Emergency Cruise Ship Outbreak
Investigations (CSOIs (OMB Control No.
0920-1255, Exp. 3/31/2025)—
Extension—National Center for
Environmental Health (NCEH), Centers
for Disease Control and Prevention
(CDC).

Background and Brief Description

Established in 1975 as a cooperative
activity with the cruise ship industry,
the Centers for Disease Control and

Prevention (CDC) Vessel Sanitation
Program (VSP) develops and
implements comprehensive operational
public health programs to minimize the
risk of gastrointestinal illness. VSP
coordinates and conducts public health
inspections, ongoing surveillance of
gastrointestinal illness, and outbreak
investigations on cruise ships.

Under the authority of the Public
Health Service Act (42 U.S.C. 264 and
269), VSP is requesting a three-year
Extension Information Collection
Request (ICR) for an existing Generic
Clearance. This ICR will provide for the
quick turnaround necessary to conduct
emergency Cruise Ship Outbreak
Investigations (CSOIs) in response to
acute gastroenteritis (AGE) outbreaks.
CSOIs are used to determine causative
agents and their sources, modes of
transmission, or risk factors. VSP's
jurisdiction includes passenger vessels
carrying 13 or more people sailing from
foreign ports and within 15 days of
arriving at a U.S. port.

VSP uses its syndromic surveillance
system called the Maritime Illness and
Death Reporting System (MIDRS) (OMB
Control No. 0920-1260, expiration date
03/31/2026) to collect aggregate data
about the number of people onboard
ships in VSP's jurisdiction who are
experiencing AGE symptoms. When the
levels of illness meet VSP's alert
threshold (*i.e.*, at least 2% in either the
passenger or crew populations), a
special report is made to VSP via
MIDRS and VSP provides
environmental health and
epidemiologic assistance. VSP considers
an outbreak to be $\geq 3\%$ of reportable
AGE cases in either passenger or crew
populations.

When a cruise ship has an AGE
outbreak, VSP often must deploy a
response team to meet the ship in port
within 24 hours of reaching the
outbreak threshold. In some cases, the
response team must board the ship
before its U.S. arrival and sail back to
the U.S. port of disembarkation to
conduct a more detailed and
comprehensive epidemiologic and
environmental health evaluation of the
outbreak.

VSP can ascertain a causative agent,
sources of exposure, modes of
transmission, and risk factors by
gathering the following types of
information from both the affected and
(seemingly) unaffected populations:

- Demographic information,
- Pre-embarkation travel information,
- Symptoms, including type, onset,
duration,
- Contact with people who were sick
or their body fluids,

- Participation in ship and onshore activities,
- Locations of eating and drinking, and
- Foods and beverages consumed both on the ship and on shore. Rapid and flexible data collection is imperative given the mobile environment, the remaining duration of the voyage left for investigation, and the loss to follow-up if delays allow passengers to disembark and leave the ship, including those returning to locations outside of the United States.

This Generic Clearance will cover investigations that meet all the following criteria:

- The investigation is urgent in nature (*i.e.*, timely data are needed to

inform rapid public health action to prevent or reduce morbidity or mortality).

- The investigation is characterized by undetermined agents, undetermined sources, undetermined modes of transmission, or undetermined risk factors.
- One or more CDC staff (including trainees and fellows) will be deployed to the field.
- Data collection is completed in 30 days or less (most CSOIs involve two to five days of data collection).

This Generic Clearance excludes each of the following:

- Investigations related to non-urgent outbreaks or events.

- Investigations conducted for the primary purpose of program evaluation, surveillance, needs assessment, or research (*e.g.*, to contribute to generalizable knowledge).
- Investigations with data collection expected for greater than 30 days.

VSP estimates 10 CSOIs annually in response to cruise ship AGE outbreaks. The estimated number of respondents is 1,300 per CSOI, for a total of 13,000 respondents per year. The average time burden is 15 minutes for each respondent. Therefore, the total estimated annual burden in hours is 4,063. There is no cost to respondents other than their time.

Estimated Annualized Burden Hours

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Cruise ship crew	Self-administered questionnaire	3,000	1	15/60	750
Cruise ship crew	Interview	450	1	15/60	113
Cruise ship crew	Biospecimen collection	300	1	15/60	75
Cruise ship passenger	Self-administered questionnaire	10,000	1	15/60	2,500
Cruise ship passenger	Interview	1,500	1	15/60	375
Cruise ship passenger	Biospecimen collection	1,000	1	15/60	250
Total .....	.....	.....	.....	.....	4,063

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. 2024–27467 Filed 11–22–24; 8:45 am]
BILLING CODE 4163–18–P

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

**Centers for Disease Control and
Prevention**

[30Day–25–0792]

**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 “Environmental Health Specialists Network (EHS-Net) 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 August 9, 2024, to obtain comments from the public and affected agencies. CDC received three 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

Environmental Health Specialists (EHS-Net) Program (OMB Control Number 0920–0792, Exp. 1/31/2025)—Revision—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC), is requesting a three-year Paperwork Reduction Act (PRA) approval for a Revision of this Generic

Clearance for data collections to support research focused on identifying and addressing environmental factors associated with foodborne illness outbreaks and other food safety issues. These data are essential to environmental public health regulators' efforts to respond more effectively to and prevent future outbreaks and food safety-associated events.

An estimated 47.8 million foodborne illnesses occur annually in the United States, resulting in 127,839 hospitalizations, and 3,037 deaths annually. These figures indicate that foodborne illness is a significant problem in the U.S. Reducing foodborne illness requires identification and understanding of the environmental factors that cause these illnesses. CDC needs to know how and why food becomes contaminated with foodborne illness pathogens. This information can then be used to determine effective food safety prevention methods. Ultimately, these actions can lead to increased regulatory program effectiveness and decreased foodborne illness. The purpose of this food safety research program is to identify and understand environmental factors associated with foodborne illness and outbreaks. This

program is conducted by the Environmental Health Specialists Network (EHS-Net), a collaborative project of CDC, FDA, USDA, and local and state sites.

Environmental factors associated with foodborne illness include both food safety practices (e.g., inadequate cleaning practices) and the factors in the environment associated with those practices (e.g., worker and retail food establishment characteristics). To understand these factors, we need to collect data from those who prepare food (i.e., food workers) and on the environments in which the food is prepared (i.e., retail food establishment kitchens). Thus, data collection methods for this generic package include: (1) manager and worker interviews/information collection instruments; and (2) observation of kitchen environments. Both methods allow data collection on food safety practices and environmental factors associated with those practices.

To date, EHS-Net has conducted six studies under this Generic Clearance. The data from these studies have been disseminated to environmental public health/food safety regulatory programs and the food industry in the form of presentations at conferences and

meetings, scientific journal publications, and website postings. Data from these studies have been presented in 13 articles in peer-reviewed scientific journals, in multiple presentations at national food safety conferences, and on CDC's website.

The current package is a Revision of the previous PRA clearance from 2021. This package includes the potential for sites to offer incentives to participants in EHS-Net data collection activities. This will not result in an increased cost to the Federal Government because the cost of incentives is included in the existing EHS-Net cooperative agreement. The annual cost to the Federal Government has increased by a maximum of \$614 per year to cover the cost of Spanish translation of the manager and worker interview forms by the CDC Multilingual Services Team. CDC requests OMB approval for an estimated 844 annual burden hours. There is no change in the estimated annualized burden hours from the previous PRA Clearance 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)
Retail managers	Manager Telephone Recruiting Script	889	1	3/60
	Manager Interview/Assessment	400	1	30/60
	Observation	400	1	30/60
Retail food workers	Worker Recruiting/Informed Consent Script ..	2,000	1	2/60
	Worker Interview/Assessment	2,000	1	10/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2024-27469 Filed 11-22-24; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS-10387]

Agency Information Collection Activities: Proposed Collection; 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 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates 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 must be received by January 24, 2025.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By Regular Mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development,

Attention: Document Identifier/OMB Control Number: _____, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

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 N. Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (*see ADDRESSES*).

CMS-10387 Minimum Data Set 3.0 Nursing Home and Swing Bed Prospective Payment System (PPS) For the collection of data related to the Patient Driven Payment Model and the Skilled Nursing Facility Quality Reporting Program (QRP)

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. 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 requires federal agencies to publish a 60-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.

Information Collections

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Minimum Data Set 3.0 Nursing Home and Swing Bed Prospective Payment System (PPS) For the collection of data related to the Patient Driven Payment Model and the Skilled Nursing Facility Quality Reporting Program (QRP); *Use:* We are requesting to implement the MDS 3.0

v1.20.1 beginning October 1, 2025 in order to meet the requirements of policies finalized in the Federal Fiscal Year (FY) 2025 Skilled Nursing Facility (SNF) Prospective Payment System (PPS) final rule (CMS-1802-F, RIN 0938-AV30). Specifically, we finalized the collection of four new items as standardized patient assessment data elements, modified one item collected as a standardized patient assessment data element, and removed twenty-two items that are not needed for case-mix adjusting the SNF per diem payment for PDPM. As a result of these changes, the total annual hour burden across facilities has decreased, and the annual cost burden across facilities has decreased. *Form Number:* CMS-10387 (OMB control number: 0938-1140); *Frequency:* Yearly; *Affected Public:* Private Sector: Business or other for-profit and not-for-profit institutions; *Number of Respondents:* 15,477; *Total Annual Responses:* 1,766,806; *Total Annual Hours:* 2,675,583. (For policy questions regarding this collection contact Heidi Magladry at 410-786-6034).

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024-27522 Filed 11-22-24; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10849]

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 26, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Negotiation Data

Elements and Drug Price Negotiation Process for Initial Price Applicability Year 2027 under sections 11001 and 11002 of the Inflation Reduction Act Information Collection Request (ICR) (CMS–10849, OMB 0938–1452); *Use:* Under the authority in sections 11001 and 11002 of the Inflation Reduction Act of 2022 (Pub. L. 117–169), the Centers for Medicare & Medicaid Services (CMS) is implementing the Medicare Drug Price Negotiation Program, codified in sections 1191 through 1198 of the Social Security Act (“the Act”). The Act establishes the Negotiation Program to negotiate maximum fair prices (“MFPs”), defined at 1191(c)(3) of the Act, for certain high expenditure, single source selected drugs covered under Medicare Part B and Part D. For the second year of the Negotiation Program, the Secretary of Health and Human Services (the “Secretary”) will select up to 15 high expenditure, single source drugs covered under Part D for negotiation.

Negotiation Data Elements: The statute requires that CMS consider certain data from Primary Manufacturers as part of the negotiation process. To the extent that more than one entity meets the statutory definition of manufacturer (specified in section 1193(a)(1) of the Act) for a selected drug for purposes of initial price applicability year 2027, CMS will designate the entity that holds the New Drug Application(s) (NDA(s))/Biologics License Application(s) (BLA(s)) for the selected drug to be “the manufacturer” of the selected drug (hereinafter the “Primary Manufacturer”). The Primary Manufacturer’s data submissions include non-FAMP and related data for selected drugs for the purpose of establishing a ceiling price, as outlined in section 1193(a)(4)(A) of the Act, and the negotiation factors outlined in section 1194(e)(1) of the Act for the purpose of formulating offers and counteroffers process pursuant to section 1193(a)(4)(B) of the Act. Some of these data are held by the Primary Manufacturer and are not currently available to CMS. Data described in sections 1194(e)(1) and 1193(a)(4) of the Act must be submitted by the Primary Manufacturer.

Section 1194(e)(2) of the Act requires CMS to consider certain data on selected drugs and their alternative treatments. Because the statute does not specify where these data come from, CMS will allow for optional submission from Primary Manufacturers and the public. CMS will additionally review existing literature, conduct internal analyses, and consult subject matter and clinical experts on the factors listed in

section 1194(e)(2) of the Act. Primary Manufacturers may optionally submit this information as part of their Negotiation Data Elements Information Collection Request Form. The public may also optionally submit evidence about the selected drugs and their alternative treatments.

Drug Price Negotiation Process: Any MFPs that are negotiated for the drugs selected for the second year of the Negotiation Program will apply beginning in initial price applicability year 2027. For initial price applicability year 2027, the negotiation period begins on the earlier of the date that the Primary Manufacturer enters into a Medicare Drug Price Negotiation Program Agreement or February 28, 2025.

Section 1194(b)(2)(C) of the Act provides that if the Primary Manufacturer does not accept CMS’ written initial offer, the Primary Manufacturer may submit an optional written counteroffer no later than 30 days after the date of receipt of CMS’ written initial offer. If the Primary Manufacturer chooses to develop and submit a written counteroffer to CMS’ written initial offer during the drug price negotiation process for initial price applicability year 2027 in accordance with section 1194(b)(2)(C) of the Act, the Primary Manufacturer must submit the Statutory Written Counteroffer Form. *Form Number:* CMS–10849 (OMB control number: 0938–1452); *Frequency:* Once; *Affected Public:* Private sector, Business or other for-profit; *Number of Respondents:* 340; *Total Annual Responses:* 340; *Total Annual Hours:* 23,764 (For policy questions regarding this collection contact Elisabeth Daniel at 667–290–8793.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–27490 Filed 11–22–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity: Services Provided to Unaccompanied Children (Office of Management and Budget #: 0970–0553)

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services, is inviting public comments on the proposed information collection, including proposed changes. The request consists of several forms that will allow the Unaccompanied Children (UC) Bureau to continue providing statutorily mandated services to unaccompanied children in ORR care.

DATES: *Comments due* January 24, 2025. In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described in this notice.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing infocollection@acf.hhs.gov. Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: ORR has undertaken a reorganization of its information collections to promote operational efficiency. The reorganization will result in more collections that contain fewer forms under a single Office of Management and Budget number. This information collection currently contains 22 unique forms (33 including alternative versions). Under the reorganization, ORR proposes to discontinue the use of six forms; transfer 10 forms to new information collections associated with Assessments and Home Studies/Post-Release Services; and revise five existing forms.

The UC Bureau is requesting to discontinue the use of six forms created for the UC Path case management system, which was never implemented. Except where indicated below, the UC Path versions of these forms contain features and/or logic not replicated in the UC Portal, and have never been used, thus maintaining these forms is unnecessary. These forms include:

- Long Term Foster Care Travel Request (Form S–14)—UC Path version only. UC Bureau plans to revise and continue using the UC Portal version.
- Home Study/Post-Release Service (HS/PRS) Provider Entity (Form S–21A).
- Home Study/Post-Release Service (HS/PRS) Subcontractor Entity (Form S–21B).
- Home Study/Post-Release Service (HS/PRS) Primary Provider Profile (Form S–21C).
- Home Study/Post-Release Service (HS/PRS) Subcontractor Profile (Form S–21D).

• Sponsor Application (Form S–24).
Additionally, the following forms currently approved under this collection will be transferred to two new information collections proposed separately. The proposed new collections will encompass forms pertaining to Assessments and Home Study/Post-Release Services (HS/PRS). These forms include:

- Assessments Information Collection
 - Sponsor Assessment (Form S–5)
 - Adult Contact Profile (Form S–7)
 - Initial Intakes Assessment (Form S–8)
 - Assessment for Risk (Form S–9)
 - UC Assessment (Form S–11)
 - UC Case Review (Form S–12)
 - Individual Service Plan (Form S–13)
- Home Study/Post-Release Services Information Collection
 - Home Study Assessment (Form S–6)
 - Post-Release Service (PRS) Referral (Form S–19)
 - Post-Release Service (PRS) Report (Form S–22)
 - Home Study Referral (Form S–26)

Finally, the UC Bureau plans to keep the following forms in this information collection and make revisions as noted below. These forms are completed by foster parents or case managers or clinicians at care provider facilities to request approval for a child to travel outside the local community with their foster parent; to update the child's biographic information and admit them into the program; to authorize and document the child's contact with others outside the program; to document outreach performed on the child's behalf by care providers; and, to capture high-level milestones in the child's case. These forms are documentary in nature and a critical component of the child's case file. ORR funded care providers must always remain compliant with ORR and state licensing requirements per the Unaccompanied Children Program Foundational Rule, 45 CFR 410.1302(a); proposed revisions that remove or simplify form fields attesting to or documenting program compliance do not exempt programs from satisfying these requirements. The following revisions are currently proposed for each form:

- Foster Care Travel Request (Form S–14):
 - Remove “Long-term” from the form's title to clarify this form may be used for children in all foster care settings.
 - Add “physical location of the child” field to the UC Basic Information section, consistent with changes made

to the UC Case Status (S–27) form; this field will auto-populate data from the UC Portal Discharge Tab.

- Clarify that the name of the individual with whom the child is traveling must be an adult.
- Remove Personal Vehicle information section from the form to align UC travel request data collection with domestic child welfare practices.
- Add Health Safety Travel Plan section to the form to document how the child's health conditions, if applicable, may be effectively managed while traveling with their foster family, and plan for how the foster family will handle any health-related emergencies which may occur during travel.
- Simplify the Travel Request Approval section by removing the following fields:

- Reason Travel Request is being submitted to ORR/DCS for approval:
- Is the travel request in accordance with state guidelines?
- Purpose of travel and trip summary:
- Are there any identified safety concerns in this child's background?
- Is there any indication of flight risk?
- Add a summary approval field with an open text comment space for approving officials to document their rationale for denial.

○ Adjust the burden estimate to account for an increase in the number of care provider facilities completing the form (form now used for children in all foster care settings, not just long-term foster care) and number of children placed in ORR care, and to reflect a decrease in the overall number of fields the respondent will need to complete. The annual number of respondents increased from 30 to 138, the annual number of responses per response increased from 8 to 178, and the average burden hours per response decreased from 0.33 hours to 0.25 hours.

- Admission (Form S–18):
 - Replace “UAC” with “UC” throughout the form to conform with UC Bureau standard terminology as established in UC Program Foundational Rule, 45 CFR 410.

○ Add “Nonbinary” to dropdown menu options for Gender.

○ Add “physical location of the child” field to the UC Basic Information section, consistent with changes made to the UC Case Status (S–27) form; this field will auto-populate data from the UC Portal Discharge Tab.

○ Adjust the burden estimate to account for an increase in the number of care provider facilities and number of children placed in ORR care. The annual number of respondents increased from 216 to 300 and the annual number of responses per response increased from 278 to 327.

• UC Authorized/Restricted Call List and Call Log (Form S–20):

○ Replace “UAC” with “UC” throughout the form to conform with UC Bureau standard terminology as established in UC Bureau Foundational Rule.

○ Add “Call Supervision Required?” field to the Authorized Contacts List; content will auto-populate on the call logs display tab and reference the corresponding field in the Family/Friend contact profile. When entering this data, respondents will select from a “Yes/No” dropdown menu to indicate if contact between the child and named individual must be supervised by care provider staff.

○ Add the following fields to the UC Call Log to support data tracking related to UC Bureau Policy Guide Section 3.3.10 Calls, Visitation, Mail and Email:

- “Call Duration” with an open text field for the care provider staff to document the length of the call.

■ “Supervision Required?” which will auto-populate “Yes” or “No” based on the corresponding field in the contact profile.

■ “Supervised By:” with an open text field for the care provider to identify which staff member supervised the call.

■ Call Method with dropdown options to specify if the contact was made by phone or video call.

○ Adjust the burden estimate to account for an increase in the number of care provider facilities and number of children placed in ORR care, as well as revisions to policies on phone calls in UC Bureau Policy Guide Section 3.3.10–Calls, Visitation, Mail and Email. The annual number of respondents increased from 216 to 300 and the annual number of responses per response increased from 6,981 to 15,711.

• Case Manager Call Log and Case Notes (Form S–23):

○ Replace “UAC” with “UC” throughout the form to conform with UC Bureau standard terminology as established in UC Program Foundational Rule.

○ Adjust the burden estimate to account for an increase in the number of care provider facilities and number of children placed in ORR care. The annual number of respondents increased from 216 to 300 and the annual number of responses per response decreased from 8,426 to 8,183.

• UC Case Status (Form S–27):

- Assigned a tracking number to the form (S–27).

○ Add “Physical Location of the Child” Field to the UC Basic Information Section. This will auto-populate with data sourced from the UC

Portal Discharge Tab, presented as an appendix to the form.

○ Add “Concurrent Planning: Additional Potential Sponsors” segment to Family Reunification Section with the following fields (which will auto-populate from the Sponsor Assessment (Form S–5, currently approved under this information collection):

- Potential Sponsor Name.
- Relationship to Child.
- Sponsor Category.

○ Split the “Know Your Rights Presentation and Legal Screening” into two distinct fields to capture the completion date for each more accurately, acknowledging that they

typically are not completed on the same day.

○ Add “Back-Up Case Manager” segment to Case Manager Information Section to designate an alternative Case Manager who may take actions on behalf of the primary Case Manager when they are unavailable. The corresponding fields mirror those for primary case manager and will either be system-generated or auto-populate with user account data already entered the system. The fields include:

- Back-up Case Manager Name.
- Back-up Case Manager Email Address.
- Back-up Case Manager Phone Number.

■ Back-up Case Manager Organization.

■ Assigned on (MM/DD/YYYY).

○ Adjust the burden estimate to account for an increase in the number of care provider facilities and number of children placed in ORR care, as well as the addition of the above listed new segments and fields. The annual number of respondents increased from 216 to 300, the annual number of responses per respondent increased from 278 to 327, and the average burden hours per response increased from 0.08 hours to 0.25 hours.

Respondents: ORR grantee and contractor staff.

Annual Burden Estimates:

ANNUAL BURDEN ESTIMATE FOR RESPONDENTS

Form	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual total burden hours
Foster Care Travel Req. Form (S–14)	138	178	0.25	6,141
Admission (S–18)	300	327	0.33	32,373
UC Authorized/Restricted Call List and Call Log (S–20)	300	15,711	0.08	377,064
Case Manager Call Log and Case Notes (S–23)	300	8,183	0.08	196,392
UC Case Status (S–27)	300	327	0.25	24,525
Estimated Annual Burden Hours Total .....	.....	.....	.....	636,495

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 6 U.S.C. 279; 8 U.S.C. 1232.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2024–27505 Filed 11–22–24; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0180]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Generic Clearance for the Collection of Quantitative Data on Tobacco Products and Communications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995. **DATES:** Submit written comments (including recommendations) on the collection of information by December 26, 2024.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under

Review—Open for Public Comments” or by using the search function. The OMB control number for this information collection is 0910–0810. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Generic Clearance for the Collection of Quantitative Data on Tobacco Products and Communications

OMB Control Number 0910–0810—Extension

This information collection supports FDA programs. Under section 1003(d)(2)(D) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 393(d)(2)(D)), FDA is authorized to conduct educational and public information programs. Under this umbrella, FDA’s Center for Tobacco Products (CTP) conducts research and uses a variety of media to inform and

educate stakeholders (e.g., the public, tobacco retailers, and health professionals) about the risks of tobacco use, how to quit using tobacco products, and FDA’s role in regulating tobacco.

To ensure that these educational and public information programs have the highest potential to be received, understood, and accepted by those for whom they are intended, CTP conducts research to understand and identify and develop health messages relating to the control and prevention of disease. In conducting such research, FDA uses quantitative methods for studies about tobacco products, including but not limited to surveys, experimental studies, quasi-experimental studies, and the collection and analysis of digital metrics. These studies are used to collect information related to foundational research informing message development; formative pretesting of tobacco communication messages and other materials directed at consumers; understanding the impact of tobacco public education materials in the digital environment; awareness of and receptivity to tobacco public education materials; and developing and testing survey measures to inform future research.

This type of research may involve: (1) assessing audience knowledge, attitudes, intentions, behaviors, and other characteristics for the purpose of determining the need for and developing health messages, communication strategies,

dissemination strategies, and public information programs; (2) testing health messages, strategies, and program components while they are in developmental form to assess audience comprehension, reactions, and perceptions, as well as after they have been disseminated to consumers; and (3) adding to the tobacco control, public health communication, and regulatory science knowledge base. Quantitative studies play an important role in exploring areas of research and gathering information because they can be used to summarize a population of interest on key variables or reveal systematic relationships between variables.

This foundational research has helped FDA to understand audiences and inform message development and the testing of messages in communicating the risks of tobacco use, how to quit using tobacco products, and FDA’s role in regulating tobacco. Obtaining this information has allowed FDA to improve messages, materials, and implementation strategies while revisions are still affordable and possible.

The voluntary information collected serves the primary purpose of providing FDA information about various measures of ad performance including, but not limited to, message comprehension, perceived effectiveness, emotional responses and knowledge, attitudes, and behavioral intentions to assess the ability of messages,

advertisements, and materials to reach and successfully communicate with their intended audiences. Additionally, this information collection provides FDA with insights into how to best measure public education message performance. Quantitative testing of messages and other materials with a sample of the target audience allows FDA to refine and assess messages, advertisements, and materials directed at consumers.

In addition, quantitative information is collected under this umbrella by FDA to track changes in response to policy and regulatory actions and to expand the tobacco regulatory science base by providing information on changing behaviors, knowledge and attitudes about tobacco products, including post-marketing surveillance of tobacco products. In addition, quantitative information is collected by FDA to track changes in response to policy and regulatory actions and to expand the tobacco regulatory science base by providing information on changing behaviors, knowledge, and attitudes about tobacco products, including postmarketing surveillance of tobacco products.

In the **Federal Register** of June 21, 2024 (89 FR 52055), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

Activity	Number of respondents	Number of responses per respondents	Total annual responses	Average burden per response	Total hours
Screener	1,360,000	1	1,360,000	0.083 (5 minutes)	113,334
Self-Administered Surveys	204,000	1	204,000	0.33 (20 minutes)	68,000
Informed Consent/Assent	204,000	1	204,000	0.033 (2 minutes)	6,800
Total	1,768,000	.....	.....	.....	188,134

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Our estimated burden for the information collection reflects an overall increase of 96,269 hours and a corresponding increase of 1,106,692 responses. We attribute this adjustment to the number of study responses used during the current approval and now estimated for the next 3 years. A greater number of quantitative studies will be conducted over the next 3 years due to the need to develop new creative messages and content.

Recent years have seen a dramatic change in media. With the shift to

digital media, FDA must adapt to communicate effectively in a digital environment. As digital tobacco use prevention/interventions are still in their infancy, we must better understand the types of digital channels available. To impact public health outcomes, we need to understand how to reach our intended audience. New foundational studies are needed (including those on digital metrics, measurement, and implementation) to support activities and initiatives that will enable the public to receive

evidence-based, timely, and clear health communication and education. As a result, we have adjusted our burden estimate and revised the number of respondents to the information collection.

Dated: November 19, 2024.
P. Ritu Nalubola,
Associate Commissioner for Policy.
[FR Doc. 2024–27483 Filed 11–22–24; 8:45 am]
BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**[Document Identifier: OS-4040-0011]****Agency Information Collection Request; 60-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 January 24, 2025.

ADDRESSES: Submit your comments sagal.musa@hhs.gov or by calling (202) 205-2634.

FOR FURTHER INFORMATION CONTACT:

When submitting comments or requesting information, please include the document identifier 4040-0011-60D and project title for reference, to Sagal Musa, email: sagal.musa@hhs.gov, or call (202) 205-2634 the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to

enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: SF-271 Outlay Report and Request for Reimbursement for Construction Programs.

Type of Collection: Extension.

OMB No.: 4040-0011.

Abstract: The SF-271 Outlay Report and Request for Reimbursement for Construction Programs form is an OMB-approved collection (4040-0011). This information collection is used by grant awardees to report on their construction grant award. This IC expires on January 31, 2025. *Grants.gov* seeks a three-year clearance of these collections.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
SF-271 Outlay Report and Request for Reimbursement for Construction Programs.	Grant Applicants	100,000	1	1	100,000
Total .....	.....	100,000	1	1	100,000

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2024-27579 Filed 11-22-24; 8:45 am]

BILLING CODE 4151-AE-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**[Document Identifier: OS-4040-0006]****Agency Information Collection Request; 60-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 January 24, 2025.

ADDRESSES: Submit your comments to sagal.musa@hhs.gov or by calling (202) 205-2634.

FOR FURTHER INFORMATION CONTACT:

When submitting comments or requesting information, please include the document identifier 4040-0006-60D and project title for reference, to Sagal Musa, email: sagal.musa@hhs.gov, or call (202) 205-2634 the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity

of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Budget Information for Non-Construction Programs (SF-424A).

Type of Collection: Extension.

OMB No.: 4040-0006.

Abstract: Budget Information for Non-Construction Programs (SF-424A) is used by applicants to apply for Federal financial assistance. The Budget Information for Non-Construction Programs (SF-424A) form allows the applicants to provide budget details as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2025. *Grants.gov* seeks a three-year clearance of these collections.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Budget Information for Non-Construction Programs (SF-424A).	Grant-seeking organizations	12,775	1	1	12,775
Total .....	.....	.....	1	.....	12,775

Sherrette A. Funn,
Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.
[FR Doc. 2024–27575 Filed 11–22–24; 8:45 am]
BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0003]

Agency Information Collection Request; 60-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 January 24, 2025.

ADDRESSES: Submit your comments to sagal.musa@hhs.gov or by calling (202) 205–2634.
FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0003–60D and project title for reference, to Sagal Musa, email: sagal.musa@hhs.gov, or call (202) 205–2634 the Reports Clearance Officer.
SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency’s functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Application for Federal Domestic Assistance–Short Organizational.
Type of Collection: Extension.
OMB No: 4040–0003.
Abstract: Application for Federal Domestic Assistance–Short Organizational is used by applicants to apply for Federal financial assistance. The Application for Federal Domestic Assistance–Short Organizational allows the applicants to provide organizational details as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2025. *Grants.gov* seeks a three-year clearance of these collections.
Type of Respondent: The Application for Federal Domestic Assistance–Short Organizational form is used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Application for Federal Domestic Assist- ance-Short Organizational.	Grant-seeking organizations	936	1	1	936
Total .....	.....	.....	1	.....	936

Sherrette A. Funn,
Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.
[FR Doc. 2024–27566 Filed 11–22–24; 8:45 am]
BILLING CODE 4151–AE–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; Member Conflict: Special Topics in Imaging and Bioengineering Technology for Visual Systems.
Date: December 12, 2024.
Time: 1:00 p.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: Rachel Anne Kane, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (301) 496–0221, kanera@csr.nih.gov.
Name of Committee: Center for Scientific Review Special Emphasis Panel; Therapeutics Development.
Date: December 16, 2024.
Time: 1:00 p.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: Lystranne Alysia Maynard Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–4809, lystranne.maynard-smith@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 19, 2024.
Miguelina Perez,
Program Analyst, Office of Federal Advisory Committee Policy.
[FR Doc. 2024–27535 Filed 11–22–24; 8:45 am]
BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings
Pursuant to section 1009 of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group; Epidemiology, Prevention and Behavior Research Study Section.

Date: February 25, 2025.

Time: 10:00 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Anna Ghambaryan, M.D., Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, 6700B Rockledge Drive, Room 2120, MSC 6902, National Institute on Alcohol Abuse and Alcoholism, Bethesda, MD 20892, Tel: 301-443-4032, Email: anna.ghambaryan@nih.gov.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group; Neuroscience and Behavior Study Section.

Date: March 4, 2025.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Beata Buzas, Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, 6700B Rockledge Drive, Room 2116, MSC 6902, National Institute on Alcohol Abuse and Alcoholism, Bethesda, MD 20892, Tel: 301-443-0800, Email: bbuzas@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.273, Alcohol Research Programs, National Institutes of Health, HHS)

Dated: November 19, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-27534 Filed 11-22-24; 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 Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of meetings of the National Advisory Allergy and Infectious Diseases Council.

The meetings will be held as virtual meetings and will be open to the public as indicated below. Individuals who plan to view the virtual meetings and need special assistance or other reasonable accommodations to view the meetings should notify the Contact Person listed below in advance of the meetings. The meetings can be accessed from the NIH Videocast at the following link: <https://videocast.nih.gov/>.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Allergy and Infectious Diseases Council.

Date: January 27, 2025.

Open: 10:30 a.m. to 11:30 a.m.

Agenda: Report of Institute Director.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4F30, Rockville, MD 20892 (Video Assisted Meeting).

Closed: 11:45 a.m. to 12:00 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 4F30, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Kelly Y. Poe, Ph.D., Director, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4F50, Bethesda, MD 20892, 301-496-7291, poeky@mail.nih.gov.

Name of Committee: National Advisory Allergy and Infectious Diseases Council Allergy, Immunology and Transplantation Subcommittee.

Date: January 27, 2025.

Closed: 8:30 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of

Health, 5601 Fishers Lane, Room 4F30, Rockville, MD 20892 (Video Assisted Meeting).

Open: 1:00 p.m. to 4:00 p.m.

Agenda: Report of the Division Director and Division Staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4F30, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Kelly Y. Poe, Ph.D., Director, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4F50, Bethesda, MD 20892, 301-496-7291, poeky@mail.nih.gov.

Name of Committee: National Advisory Allergy and Infectious Diseases Council Microbiology and Infectious Diseases Subcommittee.

Date: January 27, 2025.

Closed: 8:30 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4F30, Rockville, MD 20892 (Video Assisted Meeting).

Open: 1:00 p.m. to 4:00 p.m.

Agenda: Report of the Division Director and Division Staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4F30, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Kelly Y. Poe, Ph.D., Director, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4F50, Bethesda, MD 20892, 301-496-7291, poeky@mail.nih.gov.

Name of Committee: National Advisory Allergy and Infectious Diseases Council Acquired Immunodeficiency Syndrome Subcommittee.

Date: January 27, 2025.

Closed: 8:30 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4F30, Rockville, MD 20892 (Video Assisted Meeting).

Open: 1:00 p.m. to 4:00 p.m.

Agenda: Report of Division Director and Division Staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4F30, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Kelly Y. Poe, Ph.D., Director, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4F50, Bethesda, MD 20892, 301-496-7291, poeky@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice at least 10 days in advance of the meeting. The statement should include the

name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: <https://www.niaid.nih.gov/about/advisory-council>, where an agenda and any additional information for the meeting will be posted when available.

(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 19, 2024.

Lauren A. Fleck,
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-27485 Filed 11-22-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK RC2 Application Review.

Date: February 13, 2025.

Time: 12:00 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Cheryl Nordstrom, Ph.D., MPH, Scientific Review Officer, NIDDK/Scientific Review Branch, National Institutes

of Health, 6707 Democracy Blvd., Room 7013, Bethesda, MD 20892, 301-402-6711, cheryl.nordstrom@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: November 19, 2024

Miguelina Perez,
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-27536 Filed 11-22-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2024-0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below. The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

DATES: The date of February 28, 2025 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the

final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at <https://msc.fema.gov> by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbitt, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbitt@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at <https://msc.fema.gov>.

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Nicholas A. Shufro,
Assistant Administrator (Acting) for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Kenai Peninsula Borough, Alaska and Incorporated Areas Docket No.: FEMA-B-2351	
City of Kenai	City Hall, 210 Fidalgo Avenue, Kenai, AK 99611.
City of Soldotna	City Hall, 177 North Birch Street, Soldotna, AK 99669.

Community	Community map repository address
Kenai Peninsula Borough	Donald E. Gilman River Center, 514 Funny River Road, Soldotna, AK 99669.
La Paz County, Arizona and Incorporated Areas Docket No.: FEMA-B-2387	
Unincorporated Areas of La Paz County	La Paz County Community Development, 1112 Joshua Avenue, #202, Parker, AZ 85344.
Linn County, Kansas and Incorporated Areas Docket No.: FEMA-B-2385	
City of Blue Mound	City Hall, 411 East Main Street, Blue Mound, KS 66010.
City of La Cygne	City Hall, 206 North Commercial Street, La Cygne, KS 66040.
City of Linn Valley	City Hall, 22412 East 2400 Road, Linn Valley, KS 66040.
City of Mound City	City Hall, 112 South 2nd Street, Mound City, KS 66056.
City of Parker	City Hall, 314 West Main Street, Parker, KS 66072.
City of Pleasanton	City Hall, 1608 Laurel Street, Pleasanton, KS 66075.
City of Prescott	City Hall, 202 West 4th Street, Prescott, KS 66767.
Unincorporated Areas of Linn County	Linn County Planning and Zoning, 306 Main Street, Mound City, KS 66056.
Bath County, Kentucky and Incorporated Areas Docket No.: FEMA-B-2333	
Unincorporated Areas of Bath County	Bath County Emergency Management Office, 19 East Main Street, Owingsville, KY 40360.
Bourbon County, Kentucky and Incorporated Areas Docket No.: FEMA-B-2333	
City of Millersburg	City Hall, 1113 Main Street, Millersburg, KY 40348.
City of North Middletown	City Office, 3287 North Middletown Road, North Middletown, KY 40357.
City of Paris	Municipal Center, 525 High Street, Paris, KY 40361
Unincorporated Areas of Bourbon County	City of Paris Municipal Center, 525 High Street, Paris, KY 40361.
Clark County, Kentucky and Incorporated Areas Docket No.: FEMA-B-2333	
City of Winchester	City Hall, 32 Wall Street, Winchester, KY 40391.
Unincorporated Areas of Clark County	Winchester City Hall, 32 Wall Street, Winchester, KY 40391.
Grant County, Kentucky and Incorporated Areas Docket No.: FEMA-B-2346	
City of Williamstown	Grant County Courthouse, 101 North Main Street, Williamstown, KY 41097.
Unincorporated Areas of Grant County	Grant County Courthouse, 101 North Main Street, Williamstown, KY 41097.
Harrison County, Kentucky and Incorporated Areas Docket No.: FEMA-B-2366	
City of Berry	Harrison County Courthouse, 111 South Main Street, Cynthiana, KY 41031.
City of Cynthiana	Harrison County Courthouse, 111 South Main Street, Cynthiana, KY 41031.
Unincorporated Areas of Harrison County	Harrison County Courthouse, 111 South Main Street, Cynthiana, KY 41031.
Montgomery County, Kentucky and Incorporated Areas Docket No.: FEMA-B-2333	
City of Mount Sterling	City Hall, 33 North Maysville Street, Mount Sterling, KY 40353.
Unincorporated Areas of Montgomery County	Montgomery County Courthouse Annex, 44 West Main Street, Mount Sterling, KY 40353.
Nicholas County, Kentucky and Incorporated Areas Docket No.: FEMA-B-2333	
City of Carlisle	City Hall, 107 East Chestnut Street, Carlisle, KY 40311.
Unincorporated Areas of Nicholas County	Nicholas County Courthouse, 125 East Main Street, Carlisle, KY 40311.

Community	Community map repository address
Beadle County, South Dakota and Incorporated Areas Docket No.: FEMA-B-2362	
City of Huron	City Hall, 239 Wisconsin Avenue SW, Huron, SD 57350.
City of Wessington	City Hall, 260 South Wessington Street, Wessington, SD 57381.
Town of Broadland	Beadle County Courthouse, 450 3rd Street SW, Huron, SD 57350.
Town of Cavour	Town Hall, 262 Albert Street, Cavour, SD 57324.
Town of Virgil	Beadle County Courthouse, 450 3rd Street SW, Huron, SD 57350.
Town of Wolsey	Beadle County Courthouse, 450 3rd Street SW, Huron, SD 57350.
Unincorporated Areas of Beadle County	Beadle County Courthouse, 450 3rd Street SW, Huron, SD 57350.
Pierce County, Washington and Incorporated Areas Docket No.: FEMA-B-2363	
City of Roy	City Hall, 216 McNaught Street S, Roy, WA 98580.
Unincorporated Areas of Pierce County	Pierce County Tacoma Mall Plaza, 2702 South 42nd Street, Suite 201, Tacoma, WA 98409.

[FR Doc. 2024-27541 Filed 11-22-24; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency**

[Docket ID FEMA-2024-0002; Internal Agency Docket No. FEMA-B-2471]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before February 24, 2025.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelimdownload> and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

You may submit comments, identified by Docket No. FEMA-B-2471, to Rick Sacibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacibit@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Rick Sacibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacibit@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements.

The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at https://www.floodsrp.org/pdfs/srp_overview.pdf.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelimdownload> and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by

the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Nicholas A. Shufro,
Assistant Administrator (Acting) for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Morrill County, Nebraska and Incorporated Areas Project: 23-07-0051S Preliminary Date: July 18, 2024	
City of Bridgeport	City Office, 809 Main Street, Bridgeport, NE 69336.

[FR Doc. 2024-27540 Filed 11-22-24; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2024-0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address

listed in the table below and online through the FEMA Map Service Center at <https://msc.fema.gov>.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbibit@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

The currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that

the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at <https://msc.fema.gov>.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Nicholas A. Shufro,
Assistant Administrator (Acting) for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Alabama:					
Madison (FEMA Docket No.: B-2467).	City of Huntsville, (24-04-1487P).	The Honorable Thomas Battle, Jr., Mayor, City of Huntsville, 308 Fountain Circle Southwest, 8th Floor, Huntsville, AL 35804.	City Hall, 308 Fountain Circle Southwest, Huntsville, AL 35804.	Dec. 19, 2024	010153
Madison (FEMA Docket No.: B-2467).	Town of Owens Cross Roads, (24-04-1487P).	The Honorable Tony K. Craig, Mayor, Town of Owens Cross Roads, 9032 U.S. Highway 431, Owens Cross Roads, AL 35763.	Town Hall, 9032 U.S. Highway 431, Owens Cross Roads, AL 35763.	Dec. 19, 2024	010218

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Madison (FEMA Docket No.: B-2467).	Unincorporated areas of Madison County, (24-04-1487P).	Mac McCutcheon, Chair, Madison County Commission, 100 North Side Square, Suite 700, Huntsville, AL 35801.	Madison County Water Department, 266-C Shields Road, Huntsville, AL 35811.	Dec. 19, 2024	010151
Alaska: Valdez-Cordova Census Area, (FEMA Docket No.: B-2454).	City of Valdez, (23-10-0729P).	John Douglas, Manager, City of Valdez, P.O. Box 307, Valdez, AK 99686.	Planning Department, 212 Chenega Avenue, Valdez, AK 99686.	Oct. 18, 2024	020094
Colorado:					
Arapahoe (FEMA Docket No.: B-2454).	City of Aurora, (23-08-0511P).	The Honorable Mike Coffman, Mayor, City of Aurora, 15151 East Alameda Parkway, Aurora, CO 80012.	Public Works Department, 15151 East Alameda Parkway, Suite 3200, Aurora, CO 80012.	Oct. 25, 2024	080002
Arapahoe (FEMA Docket No.: B-2454).	Unincorporated areas of Arapahoe County, (23-08-0511P).	Carrie Warren-Gully, Chair, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, CO 80120.	Arapahoe County Public Works and Development Department, 6924 South Lima Street, Centennial, CO 89112.	Oct. 25, 2024	080011
Florida:					
Lake (FEMA Docket No.: B-2450).	City of Leesburg, (23-04-6313P).	Al Minner, Manager, City of Leesburg, P.O. Box 490630, Leesburg, FL 34749.	Planning and Zoning Department, 204 North 5th Street, Leesburg, FL 34748.	Oct. 28, 2024	120136
Lake (FEMA Docket No.: B-2450).	City of Leesburg, (24-04-0439P).	Al Minner, Manager, City of Leesburg, P.O. Box 490630, Leesburg, FL 34749.	Planning and Zoning Department, 204 North 5th Street, Leesburg, FL 34748.	Oct. 30, 2024	120136
Manatee (FEMA Docket No.: B-2450).	Unincorporated areas of Manatee County, (24-04-4428P).	Charlie Bishop, Manatee County Administrator, 1112 Manatee Avenue West, Bradenton, FL 34205.	Manatee County Administration Building, 1112 Manatee Avenue West, Bradenton, FL 34205.	Oct. 16, 2024	120153
Monroe (FEMA Docket No.: B-2450).	Unincorporated areas of Monroe County, (24-04-1868P).	The Honorable Holly Merrill Raschein, Mayor, Monroe County Board of Commissioners, 102050 Overseas Highway, Suite 234, Key Largo, FL 33037.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Oct. 25, 2024	125129
Monroe (FEMA Docket No.: B-2450).	Unincorporated areas of Monroe County, (24-04-2924P).	The Honorable Holly Merrill Raschein, Mayor, Monroe County Board of Commissioners, 102050 Overseas Highway, Suite 234, Key Largo, FL 33037.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Nov. 1, 2024	125129
Orange (FEMA Docket No.: B-2450).	Unincorporated areas of Orange County, (24-04-0781P).	The Honorable Jerry L. Demings, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County, Public Works Department, Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	Oct. 24, 2024	120179
Osceola (FEMA Docket No.: B-2450).	Unincorporated areas of Osceola County, (24-04-0625P).	Donald Fisher, Osceola County Manager, 1 Courthouse Square, Suite 4700, Kissimmee, FL 34741.	Osceola County Public Works Department, 1 Courthouse Square, Suite 3100, Kissimmee, FL 34741.	Oct. 25, 2024	120189
Sumter (FEMA Docket No.: B-2454).	City of Wildwood, (23-04-2994P).	Jason F. McHugh, Manager, City of Wildwood, 100 North Main Street, Wildwood, FL 34785.	Sumter County Administration Building, 7375 Powell Road, Wildwood, FL 34785.	Nov. 1, 2024	120299
Sumter (FEMA Docket No.: B-2454).	City of Wildwood, (23-04-3894P).	Jason F. McHugh, Manager, City of Wildwood, 100 North Main Street, Wildwood, FL 34785.	Sumter County Administration Building, 7375 Powell Road, Wildwood, FL 34785.	Nov. 4, 2024	120299
Sumter (FEMA Docket No.: B-2454).	Unincorporated areas of Sumter County, (23-04-2994P).	Craig A. Estep, Chair, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	Sumter County Administration Building, 7375 Powell Road, Wildwood, FL 34785.	Nov. 1, 2024	120296
Sumter (FEMA Docket No.: B-2454).	Unincorporated areas of Sumter County, (23-04-3894P).	Craig A. Estep, Chair, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	Sumter County Administration Building, 7375 Powell Road, Wildwood, FL 34785.	Nov. 4, 2024	120296
Maryland:					
Frederick (FEMA Docket No.: B-2454).	City of Frederick, (24-03-0557P).	The Honorable Michael O'Connor, Mayor, City of Frederick, 101 North Court Street, Frederick, MD 21701.	City Hall, 140 West Patrick Street, Frederick, MD 21701.	Nov. 4, 2024	240030
Frederick (FEMA Docket No.: B-2454).	Unincorporated areas of Frederick County, (24-03-0557P).	Jessica Fitzwater, Frederick County Executive, 12 East Church Street, Frederick, MD 21701.	Frederick County Government Center, 12 East Church Street, Frederick, MD 21701.	Nov. 4, 2024	240027
Pennsylvania:					
Lehigh (FEMA Docket No.: B-2454).	Township of Lower Macungie, (24-03-0106P).	Brian P. Higgins, President, Township of Lower Macungie Board of Commissioners, 3400 Brookside Road, Macungie, PA 18062.	Township Hall, 3400 Brookside Road, Macungie, PA 18062.	Nov. 4, 2024	420589
Northampton (FEMA Docket No.: B-2450).	Township of Lower Nazareth, (23-03-0866P).	Lori A. Stauffer, Township of Lower Nazareth Manager, 623 Municipal Drive, Nazareth, PA 18064.	Township Hall, 623 Municipal Drive, Nazareth, PA 18064.	Oct. 24, 2024	422253
South Carolina:					
Sumter (FEMA Docket No.: B-2460).	City of Sumter (23-04-6479P).	The Honorable David P. Merchant, Mayor, City of Sumter, P.O. Box 1449, Sumter, SC 29150.	Sumter City-County Planning Department, 12 West Liberty Street, Suite C, Sumter, SC 29150.	Nov. 4, 2024	450184
Sumter (FEMA Docket No.: B-2460).	Unincorporated areas of Sumter County (23-04-6479P).	James T. McCain, Jr., Chair, Sumter County Council, 13 East Canal Street, Sumter, SC 29150.	Sumter City-County Planning Department, 12 West Liberty Street, Suite C, Sumter, SC 29150.	Nov. 4, 2024	450182
Texas:					
Bexar and Guadalupe (FEMA Docket No.: B-2460).	City of Schertz (22-06-2567P).	The Honorable Ralph Gutierrez, Mayor, City of Schertz, 1400 Schertz Parkway, Schertz, TX 78154.	City Hall, 1400 Schertz Parkway, Schertz, TX 78154.	Nov. 4, 2024	480269

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Bexar (FEMA Docket No.: B-2460).	Unincorporated areas of Bexar County (22-06-2567P).	The Honorable Peter Sakai, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Courthouse, 100 Dolorosa Street, San Antonio, TX 78205.	Nov. 4, 2024	480035
Collin (FEMA Docket No.: B-2450).	City of Princeton, (24-06-0140P).	The Honorable Brianna Chacón, Mayor, City of Princeton, 2000 East Princeton Drive, Princeton, TX 75407.	City Hall, 2000 East Princeton Drive, Princeton, TX 75407.	Oct. 21, 2024	480757
Denton (FEMA Docket No.: B-2454).	City of Frisco, (24-06-0061P).	The Honorable Jeff Cheney, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	City Hall, 6101 Frisco Square Boulevard, Frisco, TX 75034.	Nov. 4, 2024	480134
Ellis (FEMA Docket No.: B-2450).	City of Red Oak, (24-06-0092P).	The Honorable Mark Stanfill, Mayor, City of Red Oak, P.O. Box 393, Red Oak, TX 75154.	City Hall, 101 South Live Oak Street, Red Oak, TX 75154.	Nov. 4, 2024	481650
Ellis (FEMA Docket No.: B-2450).	Unincorporated areas of Ellis County, (24-06-0092P).	The Honorable Todd Little, Ellis County Judge, 101 West Main Street, Waxahachie, TX 75165.	Ellis County Courts and Administration, 109 South Jackson Street, Waxahachie, TX 75165.	Nov. 4, 2024	480798
Kaufman (FEMA Docket No.: B-2454).	Unincorporated areas of Kaufman County, (24-06-1281P).	The Honorable Jackie Allen, Kaufman County Judge, 1902 East U.S. Highway 175, Kaufman, TX 75142.	Kaufman County Development Services Department, 101 North Houston Street, Kaufman, TX 75142.	Oct. 25, 2024	480411
Tarrant (FEMA Docket No.: B-2460).	City of Fort Worth (23-06-1147P).	The Honorable Mattie Parker, Mayor, City of Fort Worth 200 Texas Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, Engineering Vault and Map Repository, 200 Texas Street, Fort Worth, TX 76102.	Nov. 4, 2024	480596
Tarrant (FEMA Docket No.: B-2450).	City of Fort Worth, (23-06-2360P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, Engineering Vault and Map Repository, 200 Texas Street, Fort Worth, TX 76102.	Oct. 21, 2024	480596
Tarrant (FEMA Docket No.: B-2450).	City of Haltom City, (23-06-2452P).	The Honorable An Truong, Mayor, City of Haltom City, 5024 Broadway Avenue, Haltom City, TX 76117.	Public Works Department, 4200 Hollis Street, Haltom City, TX 76111.	Oct. 21, 2024	480599
Tarrant (FEMA Docket No.: B-2460).	City of White Settlement (23-06-1147P).	The Honorable Faron Young, Mayor, City of White Settlement, 214 Meadow Park Drive, White Settlement, TX 76108.	City Hall, 214 Meadow Park Drive, White Settlement, TX 76108.	Nov. 4, 2024	480617
Washington, DC (FEMA Docket No.: B-2454).	District of Columbia, (23-03-0609P).	The Honorable Muriel Bowser, Mayor, District of Columbia, 1350 Pennsylvania Avenue Northwest, Washington, DC 20004.	Department of Energy and Environment, 1200 1st Street Northeast, 5th Floor, Washington, DC 20002.	Oct. 30, 2024	110001

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DEPARTMENT OF HOMELAND SECURITY

Notice Regarding the Uyghur Forced Labor Prevention Act Entity List

AGENCY: Department of Homeland Security.

ACTION: Notice.

SUMMARY: The U.S. Department of Homeland Security (DHS), as the Chair of the Forced Labor Enforcement Task Force (FLETF), announces the publication and availability of the updated Uyghur Forced Labor Prevention Act (UFLPA) Entity List, a consolidated register of the four lists required to be developed and maintained pursuant to the UFLPA, on the DHS UFLPA website. The updated UFLPA Entity List is also published as an appendix to this notice. This update adds five entities to the section 2(d)(2)(B)(ii) list of the UFLPA and twenty-five entities to the section 2(d)(2)(B)(v) list of the UFLPA. Further, this update includes a technical correction to remove an alias for one

entity already on the UFLPA Entity List. Details related to the process for revising the UFLPA Entity List are included in this **Federal Register** notice.

DATES: This notice announces the publication and availability of the UFLPA Entity List updated as of November 25, 2024, included as an appendix to this notice.

ADDRESSES: Persons seeking additional information on the UFLPA Entity List should email the FLETF at FLETF.UFLPA.EntityList@hq.dhs.gov.

FOR FURTHER INFORMATION CONTACT: LeRoy Potts, Director, Entity List Office, Trade and Economic Security, Office of Strategy, Policy, and Plans, DHS. Phone: (202) 891-2331, email: FLETF.UFLPA.EntityList@hq.dhs.gov.

SUPPLEMENTARY INFORMATION: The U.S. Department of Homeland Security (DHS), on behalf of the Forced Labor Enforcement Task Force (FLETF), is announcing the publication of the updated UFLPA Entity List, a consolidated register of the four lists required to be developed and maintained pursuant to section 2(d)(2)(B) of the Uyghur Forced Labor Prevention Act (Pub. L. 117-78) (UFLPA), to <https://www.dhs.gov/uflpa-entity-list>. The UFLPA Entity List is

available as an appendix to this notice. This update adds five entities to the 2(d)(2)(B)(ii) list of the UFLPA, which identifies entities working with the government of the Xinjiang Uyghur Autonomous Region to recruit, transport, transfer, harbor or receive forced labor or Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of the Xinjiang Uyghur Autonomous Region. This update also adds twenty-five entities to the section 2(d)(2)(B)(v) list of the UFLPA, which identifies facilities and entities that source material from the Xinjiang Uyghur Autonomous Region or from persons working with the government of Xinjiang or the Xinjiang Production and Construction Corps for purposes of the “poverty alleviation” program or the “pairing-assistance” program or any other government labor scheme that uses forced labor. This update also modifies the name for a listing for one entity on the section 2(d)(2)(B)(i) list of the UFLPA to remove an alias. Future revisions to the UFLPA Entity List, which may include additions, removals or technical corrections, will be published to <https://www.dhs.gov/uflpa-entitylist> and in the appendices of future

Federal Register notices. See appendix 1.

Beginning on June 21, 2022, the UFLPA requires the Commissioner of U.S. Customs and Border Protection to apply a rebuttable presumption that goods mined, produced, or manufactured by entities on the UFLPA Entity List are made with forced labor, and therefore, prohibited from importation into the United States under 19 U.S.C. 1307. See section 3(a) of the UFLPA. As the FLETF revises the UFLPA Entity List, including by making additions, removals, or technical corrections, DHS, on its behalf, will post such revisions to the DHS UFLPA website (<https://www.dhs.gov/uflpa-entity-list>) and also publish the revised UFLPA Entity List as an appendix to a **Federal Register** notice.

Background

A. The Forced Labor Enforcement Task Force

Section 741 of the United States-Mexico-Canada Agreement Implementation Act established the FLETF to monitor United States enforcement of the prohibition under section 307 of the Tariff Act of 1930, as amended (19 U.S.C. 1307). See 19 U.S.C. 4681. Pursuant to DHS Delegation Order No. 23034, the DHS Under Secretary for Strategy, Policy, and Plans serves as Chair of the FLETF, an interagency task force that includes the Department of Homeland Security, the Office of the U.S. Trade Representative, and the Departments of Labor, State, Justice, the Treasury, and Commerce (member agencies).¹ See 19 U.S.C. 4681; Executive Order 13923 (May 15, 2020). In addition, the FLETF includes six observer agencies: the Departments of Energy and Agriculture, the U.S. Agency for International Development, the National Security Council, U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement Homeland Security Investigations.

B. The Uyghur Forced Labor Prevention Act: Preventing Goods Made With Forced Labor in the People's Republic of China From Being Imported Into the United States

The UFLPA requires, among other things, that the FLETF, in consultation with the Secretary of Commerce and the Director of National Intelligence, develop a strategy (UFLPA section 2(c))

for supporting enforcement of section 307 of the Tariff Act of 1930, to prevent the importation into the United States of goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part with forced labor in the People's Republic of China. As required by the UFLPA, the *Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People's Republic of China*, which was published on the DHS website on June 17, 2022 (see <https://www.dhs.gov/uflpa-strategy>), includes the initial UFLPA Entity List, a consolidated register of the four lists required to be developed and maintained pursuant to the UFLPA. See UFLPA Section 2(d)(2)(B).

C. UFLPA Entity List

The UFLPA Entity List addresses distinct requirements set forth in clauses (i), (ii), (iv), and (v) of section 2(d)(2)(B) of the UFLPA that the FLETF identify and publish the following four lists:

- (1) a list of entities in the Xinjiang Uyghur Autonomous Region that mine, produce, or manufacture wholly or in part any goods, wares, articles, and merchandise with forced labor;
- (2) a list of entities working with the government of the Xinjiang Uyghur Autonomous Region to recruit, transport, transfer, harbor or receive forced labor or Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of the Xinjiang Uyghur Autonomous Region;
- (3) a list of entities that exported products made by entities in lists 1 and 2 from the People's Republic of China into the United States; and
- (4) a list of facilities and entities, including the Xinjiang Production and Construction Corps, that source material from the Xinjiang Uyghur Autonomous Region or from persons working with the government of Xinjiang or the Xinjiang Production and Construction Corps for purposes of the "poverty alleviation" program or the "pairing-assistance" program or any other government-labor scheme that uses forced labor.

The UFLPA Entity List is a consolidated register of the above four lists. In accordance with section 3(e) of the UFLPA, effective June 21, 2022, entities on the UFLPA Entity List (listed entities) are subject to the UFLPA's rebuttable presumption that products they produce, wholly or in part, are prohibited from entry into the United States under 19 U.S.C. 1307. The UFLPA Entity List is described in appendix 1 to this notice. The UFLPA Entity List should not be interpreted as

an exhaustive list of entities engaged in the practices described in clauses (i), (ii), (iv), or (v) of section 2(d)(2)(B) of the UFLPA.

Revisions to the UFLPA Entity List, including all additions, removals, and technical corrections, will be published on the DHS UFLPA website (<https://www.dhs.gov/uflpa-entity-list>) and as an appendix to a notice that will be published in the **Federal Register**. See appendix 1. The FLETF will consider future additions to, or removals from, the UFLPA Entity List based on criteria described in clauses (i), (ii), (iv), or (v) of section 2(d)(2)(B) of the UFLPA. Any FLETF member agency may submit a recommendation(s) to add, remove or make technical corrections to an entry on the UFLPA Entity List. FLETF member agencies will review and vote on revisions to the UFLPA Entity List accordingly.

Additions to the Entity List

The FLETF will consider future additions to the UFLPA Entity List based on the criteria described in clauses (i), (ii), (iv), or (v) of section 2(d)(2)(B) of the UFLPA. Any FLETF member agency may submit a recommendation to the FLETF Chair to add an entity to the UFLPA Entity List. Following review of the recommendation by the FLETF member agencies, the decision to add an entity to the UFLPA Entity List will be made by majority vote of the FLETF member agencies.

Requests for Removal From the Entity List

Any listed entity may submit a request for removal (removal request) from the UFLPA Entity List along with supporting information to the FLETF Chair at FLETF.UFLPA.EntityList@hq.dhs.gov. In the removal request, the entity (or its designated representative) should provide information that demonstrates that the entity no longer meets or does not meet the criteria described in the applicable clause ((i), (ii), (iv), or (v)) of section 2(d)(2)(B) of the UFLPA. The FLETF Chair will refer all such removal requests and supporting information to FLETF member agencies. Upon receipt of the removal request, the FLETF Chair or the Chair's designated representative may contact the entity on behalf of the FLETF regarding questions on the removal request and may request additional information. Following review of the removal request by the FLETF member agencies, the decision to remove an entity from the UFLPA Entity List will be made by majority vote of the FLETF member agencies.

¹ The U.S. Department of Homeland Security, as the FLETF Chair, has the authority to invite representatives from other executive departments and agencies, as appropriate. See Executive Order 13923 (May 15, 2020). The U.S. Department of Commerce is a member of the FLETF as invited by the Chair.

Listed entities may request a meeting with the FLETF after submitting a removal request in writing to the FLETF Chair at *FLETF.UFLPA.EntityList@hq.dhs.gov*. Following its review of a removal request, the FLETF may accept the meeting request at the conclusion of the review period and, if accepted, will hold the meeting prior to voting on the entity's removal request. The FLETF Chair will advise the entity in writing of the FLETF's decision on its removal request. While the FLETF's decision on a removal request is not appealable, the FLETF will consider new removal requests if accompanied by new information.

Robert Silvers,

Under Secretary, Office of Strategy, Policy, and Plans, U.S. Department of Homeland Security.

Appendix 1

This notice supersedes the UFLPA Entity List published in the **Federal Register** on November 1, 2024 (89 FR 87391). The UFLPA Entity List as of November 25, 2024 is available in this appendix and is published on <https://www.dhs.gov/uflpa-entity-list>. This update adds five entities to the section 2(d)(2)(B)(ii) list of the UFLPA, which identifies entities working with the government of the Xinjiang Uyghur Autonomous Region to recruit, transport, transfer, harbor or receive forced labor or Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of the Xinjiang Uyghur Autonomous Region:

- Western Gold Co., Ltd.
- Western Gold Hami Gold Mine Co., Ltd.
- Western Gold Karamay Hatu Gold Mine Co., Ltd.
- Xinjiang Nonferrous Metals Industry Group Co., Ltd.
- Xinjiang Zhonghe Co., Ltd. (also known as Xinjiang Joinworld Co., Ltd.)

This update also adds twenty-five entities to the section 2(d)(2)(B)(v) list of the UFLPA, which identifies facilities and entities that source material from the Xinjiang Uyghur Autonomous Region or from persons working with the government of Xinjiang or the Xinjiang Production and Construction Corps for purposes of the "poverty alleviation" program or the "pairing-assistance" program or any other government labor scheme that uses forced labor:

- Anhui Yaozhiyuan Biotechnology Development Co., Ltd. (also known as Anhui Yaozhiyuan Chinese Herbal Medicine Co., Ltd.; Anhui Yaozhiyuan Chinese Medicinal Materials Co., Ltd.; and Anhui Yaozhiyuan Biological Technology Development Co., Ltd.)
- Annan Canned Food Co., Ltd. (also known as Nanling County Annan Canned Food Co., Ltd.)
- Dalian Sunspeed Foods Co., Ltd. (also known as Dalian Shengchi International Trade Co., Ltd.)
- Gansu Yasheng International Trading Co., Ltd. (also known as Gansu Yasheng International Trade Co., Ltd.; and Yasheng

International Trade; and formerly known as Gansu Yasheng International Trade Group Co., Ltd.)

- Hangzhou Union Biotechnology Co., Ltd. (also known as Hangzhou Youer Biotechnology Co., Ltd.; Youer Biotech; and Union Biotech)
- Hebei Suguo International Trade Co., Ltd. (also known as Suguo International)
- Hebei Tomato Industry Co., Ltd. (also known as Hebei Temeite Industrial Group Co., Ltd.; and formerly known as Hebei Temeite International Trade Co., Ltd.)
- Hunan Nanmo Biotechnology Co., Ltd. (also known as Hunan Nanmomo Technology Co., Ltd.)
- Inner Mongolia Qileyan Food Co., Ltd.
- Inner Mongolia Xuanda Food Co., Ltd. (also known as Xuanda Food; and formerly known as Wuyuan County Xuanda Cereals, Oils and Foods Co., Ltd.)
- Jinan Haihong International Trade Co., Ltd. (formerly known as Jinan Haifang Trading Co., Ltd.)
- Jining Pengjie Trading Co., Ltd.
- Junan Jinsheng Import & Export Co., Ltd. (also known as Junan County Jinsheng Import and Export Co., Ltd.)
- Kingherbs Limited (also known as Changsha Jincao Biotechnology Co., Ltd.)
- Qingdao Vital Nutraceutical Ingredients BioScience Co., Ltd. (also known as Qingdao Weiyikang Biotechnology Co., Ltd.)
- Shanghai JUMP Machinery & Technology Co., Ltd. (also known as Shanghai Jiapai Machinery Technology Co., Ltd.; and formerly known as Shanghai Chituma Food Machinery Technology Co., Ltd.)
- Sichuan Yuan'an Pharmaceutical Co., Ltd. (also known as Sichuan Yuanan Pharmaceutical Co., Ltd.)
- Taiyuan Weishan International Economic Business Co., Ltd. (also known as Taiyuan Weishan International Trade Co., Ltd.)
- The TNN Development Limited (also known as Dehui (Dalian) International Trade Co., Ltd.)
- Tianjin Dunhe International Trade Co., Ltd. (also known as Dunhe Foods)
- Tianjin Kunyu International Co., Ltd. (also known as China Kunyu Industrial Co., Ltd.)
- Tianjin Tianwei Food Co., Ltd. (formerly known as Tianjin Sanhe Fruit and Vegetable Co., Ltd.)
- Weifang Alice Food Co., Ltd.
- Xinjiang Daqo New Energy Co., Ltd. (also known as Xinjiang Great New Energy Co., Ltd.; Xinjiang Daxin Energy Co., Ltd.; and Xinjiang Daqin Energy Co., Ltd.)
- Zhangzhou Hang Fat Import & Export Co., Ltd. (also known as Zhangzhou Hengfa Import and Export Co., Ltd.)

This update also modifies the name for a listing for one entity on the section 2(d)(2)(B)(i) list of the UFLPA:

- Xinjiang East Hope Nonferrous Metals Co., Ltd.

Western Gold Co., Ltd. is a company based in Urumqi, Xinjiang Uyghur Autonomous Region that mines, processes, and sells gold and manganese and mines and processes chromium ore and iron ore. The United States Government has reasonable cause to believe, based on specific and articulable

information, that Western Gold Co., Ltd. works with the government of the Xinjiang Uyghur Autonomous Region to recruit, transport, transfer, harbor or receive Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Western Gold Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(ii).

Western Gold Hami Gold Mine Co., Ltd. is a company based in Hami City, Xinjiang Uyghur Autonomous Region that mines and processes gold ore. The United States Government has reasonable cause to believe, based on specific and articulable information, that Western Gold Hami Gold Mine Co., Ltd. works with the government of the Xinjiang Uyghur Autonomous Region to recruit, transport, transfer, harbor or receive Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Western Gold Hami Gold Mine Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(ii).

Western Gold Karamay Hatu Gold Mine Co., Ltd. is a company based in Karamay City, Xinjiang Uyghur Autonomous Region that mines and processes gold and chromium ores. The United States Government has reasonable cause to believe, based on specific and articulable information, that Western Gold Karamay Hatu Gold Mine Co., Ltd. works with the government of the Xinjiang Uyghur Autonomous Region to recruit, transport, transfer, harbor or receive Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Western Gold Karamay Hatu Gold Mine Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(ii).

Xinjiang Nonferrous Metals Industry Group Co., Ltd. is a company based in Urumqi, Xinjiang Uyghur Autonomous Region that mines, smelts, and processes raw metallic materials, including copper, lithium, beryllium, nickel, manganese, and gold. The United States Government has reasonable cause to believe, based on specific and articulable information, that Xinjiang Nonferrous Metals Industry Group Co., Ltd. works with the government of the Xinjiang Uyghur Autonomous Region to recruit, transport, transfer, harbor or receive Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Xinjiang Nonferrous Metals Industry Group Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(ii).

Xinjiang Zhonghe Co., Ltd., (also known as Xinjiang Joinworld Co., Ltd.), is a company located in the Xinjiang Uyghur Autonomous Region that primarily focuses on the research, development, production, and sales of electronic materials and aluminum and alloy products including high-purity aluminum, electronic aluminum foil, electrode foil, and other aluminum and alloy products. These products are primarily used

in electronic equipment, wires, and cables in a wide range of downstream products, including household appliances, automobiles, and aerospace applications. The United States Government has reasonable cause to believe, based on specific and articulable information, that Xinjiang Zhonghe Co., Ltd. works with the government of the Xinjiang Uyghur Autonomous Region to recruit, transport, transfer, harbor or receive Uyghurs, Kazakhs, Kyrgyz, or members of other persecuted groups out of the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Xinjiang Zhonghe Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in Section 2(d)(2)(B)(ii).

Anhui Yaozhiyuan Biotechnology Development Co., Ltd. (also known as Anhui Yaozhiyuan Chinese Herbal Medicine Co., Ltd.; Anhui Yaozhiyuan Chinese Medicinal Materials Co., Ltd.; and Anhui Yaozhiyuan Biological Technology Development Co., Ltd.) is a company based in Anhui Province, China, that manufactures and sells Chinese medicine, herbal tea, spices, herbs, and powders. The United States Government has reasonable cause to believe, based on specific and articulable information, that Anhui Yaozhiyuan Biotechnology Development Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Anhui Yaozhiyuan Biotechnology Development Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Annan Canned Food Co., Ltd. (also known as Nanling County Annan Canned Food Co., Ltd.) is a company based in Anhui Province, China, that produces and sells tomato sauce, ketchup, and tomato paste. The United States Government has reasonable cause to believe, based on specific and articulable information, that Annan Canned Food Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Annan Canned Food Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Dalian Sunspeed Foods Co., Ltd. (also known as Dalian Shengchi International Trade Co., Ltd.) is a company based in Liaoning Province, China, that collects raw walnuts from farms and processes them for export. The United States Government has reasonable cause to believe, based on specific and articulable information, that Dalian Sunspeed Foods Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Dalian Sunspeed Foods Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Gansu Yasheng International Trading Co., Ltd. (also known as Gansu Yasheng International Trade Co., Ltd.; and Yasheng International Trade; and formerly known as Gansu Yasheng International Trade Group Co., Ltd.) is a company based in Gansu Province, China, that processes and sells walnuts. The United States Government has reasonable cause to believe, based on specific

and articulable information, that Gansu Yasheng International Trading Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Gansu Yasheng International Trading Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Hangzhou Union Biotechnology Co., Ltd. (also known as Hangzhou Youer Biotechnology Co., Ltd.; Youer Biotech; and Union Biotech) is a company based in Zhejiang Province, China that produces and sells food additives and ingredients. The United States Government has reasonable cause to believe, based on specific and articulable information, that Hangzhou Union Biotechnology Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Hangzhou Union Biotechnology Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Hebei Suguo International Trade Co., Ltd. (also known as Suguo International) is a company based in Hebei Province, China, that processes and exports walnuts. The United States Government has reasonable cause to believe, based on specific and articulable information, that Hebei Suguo International Trade Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Hebei Suguo International Trade Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Hebei Tomato Industry Co., Ltd. (also known as Hebei Temeite Industrial Group Co., Ltd.; and formerly known as Hebei Temeite International Trade Co., Ltd.) is a company based in Hebei Province, China, that manufactures and exports tomato paste, tomato sauce, and ketchup. The United States Government has reasonable cause to believe, based on specific and articulable information, that Hebei Tomato Industry Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Hebei Tomato Industry Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Hunan Nanmo Biotechnology Co., Ltd. (also known as Hunan Nanmomo Technology Co., Ltd.) is a company based in Hunan Province, China, that produces and sells natural medicine. The United States Government has reasonable cause to believe, based on specific and articulable information, that Hunan Nanmo Biotechnology Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Hunan Nanmo Biotechnology Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Inner Mongolia Qileyan Food Co., Ltd. is a company based in Inner Mongolia Autonomous Region, China, that specializes in the research, development, and production of various seeds and kernels and packages of nuts and fruits. The United States Government has reasonable cause to believe,

based on specific and articulable information, that Inner Mongolia Qileyan Food Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Inner Mongolia Qileyan Food Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Inner Mongolia Xuanda Food Co., Ltd. (also known as Xuanda Food; and formerly known as Wuyuan County Xuanda Cereals, Oils and Foods Co., Ltd.) is a company based in Inner Mongolia Autonomous Region, China, that produces various seeds and kernels. The United States Government has reasonable cause to believe, based on specific and articulable information, that Inner Mongolia Xuanda Food Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Inner Mongolia Xuanda Food Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Jinan Haihong International Trade Co., Ltd. (formerly known as Jinan Haifang Trading Co., Ltd.) is a company based in Shandong Province, China, that exports vegetables and fruits. The United States Government has reasonable cause to believe, based on specific and articulable information, that Jinan Haihong International Trade Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Jinan Haihong International Trade Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Jining Pengjie Trading Co., Ltd. is a company based in Shandong Province, China, that produces and exports agricultural products including garlic, ginger, and other fruit and vegetable products. The United States Government has reasonable cause to believe, based on specific and articulable information, that Jining Pengjie Trading Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Jining Pengjie Trading Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Junan Jinsheng Import & Export Co., Ltd. (also known as Junan County Jinsheng Import and Export Co., Ltd.) is a company based in Shandong Province, China, that produces, processes, sells, and exports agricultural products including peanuts, kidney beans, walnuts kernels, and other products. The United States Government has reasonable cause to believe, based on specific and articulable information, that Junan Jinsheng Import & Export Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Junan Jinsheng Import & Export Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Kingherbs Limited (also known as Changsha Jincao Biotechnology Co., Ltd.) is a company based in Hunan Province, China, that produces botanical herbal ingredients and trades vitamins and minerals. The United States Government has reasonable

cause to believe, based on specific and articulable information, that Kingherbs Limited sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Kingherbs Limited satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Qingdao Vital Nutraceutical Ingredients BioScience Co., Ltd. (also known as Qingdao Weiyikang Biotechnology Co., Ltd.) is a company based in Shandong Province, China, that produces natural plant extracts, pharmaceutical ingredients, nutritional supplements, and food and beverage products. The United States Government has reasonable cause to believe, based on specific and articulable information, that Qingdao Vital Nutraceutical Ingredients BioScience Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Qingdao Vital Nutraceutical Ingredients BioScience Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Shanghai JUMP Machinery & Technology Co., Ltd. (also known as Shanghai Jiapai Machinery Technology Co., Ltd.; and formerly known as Shanghai Chituma Food Machinery Technology Co., Ltd.) is a company based in Shanghai Province, China that processes fruits and vegetables. The United States Government has reasonable cause to believe, based on specific and articulable information, that Shanghai JUMP Machinery & Technology Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Shanghai JUMP Machinery & Technology Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Sichuan Yuan'an Pharmaceutical Co., Ltd. (also known as Sichuan Yuanan Pharmaceutical Co., Ltd.) is a company based in Sichuan Province, China, that plants and acquires Chinese medicinal materials and produces Chinese medicine and tea. The United States Government has reasonable cause to believe, based on specific and articulable information, that Sichuan Yuan'an Pharmaceutical Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Sichuan Yuan'an Pharmaceutical Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Taiyuan Weishan International Economic Business Co., Ltd. (also known as Taiyuan Weishan International Trade Co., Ltd.) is a company based in Shanxi Province, China, that manufactures and exports walnuts, raisins, red dates, mango, and tomato. The United States Government has reasonable cause to believe, based on specific and articulable information, that Taiyuan Weishan International Economic Business Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Taiyuan Weishan International Economic Business Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

The TNN Development Limited (also known as Dehui (Dalian) International Trade Co., Ltd.) is a company based in Liaoning Province, China, that produces chemical, outdoor, and beverage products, including food additives. The United States Government has reasonable cause to believe, based on specific and articulable information, that The TNN Development Limited sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of The TNN Development Limited satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Tianjin Dunhe International Trade Co., Ltd. (also known as Dunhe Foods) is a company based in Tianjin, China, that manufactures and exports tomato paste. The United States Government has reasonable cause to believe, based on specific and articulable information, that Tianjin Dunhe International Trade Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Tianjin Dunhe International Trade Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Tianjin Kunyu International Co., Ltd. (also known as China Kunyu Industrial Co., Ltd.) is a company based in Tianjin, China, that manufactures and supplies agricultural products, including tomato paste. The United States Government has reasonable cause to believe, based on specific and articulable information, that Tianjin Kunyu International Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Tianjin Kunyu International Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Tianjin Tianwei Food Co., Ltd. (formerly known as Tianjin Sanhe Fruit and Vegetable Co., Ltd.) is a company located in Tianjin, China that processes fruit, vegetable, and agricultural products, especially tomato products, and integrates raw material planting, picking, production, processing, trade, and scientific research and development. The United States Government has reasonable cause to believe, based on specific and articulable information, that Tianjin Tianwei Food Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Tianjin Tianwei Food Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Weifang Alice Food Co., Ltd. is a company based in Shandong Province, China, that processes dried fruits and walnuts. The United States Government has reasonable cause to believe, based on specific and articulable information, that Weifang Alice Food Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Weifang Alice Food Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Xinjiang Daqo New Energy Co., Ltd., (also known as Xinjiang Great New Energy Co., Ltd.; Xinjiang Daxin Energy Co., Ltd.; and

Xinjiang Daqin Energy Co., Ltd.) is a company located in Shihezi, Xinjiang Uyghur Autonomous Region that produces high purity polysilicon materials. This company was first listed on the UFLPA Entity List, pursuant to Section 2(d)(2)(B)(i), in June 2022. The United States Government has reasonable cause to believe, based on specific and articulable information, that Xinjiang Daqo New Energy Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Xinjiang Daqo New Energy Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in Section 2(d)(2)(B)(v).

Zhangzhou Hang Fat Import & Export Co., Ltd. (also known as Zhangzhou Hengfa Import and Export Co., Ltd.) is a company based in Fujian Province, China, that develops and exports tomato products. The United States Government has reasonable cause to believe, based on specific and articulable information, that Zhangzhou Hang Fat Import & Export Co., Ltd. sources material from the Xinjiang Uyghur Autonomous Region. The FLETF therefore determined that the activities of Zhangzhou Hang Fat Import & Export Co., Ltd. satisfy the criteria for addition to the UFLPA Entity List described in section 2(d)(2)(B)(v).

Xinjiang East Hope Nonferrous Metals Co., Ltd., is a company located in the Xinjiang Uyghur Autonomous Region that manufactures nonferrous metals, nonferrous metal alloys products, and metal materials. The company also participates in power generation, transmission, and supply activities. When it was first added to the UFLPA Entity List in June 2022, the FLETF included one known alias, "Xinjiang Nonferrous." Information reviewed by the FLETF indicates that "Xinjiang Nonferrous" is not an alias of Xinjiang East Hope Nonferrous Metals Co., Ltd. Therefore, the FLETF has determined to make a technical correction to change the name of the entity "Xinjiang East Hope Nonferrous Metals Co., Ltd." as it appears on Section 2(d)(2)(B)(i) to remove the alias "Xinjiang Nonferrous."

No removals are being made to the UFLPA Entity List at this time.

The UFLPA Entity List is a consolidated register of the four lists that are required to be developed and maintained pursuant to section 2(d)(2)(B) of the UFLPA. One hundred and seven entities that meet the criteria set forth in the four required lists (see sections 2(d)(2)(B)(i), (ii), (iv), and (v) of the UFLPA) are specified on the UFLPA Entity List.

UFLPA Entity List November 25, 2024

UFLPA Section 2(d)(2)(B)(i) A List of Entities in Xinjiang That Mine, Produce, or Manufacture Wholly or in Part Any Goods, Wares, Articles, and Merchandise With Forced Labor

Baoding LYSZD Trade and Business Co., Ltd.
Hetian Haolin Hair Accessories Co. Ltd. (and two aliases: Hotan Haolin Hair Accessories; and Hollin Hair Accessories)
Hetian Taida Apparel Co., Ltd (and one alias: Hetian TEDA Garment)

Hoshine Silicon Industry (Shanshan) Co., Ltd (including one alias: Hesheng Silicon Industry (Shanshan) Co.) and subsidiaries
 Xinjiang Daqo New Energy, Co. Ltd (including three aliases: Xinjiang Great New Energy Co., Ltd.; Xinjiang Daxin Energy Co., Ltd.; and Xinjiang Daqin Energy Co., Ltd.)
 Xinjiang East Hope Nonferrous Metals Co., Ltd.
 Xinjiang GCL New Energy Material Technology, Co. Ltd (including one alias: Xinjiang GCL New Energy Materials Technology Co.)
 Xinjiang Junggar Cotton and Linen Co., Ltd.
 Xinjiang Production and Construction Corps (including three aliases: XPCC; Xinjiang Corps; and Bingtuan) and its subordinate and affiliated entities

UFLPA Section 2(d)(2)(B)(ii) A List of Entities Working With the Government of Xinjiang To Recruit, Transport, Transfer, Harbor or Receive Forced Labor or Uyghurs, Kazakhs, Kyrgyz, or Members of Other Persecuted Groups Out of Xinjiang

Aksu Huafu Textiles Co. (including two aliases: Akesu Huafu and Aksu Huafu Dyed Melange Yarn)
 Anhui Xinya New Materials Co., Ltd. (formerly known as Chaohu Youngor Color Spinning Technology Co., Ltd.; and Chaohu Xinya Color Spinning Technology Co., Ltd.)
 Baowu Group Xinjiang Bayi Iron and Steel Co., Ltd. (also known as Xinjiang Bayi Iron and Steel Co. Ltd.; Baosteel Group Xinjiang Bayi Iron and Steel Co., Ltd.; and Bayi Iron and Steel)
 Camel Group Co., Ltd.
 Changhong Meiling Co., Ltd. (formerly known as Hefei Meiling Co., Ltd.; and Hefei Meiling Group Holdings Limited)
 COFCO Sugar Holdings Co., Ltd.
 Dongguan Oasis Shoes Co., Ltd. (also known as Dongguan Oasis Shoe Industry Co. Ltd.; Dongguan Luzhou Shoes Co., Ltd.; and Dongguan Lvzhou Shoes Co., Ltd.)
 Geehy Semiconductor Co., Ltd.
 Hefei Bitland Information Technology Co., Ltd. (including three aliases: Anhui Hefei Baolongda Information Technology; Hefei Baolongda Information Technology Co., Ltd.; and Hefei Bitland Optoelectronic Technology Co., Ltd.)
 Kashgar Construction Engineering (Group) Co., Ltd.
 KTK Group (including three aliases: Jiangsu Jinchuang Group; Jiangsu Jinchuang Holding Group; and KTK Holding)
 Lop County Hair Product Industrial Park
 Lop County Meixin Hair Products Co., Ltd.
 Nanjing Synergy Textiles Co., Ltd. (including two aliases: Nanjing Xinyi Cotton Textile Printing and Dyeing; and Nanjing Xinyi Cotton Textile).
 Ninestar Corporation
 No. 4 Vocation Skills Education Training Center (VSETC)
 Shandong Meijia Group Co., Ltd. (also known as Rizhao Meijia Group)
 Sichuan Jingweida Technology Group Co., Ltd. (also known as Sichuan Mianyang Jingweida Technology Co., Ltd. and JWD Technology; and formerly known as Mianyang High-tech Zone Jingweida Technology Co., Ltd.)

Tanyuan Technology Co. Ltd. (including five aliases: Carbon Yuan Technology; Changzhou Carbon Yuan Technology Development; Carbon Element Technology; Jiangsu Carbon Element Technology; and Tanyuan Technology Development).
 Western Gold Co., Ltd.
 Western Gold Hami Gold Mine Co., Ltd.
 Western Gold Karamay Hatu Gold Mine Co., Ltd.
 Xinjiang Habahe Ashele Copper Co., Ltd. (also known as Ashele Copper)
 Xinjiang Nonferrous Metals Industry Group Co., Ltd.
 Xinjiang Production and Construction Corps (XPCC) and its subordinate and affiliated entities
 Xinjiang Shenhua Coal and Electricity Co., Ltd.
 Xinjiang Tengxiang Magnesium Products Co., Ltd.
 Xinjiang Tianmian Foundation Textile Co., Ltd.
 Xinjiang Tianshan Wool Textile Co. Ltd.
 Xinjiang Zhonghe Co., Ltd. (also known as Xinjiang Joinworld Co., Ltd.)
 Xinjiang Zhongtai Chemical Co. Ltd.
 Xinjiang Zhongtai Group Co. Ltd.
 Zhuhai Apex Microelectronics Co., Ltd.
 Zhuhai G&G Digital Technology Co., Ltd.
 Zhuhai Ninestar Information Technology Co., Ltd.
 Zhuhai Ninestar Management Co., Ltd.
 Zhuhai Pantum Electronics Co. Ltd.
 Zhuhai Pu-Tech Industrial Co., Ltd.
 Zhuhai Seine Printing Technology Co., Ltd.

UFLPA Section 2(d)(2)(B)(iv) A List of Entities That Exported Products Described in Clause (iii) From the People's Republic of China Into the United States

Entities identified in sections (i) and (ii) above may serve as both manufacturers and exporters. The FLETF has not identified additional exporters at this time but will continue to investigate and gather information about additional entities that meet the specified criteria.

UFLPA Section 2(d)(2)(B)(v) a List of Facilities and Entities, Including the Xinjiang Production and Construction Corps, That Source Material From Xinjiang or From Persons Working With the Government of Xinjiang or the Xinjiang Production and Construction Corps for Purposes of the "Poverty Alleviation" Program or the "Pairing-Assistance" Program or Any Other Government Labor Scheme That Uses Forced Labor

Anhui Yaozhiyuan Biotechnology Development Co., Ltd. (also known as Anhui Yaozhiyuan Chinese Herbal Medicine Co., Ltd.; Anhui Yaozhiyuan Chinese Medicinal Materials Co., Ltd.; and Anhui Yaozhiyuan Biological Technology Development Co., Ltd.)
 Annan Canned Food Co., Ltd. (also known as Nanling County Annan Canned Food Co., Ltd.)
 Baoding LYSZD Trade and Business Co., Ltd.
 Binzhou Chinatex Yintai Industrial Co., Ltd.
 Century Sunshine Group Holdings, Ltd.
 Changji Esquel Textile Co., Ltd. (also known as Changji Yida Textile Co., Ltd.)
 Changzhou Guanghui Food Ingredients Co., Ltd. (also known as GSweet; Changzhou

Guanghui Food Additive Co., Ltd.; and Changzhou Guanghui Food Technology Co., Ltd.; and formerly known as Changzhou Guanghui Biotechnology Co., Ltd.)
 Chenguang Biotech Group Co., Ltd.
 Chenguang Biotechnology Group Yanqi Co. Ltd.
 China Cotton Group Henan Logistics Park Co., Ltd., Xinye Branch
 China Cotton Group Nangong Hongtai Cotton Co., Ltd.
 China Cotton Group Shandong Logistics Park Co., Ltd.
 China Cotton Group Xinjiang Cotton Co.
 Dalian Sunspeed Foods Co., Ltd. (also known as Dalian Shengchi International Trade Co., Ltd.)
 Esquel Group (also known as Esquel China Holdings Limited)
 Fujian Minlong Warehousing Co., Ltd.
 Gansu Yasheng International Trading Co., Ltd. (also known as Gansu Yasheng International Trade Co., Ltd.; and Yasheng International Trade; and formerly known as Gansu Yasheng International Trade Group Co., Ltd.)
 Guangdong Esquel Textile Co., Ltd.
 Hangzhou Union Biotechnology Co., Ltd. (also known as Hangzhou Youer Biotechnology Co., Ltd.; Youer Biotech; and Union Biotech)
 Hebei Suguo International Trade Co., Ltd. (also known as Suguo International)
 Hebei Tomato Industry Co., Ltd. (also known as Hebei Temeite Industrial Group Co., Ltd.; and formerly known as Hebei Temeite International Trade Co., Ltd.)
 Hefei Bitland Information Technology Co. Ltd.
 Henan Yumian Group Industrial Co., Ltd.
 Henan Yumian Logistics Co., Ltd. (formerly known as 841 Cotton Transfer Warehouse)
 Hengshui Cotton and Linen Corporation Reserve Library
 Hetian Haolin Hair Accessories Co. Ltd.
 Hetian Taida Apparel Co., Ltd.
 Heze Cotton and Linen Co., Ltd.
 Heze Cotton and Linen Economic and Trade Development Corporation (also known as Heze Cotton and Linen Trading Development General Company)
 Hoshine Silicon Industry (Shanshan) Co., Ltd., and Subsidiaries
 Huangmei Xiaochi Yinfeng Cotton (formerly known as Hubei Provincial Cotton Corporation's Xiaochi Transfer Reserve)
 Hubei Jingtian Cotton Industry Group Co., Ltd.
 Hubei Qirun Investment Development Co., Ltd.
 Hubei Yinfeng Cotton Co., Ltd.
 Hubei Yinfeng Warehousing and Logistics Co., Ltd.
 Hunan Nanmo Biotechnology Co., Ltd. (also known as Hunan Nanmomo Technology Co., Ltd.)
 Inner Mongolia Qileyan Food Co., Ltd.
 Inner Mongolia Xuanda Food Co., Ltd. (also known as Xuanda Food; and formerly known as Wuyuan County Xuanda Cereals, Oils and Foods Co., Ltd.)
 Jiangsu Yinhai Nongjiale Storage Co., Ltd.
 Jiangsu Yinlong Warehousing and Logistics Co., Ltd.

Jiangyin Lianyung Co. Ltd. (also known as Jiangyin Intermodal Transport Co. and Jiangyin United Transport Co.)
 Jiangyin Xiefeng Cotton and Linen Co., Ltd.
 Jinan Haihong International Trade Co., Ltd. (formerly known as Jinan Haifang Trading Co., Ltd.)
 Jining Pengjie Trading Co., Ltd.
 Junan Jinsheng Import & Export Co., Ltd. (also known as Junan County Jinsheng Import and Export Co., Ltd.)
 Juye Cotton and Linen Station of the Heze Cotton and Linen Corporation
 Kingherbs Limited (also known as Changsha Jincao Biotechnology Co., Ltd.)
 Lanxi Huachu Logistics Co., Ltd.
 Linxi County Fangpei Cotton Buying and Selling Co., Ltd.
 Lop County Hair Product Industrial Park
 Lop County Meixin Hair Products Co., Ltd.
 Nanyang Hongmian Logistics Co., Ltd. (also known as Nanyang Red Cotton Logistics Co., Ltd.)
 No. 4 Vocation Skills Education Training Center (VSETC)
 Qingdao Vital Nutraceutical Ingredients BioScience Co., Ltd. (also known as Qingdao Weiyikang Biotechnology Co., Ltd.)
 Rare Earth Magnesium Technology Group Holdings, Ltd.
 Shanghai JUMP Machinery & Technology Co., Ltd. (also known as Shanghai Jiapai Machinery Technology Co., Ltd.; and formerly known as Shanghai Chituma Food Machinery Technology Co., Ltd.)
 Sichuan Yuan'an Pharmaceutical Co., Ltd. (also known as Sichuan Yuanan Pharmaceutical Co., Ltd.)
 Taiyuan Weishan International Economic Business Co., Ltd. (also known as Taiyuan Weishan International Trade Co., Ltd.)
 The TNN Development Limited (also known as Dehui (Dalian) International Trade Co., Ltd.)
 Tianjin Dunhe International Trade Co., Ltd. (also known as Dunhe Foods)
 Tianjin Kunyu International Co., Ltd. (also known as China Kunyu Industrial Co., Ltd.)
 Tianjin Tianwei Food Co., Ltd. (formerly known as Tianjin Sanhe Fruit and Vegetable Co., Ltd.)
 Turpan Esquel Textile Co., Ltd.
 Weifang Alice Food Co., Ltd.
 Wugang Zhongchang Logistics Co., Ltd.
 Xinjiang Daqo New Energy Co., Ltd. (also known as Xinjiang Great New Energy Co., Ltd.; Xinjiang Daxin Energy Co., Ltd.; and Xinjiang Daqin Energy Co., Ltd.)
 Xinjiang Junggar Cotton and Linen Co., Ltd.
 Xinjiang Production and Construction Corps (XPCC) and its subordinate and affiliated entities
 Xinjiang Tengxiang Magnesium Products Co., Ltd.
 Xinjiang Yinlong Agricultural International Cooperation Co.
 Yili Zhuowan Garment Manufacturing Co., Ltd.
 Zhangzhou Hang Fat Import & Export Co., Ltd. (also known as Zhangzhou Hengfa Import and Export Co., Ltd.)

[FR Doc. 2024-27337 Filed 11-22-24; 8:45 am]

BILLING CODE 9110-9M-P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Extension of Agency Information Collection Activity Under OMB Review: Law Enforcement Officers Flying Armed Training

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652-0034, abstracted below to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the Federal Air Marshal Service maintenance of a database of all Federal, State, County, Municipal, Territorial, Tribal, and authorized railroad law enforcement agencies whose employees have received the Law Enforcement Officers Flying Armed Training course. **DATES:** Send your comments by December 26, 2024. A comment to OMB is most effective if OMB receives it within 30 days of publication. **ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection, OMB control number 1652-0034, by selecting "Currently under Review—Open for Public Comments" and by using the find function.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Information Technology (IT), TSA-11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, Arlington, VA 20598-6011; telephone (571) 227-2062; email TSAPRA@tsa.dhs.gov.

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on September 4, 2024, 89 FR 71919. TSA did not receive any comments on the notice.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or

sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at <https://www.reginfo.gov> upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Title: Law Enforcement Officers Flying Armed Training.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652-0034.

Forms(s): N/A.

Affected Public: Law Enforcement Officers.

Abstract: TSA permits certain law enforcement officer (LEOs) to fly armed when necessary for mission critical purposes. Eligibility is based on requirements stated in 49 CFR 1544.219. Before flying armed, the eligible Federal, State, County, Municipal, Territorial, Tribal, and authorized railroad law enforcement officers (LEOs) must first complete the LEOs Flying Armed Training under 49 CFR 1544.219. Before an individual is allowed to participate in the training, TSA must receive certain information, including, but not limited to, agency name and address, and name of each individual who will receive the training from law enforcement agencies that have requested the LEOs Flying Armed training course. Applicant verification ensures that only LEOs with a valid need to fly armed aboard commercial aircraft receive training. For more information about the program, please see <https://www.tsa.gov/travel/law-enforcement>.

Estimated Annual Number of Respondents: 2,000.

Estimated Annual Burden Hours: 167.

Dated: November 20, 2024.

Christina A. Walsh,

*TSA Paperwork Reduction Act Officer,
Information Technology.*

[FR Doc. 2024-27527 Filed 11-22-24; 8:45 am]

BILLING CODE 9110-05-P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA-2001-11120]

Extension of Agency Information Collection Activity Under OMB Review: Imposition and Collection of Passenger Civil Aviation Security Service Fees

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652-0001, abstracted below, to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves air carriers maintaining an accounting system to account for the passenger civil aviation security service fees collected and reporting this information to TSA on a quarterly basis, as well as recordkeeping compliance.

DATES: Send your comments by December 26, 2024. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Information Technology (IT), TSA-11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598-6011; telephone (571) 227-2062; email TSAPRA@tsa.dhs.gov.

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting

comments, for the following collection of information on September 4, 2024, 89 FR 71918. TSA did not receive any comments on the notice.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at <https://www.reginfo.gov> upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

- (1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Title: Imposition and Collection of Passenger Civil Aviation Security Service Fees.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652-0001.

Form(s): TSA Form 2502.

Affected Public: Air carriers and foreign air carriers.

Abstract: TSA is required by 49 U.S.C. 44940 to impose a uniform fee on passengers to pay for certain costs of providing civil aviation security services. Implementing regulations in 49 CFR part 1510 require air carriers and foreign air carriers to collect the "September 11th Security Fee" from passengers and to remit the fee monthly to TSA. The fee is established under 49 U.S.C. 44940 to partially offset Federal Government costs of providing aviation security through TSA programs.

Under 49 U.S.C. 44940(e)(4), TSA is authorized to "require the provision of such information as the Administrator . . . decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts." Consistent with this authorization, 49 CFR 1520.17. Air carriers and foreign air carriers are

further required to submit quarterly reports to TSA that provide an accounting of fees imposed, collected, refunded to passengers, and remitted to TSA and to retain this data for 3 years. TSA has suspended an additional requirement for air carriers with over 50,000 passengers to submit annual audits of its fee collections and remittance; this requirement may be reinstated in the future.

In December 2013, the fee was statutorily restructured to be based on one-way trips rather than enplanements (the statute was further amended in 2014 to impose a cap of \$11.20 per round trip). In 2014 and 2015, TSA published interim final rules to implement these amendments to 49 U.S.C. 44940. *See* 79 FR 35461 (June 20, 2014) and 80 FR 31850 (June 5, 2015), respectively. This information collection request covers both the quarterly reports and the estimated impact should annual audits be reinstated in the future.

Estimated Annual Number of Respondents: 301.

Estimated Annual Burden Hours: 3,012.

Dated: November 20, 2024.

Christina A. Walsh,

*TSA Paperwork Reduction Act Officer,
Information Technology.*

[FR Doc. 2024-27587 Filed 11-22-24; 8:45 am]

BILLING CODE 9110-05-P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA-2005-21866]

Intent To Request Extension From OMB of One Current Public Collection of Information: Enhanced Security Procedures at Ronald Reagan Washington National Airport

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652-0035, abstracted below that we will submit to OMB for an extension in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection requires General Aviation (GA) aircraft operators to designate a security coordinator and adopt a DCA Access

Standard Security Program (DASSP). The collection also involves obtaining information for Armed Security Officers (ASOs).

DATES: Send your comments by January 24, 2025.

ADDRESSES: Comments may be emailed to TSAPRA@tsa.dhs.gov or delivered to the TSA PRA Officer, Information Technology (IT), TSA–11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at <https://www.reginfo.gov> upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

OMB Control Number 1652–0035; *Enhanced Security Procedures at Ronald Reagan Washington National Airport (DCA)*. Each person who wishes to operate an aircraft into and out of DCA must designate a security coordinator and adopt the DASSP. See 49 CFR 1562.21 and 1562.23. Once aircraft operators have adopted the DASSP, to fly into or out of DCA the operators must request a tentative slot reservation from the Federal Aviation Administration (FAA) and request authorization from TSA. This information is collected under OMB control number 1652–0033, TSA Airspace Waiver Program. If TSA

approves the flight, TSA will transmit that information to FAA.

Applicant Information Collection for DCA Access Standard Security Program

The DASSP application collects basic information about the applicant, the aircraft operator, and the security coordinator that the operator wishes to designate, as well as the identifier of the airport used as a base of operation and whether the operator presently holds another TSA Standard Security Program.

TSA also requires the following individuals to submit fingerprints for a criminal history records check (CHRC) and other identifying information for a name-based security threat assessment:

- Individuals designated as security coordinators by Fixed Base Operators (FBOs) under 49 CFR 1562.25¹ and GA aircraft operators under 1562.23;
- Flight crewmembers who operate GA aircraft into and out of DCA in accordance with 49 CFR 1562.23 and DASSP; and
- ASOs approved in accordance with 49 CFR part 1562.29.

For flight crewmembers, TSA also uses this information to check their FAA records to determine whether the individual has a record of violation of specified FAA regulations. As part of the threat assessment process, TSA shares the information with the Federal Bureau of Investigation and the FAA.

Aircraft operators must also maintain CHRC records of all employees and authorized representatives for whom a CHRC has been completed. These records must be made available to TSA upon request.

Applicant Information Collection for the Armed Security Officer Program

Under the ASO Program, established by 49 CFR 1562.29, aircraft operators and FBOs participating in this program can nominate the individuals they would like to be qualified as ASOs by submitting an ASO nomination form to TSA. Once nominated, the ASOs are required to submit fingerprints and identifying information, personal history information, a photograph, and weapon information before an ASO application can be approved. TSA uses the applicants' information to conduct a complete applicant vetting, to include a fingerprint based CHRC and security threat assessment. The vetting also includes an employment history verification check of all prior law enforcement positions. Upon successful

¹ An FBO is an airport-based commercial enterprise that provides support services to aircraft operators, such as maintenance, overnight parking, fueling and de-icing.

completion of these checks and law enforcement employment history review, TSA makes the final determination of ASO applicant eligibility. All qualified applicants must then successfully complete a TSA-approved training course.

TSA estimates a total of 78 respondents annually for DASSP applications, with an annual hour burden estimate of 78. In addition, TSA estimates 84 respondents annually for ASO nominations, with an annual hour burden of 98. The total number of respondents is estimated to be 162, while the total annual burden hours are estimated to be 176 per year.

Dated: November 19, 2024.

Christina A. Walsh,

*TSA Paperwork Reduction Act Officer,
Information Technology.*

[FR Doc. 2024–27475 Filed 11–22–24; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS–WASO–NAGPRA–NPS0039103;
PPWOCRADN0–PCU00RP14.R50000]**

**Notice of Intended Repatriation: Field
Museum, Chicago, IL**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Field Museum intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 26, 2024.

ADDRESSES: June Carpenter, NAGPRA Director, Field Museum, 1400 S Lake Shore Drive, Chicago, IL 60605, telephone (312) 665–7820, email jcarpenter@fieldmuseum.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Field Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of nine cultural items have been requested for repatriation. The nine unassociated funerary objects include pendants, a gorget, a bird call, a blade, a stone tool, a net weight, and a plumb bob. At some point prior to 1936, Leslie L. Cooke collected these items from Sacramento County, California. In 1936, Cooke donated the items to New Trier Township High School in Winnetka, Illinois. The High School likely donated the items to the Museum in the late 1930s. The items were accessioned by the Museum in 1986 or 1987 as part of a larger collection. Based on the information available and the results of consultation, cultural affiliation is reasonably identified by geographic location, historical information, and Native American traditional knowledge. There is no known presence of any potentially hazardous substances.

Determinations

The Field Museum has determined that:

- The nine unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Wilton Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on

or after December 26, 2024. If competing requests for repatriation are received, the Field Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Field Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–27508 Filed 11–22–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

**[NPS–WASO–NAGPRA–NPS0039090;
PPWOCRADNO–PCU00RP14.R50000]**

**Notice of Inventory Completion:
Michigan State Police, Dimondale, MI**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Michigan State Police has completed an inventory of human remains and has determined that there is no lineal descendant and no Indian Tribe or Native Hawaiian organization with cultural affiliation.

DATES: Upon request, repatriation of the human remains in this notice may occur on or after December 26, 2024.

ADDRESSES: Hanna Friedlander, Forensic Anthropologist, Michigan State Police, Intelligence Operations Division—Missing Persons Coordination Unit, 7150 Harris Drive, Dimondale, MI 48821, telephone (517) 242–5731, email friedlanderh@michigan.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Michigan State Police, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. There are no associated funerary objects present. On May 21 and 22, 2024, human remains representing one individual were removed from their resting spot in Harrison, MI (Clare County). The human remains (MPC–11–24) consist of a near complete set of remains, missing three cervical vertebrae, the sternum (including manubrium and xiphoid), the hyoid, the coccyx, majority of the carpals, four metacarpals, most hand phalanges, three tarsals, most metatarsals, and most foot phalanges. Radiocarbon dating done by ICA (International Chemical Analysis) in June of 2024; radiocarbon dating came back to A.D. 1400–1460. On Sept. 17, 2024, the Clare County Sheriff's Department, which had been storing the human remains, requested assistance in carrying out NAGPRA responsibilities. Subsequently, Ms. Hanna Friedlander collected the human remains and transferred them to temporary holding at the Michigan State Police Headquarters in Dimondale, MI. No known individual was identified. No associated funerary objects are present.

Consultation

Invitations to consult were sent to the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Potawatomi Indians of Michigan; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Ottawa Tribe of Oklahoma; Pokagon Band of

Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; and the Turtle Mountain Band of Chippewa Indians of North Dakota.

The Forest County Potawatomi Community, Wisconsin, and the Saginaw Chippewa Indian Tribe of Michigan requested consultation.

Cultural Affiliation

The following types of information about the cultural affiliation of the human remains in this notice are available: geographical.

The information, including the results of consultation, identified:

1. No earlier group connected to the human remains.
2. The Saginaw Chippewa Indian Tribe of Michigan as an Indian Tribe or Native Hawaiian organization connected to the human remains.
3. No relationship of shared group identity between the earlier group and the Indian Tribe or Native Hawaiian organization that can be reasonably traced through time.

Determinations

The Michigan State Police has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- No known lineal descendant who can trace ancestry to the human remains in this notice has been identified.
- No Indian Tribe or Native Hawaiian organization with cultural affiliation to the human remains in this notice has been clearly or reasonably identified.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Upon request, repatriation of the human remains described in this notice may occur on or after December 26, 2024. If competing requests for

repatriation are received, the Michigan State Police must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Michigan State Police is responsible for sending a copy of this notice to any consulting lineal descendant, Indian Tribe, or Native Hawaiian organization.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–27502 Filed 11–22–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039100; PPWOCRADNO–PCU00RP14.R50000]

Notice of Intended Repatriation: University of Alabama at Birmingham, Birmingham, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Alabama at Birmingham (UAB) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 26, 2024.

ADDRESSES: Dr. Lauren Downs, University of Alabama at Birmingham, Department of Anthropology, UH 3165, 1720 2nd Avenue, South, Birmingham, AL 35294–1241, telephone (205) 934–3508, email nagprastaff@uab.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UAB, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two lots of cultural items have been requested for repatriation. The two lots of unassociated funerary objects are one lot of pottery from two partial vessels and one lot of flaked stone tools. The unassociated funerary objects were removed from a limestone lined grave reported to be sixty miles north of Murray, Kentucky. This description places the geographic location in or near Crittenden, Livingston, Lyon, or Marshall County, Kentucky, or Hardin or Pope County, Illinois. The collection was donated to UAB at an unknown date. No cultural affiliation information is included in UAB's internal records, but the geographical origin of the objects and relevant archaeological information reasonably identify a cultural affiliation with the Cherokee Nation, Eastern Band of Cherokee Indians, Miami Tribe of Oklahoma, Quapaw Nation, Shawnee Tribe, and The Chickasaw Nation. There is no record of any potentially hazardous substances used to treat the unassociated funerary objects.

Determinations

The University of Alabama at Birmingham has determined that:

- The two lots of unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and The Chickasaw Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or

a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, UAB must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. UAB is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-27497 Filed 11-22-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0039094;
PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: Sonoma State University, Rohnert Park, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sonoma State University intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 26, 2024.

ADDRESSES: Doshia Dodd, Sonoma State University, 1801 East Cotati Avenue, Rohnert Park, CA 94928, telephone (530) 514-8472, email Doshia.dodd@sonoma.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Sonoma State University, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related

records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A lot of 4,079 cultural items have been requested for repatriation that was taken from archaeological site CA-TEH-1529 in Tehama County, California. The lot of 4,079 unassociated funerary objects are soil samples; flaked stone tools and debitage; groundstone; unmodified faunal bone and shell; and modified faunal bone. Sonoma State University acquired the cultural items in 1995 from Far Western Anthropological Research Group archeological project for the PG&E and PGT Pipeline replacement project. The cultural items have remained in possession of Sonoma State since their curation, under the Accession Number 91-32.

A lot of 405 cultural items have been requested for repatriation that was taken from archaeological site CA-TEH-1350/h in Tehama County, California. The lot of 405 unassociated funerary objects are Debitage; Historic material; Unmodified faunal bone. Sonoma State University acquired the cultural items in 1996 from Far Western Anthropological Research Group archeological project for the PG&E and PGT Pipeline replacement project. The cultural items have remained in possession of Sonoma State since their curation, under the Accession Number 92-56.

A lot of 576 cultural items have been requested for repatriation that was taken from archaeological site CA-SHA-1966 in Shasta County, California. The lot of 576 unassociated funerary objects are Flaked stone tools and debitage; and Groundstone. Sonoma State University acquired the cultural items in 1996 from Far Western Anthropological Research Group archeological project for the PG&E and PGT Pipeline replacement project. The cultural items have remained in possession of Sonoma State since their curation, under the Accession Number 93-08.

A lot of 40 cultural items have been requested for repatriation that was taken from archaeological site CA-SHA-1520, CA-SHA-1521, CA-SHA-1522, CA-SHA-1528/h, and CA-SHA-1529/h in Shasta County, California. The lot of 40 unassociated funerary objects are Debitage; and Historic material. Sonoma State University acquired the cultural items in 1985 from Anthropological Studies Center Anthropological Research Group archeological project for PG&E Timber Harvest Sale. The cultural items have remained in possession of Sonoma State since their curation, under the Accession Number 85-01.

Based on records concerning the unassociated funerary objects and the institution in which they are housed, there is no evidence of the unassociated funerary objects being treated with hazardous substances.

Determinations

The Sonoma State University has determined that:

- The lot of 5,100 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the Paskenta Band of Nomlaki Indians of California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, the Sonoma State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Sonoma State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–27496 Filed 11–22–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039099;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Autry Museum of the American West, Los Angeles, CA, and San Bernardino County Museum, Redlands, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Autry Museum of the American West and San Bernardino County Museums (SBCB) intend to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 26, 2024.

ADDRESSES: Karimah Richardson, M.Phil., RPA, Associate Curator of Anthropology and Repatriation Supervisor, Autry Museum of the American West, 4700 Western Heritage Way, Los Angeles, CA 90027, telephone (323) 495–4203, email krichardson@theautry.org and Tamara Serrao-Leiva, MA, RPA, Curator of Anthropology and Chief Deputy, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, telephone (909) 798–8623, email tserrao-leiva@sbc.sbcounty.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Autry Museum of the American West and San Bernardino County Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 227 lots of cultural items have been requested for repatriation. The 227 unassociated funerary objects

are 56 lots of ceramic material, 15 lots of faunal bone, 11 lots of shell material, 108 lots of flaked stone, 32 lots of ground stone, four lots of organic material, and one lot of metal cultural items. In 1947, three field trips (March, April, and May) were made by the Archaeological Survey Association of Southern California (ASA) to Moody Springs (CA–LAN–83) through the leadership of Howard Arden Edwards. These field trips to Moody Springs were made up of just Mr. Edwards and one other person and were given a 1.S accession number. The Southwest Museum (1.S) collection consists of cultural items collected in March of 1947. San Bernardino County Museum (SBCM) also obtained a small group of objects from Moody Springs, which was given the catalog number SBCM–818 (CA–LAN–83). It is unclear why or how SBCM–818 was disenfranchised from the rest of the collection, though there were many instances of collection sharing between the Southwest Museum (now part of the Autry Museum) and SBCM during this period. No ancestors are found in the collection SBCM houses.

Determinations

The Autry Museum of the American West and San Bernardino County Museum has determined that:

- The 227 lots unassociated funerary objects described above are reasonably believed to have been placed intentionally with or near individual human remains, and are connected, either at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Yuhaaviatam of San Manuel Nation (*previously* listed as San Manuel Band of Mission Indians, California).

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, the Autry Museum of the American West and San Bernardino County Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Autry Museum of the American West and San Bernardino County Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–27503 Filed 11–22–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039098;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Pennsylvania Museum of Archaeology and Anthropology, Philadelphia, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Pennsylvania Museum of Archaeology and Anthropology (Penn Museum) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after December 26, 2024.

ADDRESSES: Dr. Christopher Woods, Williams Director, University of Pennsylvania Museum of Archaeology and Anthropology, 3260 South Street, Philadelphia, PA 19104–6324, telephone (215) 898–4050, email director@pennmuseum.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative

responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Penn Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual has been identified. No associated funerary objects are present. The human remains are a cranium of one individual who was recorded as probably female, aged 50 or older. Prior to 1839, the human remains were removed from a "Pegepscot" cemetery near the Androscoggin River about 20 miles from Brunswick, Maine by an unidentified person. The human remains were subsequently obtained by Bowdoin College, Medical School of Maine. In 1839, the remains were transferred to Samuel G. Morton and were stored at the Academy of Natural Sciences in Philadelphia (ANSP). Dr. Morton died in 1851, and in 1853, the ANSP purchased his collection, including these human remains. In 1966, Dr. Morton's collection was loaned to the Penn Museum, and in 1997, the collection was formally gifted to the Penn Museum (PM#97-606-89). There is no known presence of any potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains.

Determinations

The Penn Museum has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains and the Houlton Band of Maliseet Indians; Mi'kmaq Nation (*previously* listed as Aroostook Band of Micmacs); Passamaquoddy Tribe; and the Penobscot Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, the Penn Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Penn Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-27500 Filed 11-22-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0039108;
PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: University of Tennessee, Department of Anthropology, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Tennessee, Department of Anthropology (UTK) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after December 26, 2024.

ADDRESSES: Dr. Ellen Lofaro, University of Tennessee, Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37921-6053, telephone (865) 974-3370, email nagpra@utk.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The

determinations in this notice are the sole responsibility of UTK, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. No associated funerary objects are present. These individuals were removed by R.B. Aker at an unknown time from an unknown archaeological site in Platte County, Missouri. The only information available about the removal of these individuals is a label stating they were "dug years ago by Aker" from a "mound west of Parkville." Aker actively excavated in Buchanan and Platte Counties, MO, and Parkville is located in Platte County. Based on a past pattern of practice, these individuals were probably transferred to William Bass while he was at the University of Kansas and brought by him to UTK when he began working there in 1971.

Through Tribal consultation, these individuals were identified as culturally affiliated with the Omaha Tribe of Nebraska and The Osage Nation, based off the following types of information: archaeological, geographical, historical, linguistic, and oral traditional.

Some of the remains were "repaired" using an unknown glue, and some were treated with an unknown preservative, however, to our knowledge no potentially hazardous substances were used to treat the remains.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

UTK has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Omaha Tribe of Nebraska and The Osage Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, UTK must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. UTK is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–27513 Filed 11–22–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039104;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Gilcrease Museum, Tulsa, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Gilcrease Museum intends to repatriate certain cultural items that meet the definition of sacred objects or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 26, 2024.

ADDRESSES: Laura Bryant, Gilcrease Museum, 800 S Tucker Drive, Tulsa, OK 74104, telephone (918) 596–2747, email laura-bryant@utulsa.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The

determinations in this notice are the sole responsibility of the Gilcrease Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 14 cultural items have been requested for repatriation. The four sacred objects are one lot of prayer sticks, two shell necklaces, and one sash. The 10 objects of cultural patrimony are seven ceramic jars and three katsinas. The prayer sticks, shell necklaces, and katsinas were anonymously donated to Gilcrease Museum in 2005. Five of the jars were collected by artist William R. Leigh, whose heirs donated them to Gilcrease Museum in 1963. R. Mack Bettis donated one of the jars in 2005. Another jar was acquired in 1945 by Carol Rachlin, an anthropologist, who donated her collection to Gilcrease in 2014.

Determinations

The Gilcrease Museum has determined that:

- The four sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

- The 10 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the Pueblo of Acoma, New Mexico.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by

a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, the Gilcrease Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Gilcrease Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–27509 Filed 11–22–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039095;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Western Washington University, Department of Anthropology, Bellingham, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Western Washington University, Department of Anthropology (WWU), intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 26, 2024.

ADDRESSES: Dr. Judith Pine, Western Washington University, Department of Anthropology, Arntzen Hall 340, 516 High Street, Bellingham, WA 98225, telephone (360) 650–4783, email pinej@wwu.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The

determinations in this notice are the sole responsibility of the WWU, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of seven cultural items have been requested for repatriation. The seven objects of cultural patrimony are a honing stone, a sandstone abrader, a barbed bone harpoon point, two incised silt stones, a stone bowl, and an agate projectile point.

The materials described in this notice were collected in 1975 by R. L. Logsdon of Western Washington University through non-systematic surface collection and excavation of two 1x3 meter test cuts. This work was part of a subcontract with Washington Archaeological Research Center, Washington State University, Pullman, Washington, under contract with Bonneville Power Administration (Logsdon, 1975, "A Report of Archaeological Investigations: San Juan County Site 45-SJ-169, Decatur Island, 1975, Reports in Archaeology No.1, Department of Sociology/Anthropology, Western Washington State College, Bellingham, Washington").

No hazardous chemicals are known to have been used to treat the items while in the custody of WWU.

Determinations

The WWU has determined that:

- The seven objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the Lummi Tribe of the Lummi Reservation; Samish Indian Nation; and the Swinomish Indian Tribal Community.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by

a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, the WWU must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The WWU is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-27498 Filed 11-22-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS-WASO-NAGPRA-NPS0039110;
PPWOCRADNO-PCU00RP14.R50000]**

Notice of Inventory Completion: Autry Museum of the American West, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Autry Museum of the American West has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after December 26, 2024.

ADDRESSES: Karimah Richardson, M. Phil, RPA, Associate Curator of Anthropology and Repatriation Supervisor, Autry Museum of the American West 4700 Western Heritage Way, Los Angeles, CA 90027, telephone (323) 495-4203, email krichardson@theautry.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the

National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Autry Museum of the American West, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing at least two individuals have been reasonably identified. The five associated funerary objects are two lots of shell objects, one lot of faunal objects, one lot of organic material, and one lot of ground stone objects. In 1947, three field trips (March, April, and May) were made by the Archaeological Survey Association of Southern California (ASA) to Moody Springs Site (CA-LAn-83) in Antelope Valley, Los Angeles County, CA. Through the leadership of Howard Arden Edwards, The Southwest Museum 1.S Collection consists of objects collected in March of 1947. Individuals are represented by one cranial bone and one foot bone; and a cremation.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The Autry Museum of the American West has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The five lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Morongo Band of Mission Indians, California and the Yuhaaviatam of San Manuel Nation (previously listed as San Manuel Band of Mission Indians, California).

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the

authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, the Autry Museum of the American West must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Autry Museum of the American West is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-27515 Filed 11-22-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0039102;
PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: Illinois State Museum, Springfield, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Illinois State Museum has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after December 26, 2024.

ADDRESSES: Brooke M. Morgan, Illinois State Museum Research & Collections Center, 1011 East Ash Street,

Springfield, IL 62703, telephone (217) 785-8930, email brooke.morgan@illinois.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Illinois State Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing at least one individual have been reasonably identified. No associated funerary objects are present. On June 9, 1875, remains of one Native American individual were reportedly removed by A.S. Tiffany from a mound at Shabbona Grove, DeKalb County, IL, and held at the Davenport Academy of Natural Sciences (now the Putnam Museum and Science Center). The remains transferred to the Illinois State Museum in 1986. To our knowledge, the remains have not been treated with any hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location and acquisition history of the human remains described in this notice.

Determinations

The Illinois State Museum has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Prairie Band Potawatomi Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that

the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, the Illinois State Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Illinois State Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-27507 Filed 11-22-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0039091;
PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: San Bernardino County Museum, Redlands, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the San Bernardino County Museum has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after December 26, 2024.

ADDRESSES: Tamara Serrao-Leiva, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, telephone (909) 798-8623, email tserrao-leiva@sbcm.sbcounty.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the San Bernardino County Museum, and

additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, three individuals have been identified. The one associated funerary object is one lot of faunal bones. Human remains, and association funerary objects were collected at the Crib Mound in Spencer County, Indiana, likely by Benjamin McCown via the now-defunct Archaeology Survey Association.

Human remains representing one individual has been identified. The one associated funerary object is one lot of lithics. Human remains were found on the B.F. McCown Farm (orchard), near the Ohio River, where they were excavated from an unnamed mound on July 13, 1935. Human remains comprise of one cranium, aged around 75 years old. Historic records show the McCown Farms was located 3 miles north of Hanover, Ohio.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The San Bernardino County Museum has determined that:

- The human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- The two lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Eastern Shawnee Tribe of Oklahoma; and the Shawnee Tribe.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, the San Bernardino County Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The San Bernardino County Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–27499 Filed 11–22–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039106;
PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Alabama Department of Archives and History, Montgomery, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Alabama Department of Archives and History has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations identified in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after December 26, 2024.

ADDRESSES: John Robert Elmore, III, Alabama Department of Archives and History, 624 Washington Avenue, Montgomery, AL 36130, telephone (334) 353–4696, email nagpra.adah@archives.alabama.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Alabama Department of Archives and History, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The two lots of associated funerary objects are two lots of objects that belonged to a Seminole leader who died at Ft. Moultrie, South Carolina, in 1838. The objects were acquired by the ADAH in 1975.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

The Alabama Department of Archives and History has determined that:

- The two lots of objects described in this notice are reasonably believed to have been intended to be placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Seminole Tribe of Florida and The Seminole Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
 2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.
- Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, the Alabama Department of Archives

and History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The Alabama Department of Archives and History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-27511 Filed 11-22-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0039101;
PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: Sam Noble Museum of Natural History, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sam Noble Oklahoma Museum of Natural History (SNOMNH) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after December 26, 2024.

ADDRESSES: Dr. Marc Levine, Associate Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072-7029, telephone (405) 325-1994, email mlevine@ou.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the SNOMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The

National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 14 individuals were removed from the Henry Peck site (34Lf23) in LeFlore County, OK. This site was excavated in 1940 by the Works Progress Administration (WPA) and transferred to the Museum in 1947. The human remains include five females, one male, three probable females, two probable males, one adult for whom sex could not be determined, and two individuals for whom age and sex could not be determined. No known individuals were identified. The 44 associated funerary objects are seven stone projectile points, one stone celt, three paintstones, three potsherds, 18 shell beads, two bone hairpins, one bone awl, one deer antler billet, one deer bone, one bear tooth, one polished bone, and five bags of animal bone fragments. The human remains and associated funerary objects from site 34Lf23 were interred during the Woodland Period (300 B.C.–A.D. 900).

In 1939–1940 and in 1947, human remains representing, at minimum, 252 individuals were removed from the J.W. Williams 1 site (34Lf24) in LeFlore County, OK. This site was excavated by the WPA, and the associated finds were transferred to the Museum in 1947. The human remains include 35 adult females, 12 adult males, 24 adolescents, 37 children, 12 infants, 36 probable adult females, 21 probable adult males, 32 adults for whom sex could not be determined, and 43 individuals for whom age and sex could not be determined. The 340 associated funerary objects are 38 potsherds, 41 projectile points, one projectile point embedded in hard-soil matrix, 67 projectile point fragments, three stone bifaces, six stone biface fragments, one stone core, one stone hoe fragment, three boatstones, four boatstone fragments, four stone manos, two stone celts, three stone gorget fragments, one nutting-stone, one stone axe, 11 bags of paintstones, three worked stones, three unmodified stones, four bone awls, eight bone awl fragments, one bone knife, eight bags of turtle shell fragments, two bags of deer antler fragments, one bag of deer mandible fragments, two animal teeth, 97 bags of animal bone fragments, six bags of shell beads, one shell pendant, one perforated conch shell, two bags of shells, one shell and one projectile point embedded in hard-soil matrix, one bag of wood fragments, eight bags of ash samples, two bags of daub, and one bag of burned clay. The human remains and associated

funerary objects from site 34Lf24 were interred during the Woodland Period (300 B.C.–A.D. 900).

Human remains representing, at least, 21 individuals were removed from the J.W. Williams 2 site (34Lf25) in LeFlore County, OK. The site was excavated by the WPA in 1939–1940 and transferred to the Museum in 1940. The human remains include two adult females, one adult male, two children, three infants, eight probable adult females, two probable adult males, and three adults for whom sex could not be determined. No known individuals were identified. The 37 associated funerary objects are four stone projectile points, one bone flute, one bone bracelet, nine bone beads, one modified animal bone, three deer antlers, one tooth, 10 animal bones, one bag of unidentified animal bones, one shell fragment, four copper beads, and one wood fragment. The human remains and associated funerary objects from site 34Lf25 were interred during the Woodland Period (300 B.C.–A.D. 900).

Human remains representing, at least, 101 individuals were removed from the James B. Sam site (34Lf28) in LeFlore County, OK. The site was excavated by the WPA in 1940 and transferred to the Museum in 1947. The human remains include 27 adult females, three adult males, seven adolescents, seven children, 26 probable adult females, nine probable adult males, 15 adults for whom sex could not be determined, and seven individuals for whom age and sex could not be determined. No known individuals were identified. The 86 associated funerary objects are seven ceramic vessels, three potsherds, 26 projectile points, one projectile point fragment, one stone drill, one stone bead, three stone celts, one stone mano, one hammerstone, one stone biface, two paintstones, one perforated stone, one bag of bone beads, one bone awl, two bags of deer jaw fragments, three bags of deer bone fragments, one bag of bear teeth, one dog mandible, one bag of worked animal bone, 23 bags of animal bone fragments, three bags of shell beads, one metal bead, and one bag of ash. The human remains and associated funerary objects from site 34Lf28 were interred during the Woodland Period (300 B.C.–A.D. 900).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The SNOMNH has determined that:

- The human remains described in this notice represent the physical remains of 388 individuals of Native American ancestry.
- The 507 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Caddo Nation of Oklahoma and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, the SNOMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The SNOMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-27506 Filed 11-22-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS-WASO-NAGPRA-NPS0039105;
PPWOCRADN0-PCU00RP14.R50000]**

Notice of Inventory Completion: The Kikuchi Center at Kaua'i Community College, Līhu'e, HI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kikuchi Center at Kaua'i Community College has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after December 26, 2024.

ADDRESSES: Jason Ford, The Kikuchi Center at Kaua'i Community College, 3-1901 Kaumuali'i Highway, Līhu'e, HI 96766, telephone (808) 245-8236, email jford9@hawaii.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Kikuchi Center at Kaua'i Community College, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. The five associated funerary objects are four bone artifacts and one bone fish hook. Item: Iwi Kupuna (human remains), including modified bone fragments, and associated funerary objects. Site Name: 14-115 II Barber's Point, Kalaeloa, Honouliuli, 'Ewa, O'ahu. Geographical Location: Kalaeloa, Honouliuli, 'Ewa, O'ahu. Collection History: The Kikuchi Center is an archive curating the work of Dr. William Kikuchi. Dr. Kikuchi co-founded the Archaeology Research Center of Hawaii, ARCH, with Francis Ching, Jr. He inherited a collection of ARCH project materials, including ARCH project 14-115 II. This project was an intensive survey and excavation for the harbor

expansion at Barber's Point for the State of Hawai'i and the U.S. Army Corps. Barber's Point is Kalaeloa, located in the ahupua'a Honouliuli, moku of 'Ewa. These materials were excavated in 1980 and the founding of the Kikuchi Center and processing of these materials began in September 2022. In March of 2024, an osteologist analyzed the bones in the collection and positively identified the modified humerus as human. These bones are associated with Native Hawaiian sites and cultural layers. The 76 modified bones listed here are unidentifiable due to their size and state of modification, but because they were associated with the positively identified iwi kupuna, are being listed for consultation and repatriation, and treated as human. Due to the possibility of the bone artifacts also being human and their close association with the positively identified bone, they are also listed as associated burial objects. Some bones may be coated in a clear lacquer with individual artifact numbers that are now dissociated from data.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice. Kalaeloa Heritage and Legacy Foundation has offered their burial vault and to enact reinterment protocols, if required, and defer consultation to include other Native Hawaiian organizations.

Determinations

The Kikuchi Center at Kaua'i Community College has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native Hawaiian ancestry. Modified bone and bone fragments in associated with positively identified iwi kupuna are also being offered for repatriation.
- The five objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Kalaeloa Heritage and Legacy Foundation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the

authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, the Kikuchi Center at Kaua'i Community College must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Kikuchi Center at Kaua'i Community College is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–27510 Filed 11–22–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039096;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Autry Museum of the American West, Los Angeles, CA

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Autry Museum of the American West (Southwest Museum Collection) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 26, 2024.

ADDRESSES: Karimah Richardson, M. Phil, RPA, Associate Curator of Anthropology and Repatriation Supervisor, Autry Museum of the American West, 4700 Western Heritage Way, Los Angeles, CA 90027, telephone (323) 495–4203, email krichardson@theautry.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Autry Museum of the American West, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of four lots of cultural items have been requested for repatriation.

The one lot of unassociated funerary objects are faunal bone beads. In 1931, Sacramento Junior College archaeological field party including student Henry Gibbs, collected cultural items from Lincoln Mound (CA–Pla–14), Placer County, CA. Dr. L.B. Lillard, President of Sacramento Junior College, donated the cultural items in 1935 to the Southwest Museum (now part of Autry Museum of the American West).

The three lots of unassociated funerary objects are two lots of shell ornaments and one lot of cooking stones. The ornaments were found in collections in 2001, with a label of “Verona Mound, Maidu area, Adult burial”. Verona Mound is an archaeological site CA–Sut–11, in Sutter County, CA. It is unknown when the cultural items entered the Southwest Museum. However, based on institutional history, the cultural items could potentially be part of the cultural items recovered from Sacramento Junior College archaeological field party. Sacramento Junior College President Lillard gifted cultural items from various sites in 1935 to the Southwest Museum (now Autry Museum of the American West).

Determinations

The Autry Museum of the American West has determined that:

- The four lots of unassociated funerary objects described above are reasonably believed to have been placed intentionally with or near individual human remains, and are connected, either at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the

evidence, to have been removed from a specific burial site of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and; the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California and the United Auburn Indian Community of the Auburn Rancheria of California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, the Autry Museum of the American West must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Autry Museum of the American West is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–27504 Filed 11–22–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039097;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Autry Museum of the American West, Los Angeles, CA

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and

Repatriation Act (NAGPRA), the Autry Museum of the American West (Southwest Museum Collection) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after December 26, 2024.

ADDRESSES: Karimah Richardson, M. Phil., RPA, Associate Curator of Anthropology and Repatriation Supervisor, Autry Museum of the American West, 4700 Western Heritage Way, Los Angeles, CA 90027, telephone (323) 495-4203, email krichardson@theautry.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Autry Museum of the American West, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual has been reasonably identified. The 46 lots of associated funerary objects are 11 lots of stone, two lots of faunal, one ceramic lot, 15 lots of trade beads, one metal lot, one lot of stone pendants, 11 lots of shell beads, and four lots of stone beads. Brother's Glenn and Donald Geissinger collected cultural items they dug up over a span of years (unknown) from sites in the general vicinity of Camp Far West, Placer County, CA. Their mother Mrs. Dorothy Geissinger donated the cultural items in 1970 to the Southwest Museum (now Autry Museum of the American West).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The Autry Museum of the American West has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The 46 lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; United Auburn Indian Community of the Auburn Rancheria of California; and the Wilton Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, the Autry Museum of the American West must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Autry Museum of the American West is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-27516 Filed 11-22-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0039107;
PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: California State University San Bernardino, San Bernardino, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University San Bernardino (CSU San Bernardino) intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 26, 2024.

ADDRESSES: Michael Chavez NAGPRA Program Manager, CSU San Bernardino, 5500 University Parkway, San Bernardino, CA 92407, telephone (909) 537-3468, email michael.chavez@csusb.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of CSU San Bernardino, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 271 lots of cultural items representing two distinct collections have been requested for repatriation.

The first collection of objects of cultural patrimony consists of 80 lots of groundstone, 54 lots of faunal bone, 31 lots of metate frags, 17 lots of debitage, 32 cores, 20 hammerstones, six bifaces, two pecking tools, two lots of ochre, seven manos, six lots of asphaltum, 10 lots of shell, one lot of eggshells, and one lot of land snail shell. These materials were excavated in 1990 from CA-SBR-6815 by a cultural resource firm who later donated a portion of the collection to CSUSB as a teaching collection. This collection has no ancestral remains or associated funerary objects. There was no known testing completed on the collection housed at CSUSB.

At an unknown time prior to 1990, a mortar and pestle were removed from a residential address in the city of San Bernardino east of East Twin Creek and West of Little Sands creek, north of 40th street. These objects of cultural patrimony were excavated during construction at the residence and were kept by the homeowner until being donated to the University in February of 2023. Testing on these materials has not taken place as the materials were held in the private collection of the homeowner before coming directly to the University.

Determinations

The CSU San Bernardino has determined that:

- The 271 lots of material of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Yuhaaviatam of San Manuel Nation (*previously* listed as San Manuel Band of Mission Indians, California).

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, the CSU San Bernardino must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The CSU San Bernardino is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25

U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–27512 Filed 11–22–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS–WASO–NAGPRA–NPS0039111;
PPWOCRADNO–PCU00RP14.R50000]**

Notice of Intended Repatriation: Museum of Us, San Diego, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Museum of Us intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after December 26, 2024.

ADDRESSES: Carmen Mosley, NAGPRA Repatriation Manager, Museum of Us, 1350 El Prado, Balboa Park, San Diego, CA 92101, telephone (619) 239–2001 Ext. 42, email cmosley@museumofus.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Museum of Us, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 145 cultural items have been requested for repatriation. The 14 unassociated funerary objects removed from Thistle Mound (CV–12) in Sacramento, Sacramento County, CA, include eight pieces of flat matting bone needles, three stone discs, one hammerstone, one string of *Olivella* shell beads, and one string of clam shell beads. The 131 unassociated funerary objects removed from Lovejoy (Dalton) Mound (CV–16) in Sacramento, Sacramento County, CA include two lots of carbonized basketry material, one

basket fragment, 36 *Haliotis* ornament pieces, six bipointed bone objects, 19 perforated carnivore canine teeth, 64 projectile points, and three perforated mica pendants.

Between 1930 and 1936, the 145 unassociated funerary objects were removed by Henry Gibbs, a private collector and looter. In 1937, Paul A. Walker purchased Gibbs' Central Valley, California archeological collection. Walker was an amateur archeologist and collector who worked by himself and with other amateur archeologists, and in collaboration with the University of California and Sacramento Junior College. Over the course of his life, Walker amassed an extensive archeological collection from California's Central Valley and smaller collections from Northern and Southern California, and outside of California. In 1968, Walker's private archeological collection was acquired by the San Diego Museum of Man (now Museum of Us) through a purchase/donation transaction with Walker's widow, Bessie B. Walker.

Determinations

The Museum of Us has determined that:

- The 145 unassociated funerary objects described above are reasonably believed to have been placed intentionally with or near individual human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the Lone Band of Miwok Indians of California and the Wilton Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that

the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after December 26, 2024. If competing requests for repatriation are received, the Museum of Us must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Museum of Us is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: November 18, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-27514 Filed 11-22-24; 8:45 am]

BILLING CODE 4312-52-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1411]

Certain Photodynamic Therapy Systems, Components Thereof, and Pharmaceutical Products Used in Combination With the Same; Notice of Commission Determination Not To Review an Initial Determination Granting in Part Complainant's 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 has determined not to review an initial determination ("ID") (Order No. 8) of the presiding administrative law judge ("ALJ") issued in the above-captioned investigation, granting in part complainant's motion to amend the complaint and notice of investigation ("NOI") to add infringement allegations as to claims 17 and 18 of U.S. Patent No. 11,446,512 ("the '512 patent").

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3179. Copies of non-confidential documents filed in connection with this investigation may be viewed on the

Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 1, 2024, based on a complaint filed by Sun Pharmaceutical Industries, Inc. ("Sun Pharma") of Princeton, New Jersey. 89 FR 62790 (Aug. 1, 2024). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain photodynamic therapy systems, components thereof, and pharmaceutical products used in combination with the same by reason of infringement of certain claims of the '512 patent and U.S. Patent No. 11,697,028 ("the '028 patent"). *Id.* The complaint further alleges that a domestic industry exists or is in the process of being established. *Id.* The notice of investigation names four respondents: (1) Biofrontera Inc. of Woburn, Massachusetts; (2) Biofrontera Pharma GmbH of Leverkusen, Germany; (3) Biofrontera Bioscience GmbH of Leverkusen, Germany; and (4) Biofrontera AG of Leverkusen, Germany (collectively, "Biofrontera"). *Id.* The Office of Unfair Import Investigations is not a party to this investigation. *Id.*

On October 7, 2024, Sun Pharma filed a motion to amend the complaint and NOI to add infringement allegations as to claims 9, 11, 17, and 18 of the '512 patent and claims 10 and 12 of the '028 patent. On October 17, 2024, Biofrontera filed a response opposing-in-part the motion. Specifically, Biofrontera did not oppose the motion with respect to adding infringement allegations as to claims 17 and 18 of the '512 patent, but opposed the remainder of the motion.

On October 22, 2024, the ALJ issued the subject ID granting the motion in part. The ID finds that, in accordance with Commission Rule 210.14(b) (19 CFR 210.14(b)), good cause exists for amending the complaint and NOI to add infringement allegations as to claims 17 and 18 of the '512 patent, noting that "Biofrontera agrees that Sun Pharma's allegations with respect to these claims are based on information obtained

through discovery." ID at 3. The ALJ, however, found that Sun Pharma has not shown the requisite good cause to amend the complaint and NOI to add infringement allegations as to claims 9 and 11 of the '512 patent and claims 10 and 12 of the '028 patent because "Sun Pharma failed to demonstrate why it was unable to bring the allegations [of those claims] in the complaint." *Id.* at 3-5. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The complaint and NOI are amended to add infringement allegations as to claims 17 and 18 of the '512 patent.

The Commission vote for this determination took place on November 20, 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 20, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024-27568 Filed 11-22-24; 8:45 am]

BILLING CODE 7020-02-P

NUCLEAR REGULATORY COMMISSION

[NRC-2024-0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of November 25 and December 2, 9, 16, 23, 30, 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 25, 2024

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.

Week of December 23, 2024—Tentative

There are no meetings scheduled for the week of December 23, 2024.

Week of December 30, 2024—Tentative

There are no meetings scheduled for the week of December 30, 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 20, 2024.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2024-27623 Filed 11-21-24; 11:15 am]

BILLING CODE 7590-01-P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review 3206-0261: Questionnaire for Non-Sensitive Positions (SF 85)

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Office of Personnel Management (OPM) is requesting the Office of Management and Budget (OMB) renew a previously approved information collection, Questionnaire for Non-Sensitive Positions (SF 85).

DATES: Comments are encouraged and will be accepted until December 26, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <http://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection request by selecting "Office of Personnel Management" under "Currently Under Review," then check "Only Show ICR for Public Comment" checkbox.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by email to SuitEAforms@opm.gov, or by contacting Lynnette Hornung 202-599-0090, or U.S. Office of Personnel Management, Suitability Executive Agent Programs, P.O. Box 699, Slippery Rock, PA 16057.

SUPPLEMENTARY INFORMATION: This notice announces that OPM has submitted to OMB a request for renewal of a previously approved information collection, control number 3206-0261, Questionnaire for Non-Sensitive Positions (SF 85). The public has an additional 30-day opportunity to comment. The 60 day **Federal Register** Notice was published on September 11, 2024 (89 FR 73730). No comments were received.

As required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comment addressing the following issues: (1) whether this collection is necessary to the proper functions of OPM; (2) whether this information will be processed and used in a timely manner; (3) the accuracy of the burden estimates; (4) ways in which OPM might enhance the quality, utility, and clarity of the information to be collected; and (5) ways in which OPM

might minimize the burden of this collection on the respondents, including through the use of information technology.

Background

The Questionnaire for Non-Sensitive Positions, Standard Form 85 (SF 85) is an information collection completed by applicants for, or incumbents of, Federal Government civilian positions, or positions in private entities performing work for the Federal Government under contract. The collection is used as the basis of information for background investigations to establish that such individuals are:

- Suitable for employment or retention in Federal employment in a low risk, non-sensitive position, or fit for employment or retention in Federal employment in the excepted service when the duties to be performed are equivalent to a low risk, non-sensitive position;
- Fit to perform work on behalf of the Federal Government pursuant to the Government contract, when the duties to be performed are equivalent to a low risk, non-sensitive position;
- Eligible for physical and logical access to federally controlled facilities or information systems, when the duties to be performed by the individual are equivalent to the duties performed by an employee in a low risk, non-sensitive position.

For applicants, the SF 85 is used only after a conditional offer of employment has been made. eApplication (eApp) is a web-based system application that houses the SF 85. A variable in assessing burden hours is the nature of the electronic application. The electronic application includes branching questions and instructions which provide for a tailored collection from the respondent based on varying factors in the respondent's personal history. The burden on the respondent is reduced when their personal history is not relevant to particular questions, since the question only branches or expands for additional details for those individuals who have pertinent information to provide regarding that line of questioning. Accordingly, the burden on the respondent will vary depending on whether the information collection relates to the respondent's personal history.

OPM requests renewal of the information collection for the SF 85. As we await the implementation of the Personnel Vetting Questionnaire, which was approved by the Office of Management and Budget (87 FR 71700 and 88 FR 12703) on November 15, 2023, agencies continue to use the SF 85

for investigations of individuals holding low risk non-sensitive positions.

As a result of a new fiscal year beginning after the posting of the 60 Day Notice on September 11, 2024, the number of respondents in the analysis has been updated from the average of 55,000 respondents in FY18, 19 and 20 to 239,900, which was the number of respondents in FY24. The actual estimated time per respondent has not changed and remains 120 minutes.

Analysis

Agency: Office of Personnel Management.

Title: Questionnaire for Non-Sensitive Positions, Standard Form 85 (SF 85).

OMB Number: 3206-0261.

Frequency: On occasion.

Affected Public: Individuals.

Number of Respondents: 239,200.

Estimated Time per Respondent: 120 minutes.

Total Burden Hours: 478,400.

Alexys Stanley,

Federal Register Liaison.

[FR Doc. 2024-27464 Filed 11-22-24; 8:45 am]

BILLING CODE 6325-66-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101656; File No. SR-NSCC-2024-009]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Add Activity Status Tracking to I&RS and Make Certain Clarification Changes in the Rules

November 19, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b-4 thereunder,² notice is hereby given that on November 14, 2024, National Securities Clearing Corporation (“NSCC”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. NSCC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f)(2)⁴ and Rule 19b-4(f)(4) thereunder.⁵ The Commission is publishing this notice to solicit

comments on the proposed rule change from interested persons.

I. Clearing Agency’s Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of modifications to NSCC’s Insurance & Retirement Services (“I&RS”) in order to provide for Activity Status Tracking (“Activity Status”), a new service offering designed to allow I&RS members to communicate with each other relating to activity status of I&RS transactions, and to make other clarification changes to the Rules, as described in greater detail below.⁶

II. Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change consists of modifications to I&RS in order to provide for Activity Status, a new service offering designed to allow I&RS members to communicate with each other relating to activity status of I&RS transactions, and to make other clarification changes to the Rules, as described in greater detail below.

The objectives and expected impacts of the proposed rule change to I&RS Members⁷ would be to make available a new optional service offering that would provide a more efficient method for I&RS Members to choose to transmit, view and retrieve I&RS Data and to improve the Member’s understanding of the Rules relating to I&RS.

⁶ Terms not defined herein are defined in the NSCC Rules & Procedures (“Rules”), available at www.dtcc.com/legal/rules-and-procedures.

⁷ I&RS Members include (i) insurance companies that are Insurance Carrier/Retirement Services Members (“Carriers”); and (ii) Carriers’ intermediaries, such as broker-dealers, banks and insurance agencies, that are Members, Mutual Fund/Insurance Services Members and Data Services Only Members that distribute participating Carriers’ insurance products (collectively, “Distributors,” and, together with “Carriers,” collectively referred to herein as “I&RS Members”).

Activity Status was developed at the request of and in consultation with industry participants, and the proposed fees for the service offering were designed to pay for the costs of developing and maintaining such offering in a manner that would fulfill the requirements expected from industry participants consistent with NSCC’s cost-based plus markup fee model.⁸ Based on financial projections of development and maintenance costs and anticipated participation by I&RS Members, it is anticipated that the costs and revenues would result in a slight increase in the overall operating margin percentage of I&RS. NSCC anticipates recouping the costs of building the service offering within approximately 3.5 years of implementing the fees. In addition to the building cost of Activity Status, NSCC incurs a run-cost based on use and maintenance of its staffing and technology resources to operate I&RS. NSCC would continue to evaluate the costs and revenues of Activity Status after implementation to determine if its fees for the service are consistent with NSCC’s overall pricing methodology.

As with its other services, if NSCC determines that its operating margin is too high or too low, NSCC could change pricing levels of Activity Status to be consistent with its overall pricing methodology.

I&RS

I&RS allows I&RS Members to transmit I&RS Data⁹ among each other, including data relating to annuity and life insurance policy applications and premiums, licensing and appointments, commission payments, reporting of client positions and valuations, asset pricing, financial activity reporting and annuity customer account transfers. I&RS also allows certain I&RS Members to settle payments relating to I&RS Eligible Products. NSCC does not act as a central counterparty with respect to

⁸ NSCC has in place procedures to control costs and to regularly review pricing levels against costs of operation. NSCC’s fees are cost-based plus a markup as approved by its Board of Directors. This markup is applied to recover development costs and operating expenses and to accumulate capital sufficient to meet regulatory and economic requirements. See NSCC Disclosure Framework for Covered Clearing Agencies and Financial Market Infrastructures, available at www.dtcc.com/-/media/Files/Downloads/legal/policy-and-compliance/NSCC_Disclosure_Framework.pdf, at 118.

⁹ “I&RS Data” means data and information relating to I&RS Eligible Products. See Rule 57, *supra* note 6. “I&RS Eligible Product” means an insurance product or a retirement or other benefit plan or program included in the list for which provision is made in Section 1.(d) of Rule 3 of the Rules. See definition of I&RS Eligible Product, Rule 1, *supra* note 6.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(2).

⁵ 17 CFR 240.19b-4(f)(4).

I&RS and I&RS are not guaranteed by NSCC.

Activity Status Tracking (ACT)

NSCC is proposing to establish Activity Status which is intended to allow I&RS Members to communicate the status of business transactions involving I&RS Eligible Products. Currently, there is not a standardized method for I&RS Members to communicate with each other relating to the status of transactions involving I&RS Eligible Products from the beginning of the application process until the applicable contracts are in force. Applications that are submitted to Carriers may take weeks to process before a position is sent back to a Distributor. During the processing time, there is currently no standardized way to communicate the status of the order. Overseeing the statuses of new business across different Carriers can be difficult and inefficient, with many communications existing across multiple mediums, like paper applications, Carrier websites and phone calls. For instance, some Carriers offer activity status of new business via their public website which requires Distributors to go to multiple Carrier websites to get a complete view of their outstanding business.

Clients have requested a feature that would allow I&RS Members to update each other on the status of transactions in I&RS Eligible Products beginning at the application stage including such information as the applicable Carrier, product type, product CUSIP (if applicable), the producer involved in the transaction and similar information. Activity Status would provide the ability of I&RS Members to communicate with each other using standardized messages relating to the status of transactions in I&RS Eligible Products from the start of such transactions beginning at the application stage. Activity Status is designed to standardize messages relating to providing real-time activity across platforms and planning tools. I&RS Members would be able to track electronic applications through the underwriting process, participating in standardized communication.

As with other I&RS service offerings, Activity Status was built to be accessible by an Application Programming Interface (“API”) specifically for use for users of Activity Status. Using the Activity Status API, I&RS Members will be able to send messages in a standard file format containing information relating to the activity status of each transaction.

NSCC would add the following description of Activity Status in a new Section 3 in Rule 57:

Activity Status Tracking (ACT)

SEC. 3. The Corporation may provide a service to enable I&RS Members to transmit status information to other I&RS Members relating to transactions involving I&RS Eligible Products.

NSCC would also renumber the sections following Activity Status to reflect the addition of Activity Status as a new Section 3.

NSCC would also amend Addendum A to provide for fees for Activity Status. The fees would be \$0.35 per transaction, per side. NSCC would add a fee description for Activity Status in a Section IV.H.3. in Addendum A.

Additional Clarification Changes

NSCC would also modify the names of two services in Addendum A for clarity. In Section IV.H.2.c. of Addendum A, NSCC would change the description of “Commissions (COM)” to “Commissions and Compensation (COM)” and in Section IV.H.2.d. of Addendum A, NSCC would change the description of “Initial Application Information (APP)” to “Applications and Premiums (APP)”. In each case, NSCC would be changing the descriptions to match the formal name of those services and to match the description of those services in Rule 57 for consistency and to make the Rules easier to understand for I&RS Members.

Implementation Timeframe

NSCC would implement the proposed changes on November 21, 2024.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act, requires, that the Rules be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions.¹⁰

The proposed addition of the Activity Status service offering would provide a standardized method to communicate I&RS Data among I&RS Members relating to the activity status of transactions in I&RS Eligible Products beginning at the application stage, as discussed above. The addition of Activity Status would enhance I&RS Members’ ability to communicate with each other relating to ongoing transactions starting at the application stage and bring greater efficiency and expediency to the buying, selling and settlement of such I&RS Eligible Products among I&RS Members. Providing a more efficient and

streamlined process with respect to transmitting and receiving such I&RS Data would promote the prompt and accurate clearance and settlement of securities transactions, consistent with the requirements of Section 17A(b)(3)(F) of the Act.¹¹

The renumbering of the Sections in Rule 57 and the renaming of two services in Addendum A discussed above is consistent with this provision because the proposed change would enhance clarity and transparency for participants with respect to services offered by NSCC allowing I&RS Members to have a better understanding of the Rules relating to I&RS. Having clear and accurate Rules would help I&RS Members to better understand their rights and obligations regarding NSCC’s services. NSCC believes that when I&RS Members better understand their rights and obligations regarding NSCC’s services, they can act in accordance with the Rules. NSCC believes that better enabling I&RS Members to comply with the Rules would promote the prompt and accurate clearance and settlement of securities transactions by NSCC consistent with the requirements of the Act, in particular Section 17A(b)(3)(F) of the Act.¹²

Section 17A(b)(3)(D) of the Act¹³ requires that the Rules provide for the equitable allocation of reasonable dues, fees, and other charges among its participants. NSCC believes the proposed fees for Activity Status would align with the cost of building and delivering the proposed service offering, consistent with the provision of the Act. NSCC believes the proposed changes to the fees are equitable because they would apply uniformly to all I&RS Members that utilize the service offering. NSCC believes the proposed changes are reasonable because they would be commensurate with the costs of resources allocated by NSCC in developing and maintaining the service offering. Based on financial projections of development and maintenance costs and anticipated participation by I&RS Members, it is anticipated that the costs and revenues would result in a slight increase in the overall operating margin percentage of I&RS. Therefore, by establishing fees that align with the cost of delivery of these service offerings and allocating those fees equitably among the subscribing users, the proposed rule change would provide for the equitable allocation of reasonable dues, fees and other charges among its participants

¹¹ *Id.*

¹² *Id.*

¹³ 15 U.S.C. 78q-1(b)(3)(D).

¹⁰ 15 U.S.C. 78q-1(b)(3)(F).

consistent with the requirements of Section 17A(b)(3)(D) of the Act.¹⁴

(B) Clearing Agency's Statement on Burden on Competition

NSCC does not believe that the proposed rule change would have any adverse impact, or impose any burden, on competition.

The proposed changes to adopt Activity Status would add optional functions to NSCC's services to provide more efficient methods by which subscribing Carriers and Distributors may transmit, view and retrieve I&RS Data. Such changes would not affect services for I&RS Members that do not subscribe to such service offering and non-subscribing I&RS Members would transmit, view and retrieve I&RS Data in the same manner as they currently transmit, view and retrieve I&RS Data. The fees for Activity Status were designed to be reasonable and align with the projected cost of building and operating such service offering and would be charged ratably based on each I&RS Members' use of such service offering. Therefore, the proposed changes to implement such optional service offerings would not disproportionately impact any I&RS Members, have any effect on existing NSCC services other than to add a new method of transmitting, viewing and retrieving I&RS Data, nor have any adverse impact on competition.

Moreover, because the proposed rule changes would improve the efficiency by which subscribing I&RS Members may view, transmit and retrieve I&RS Data, the proposed rule change may have a positive effect on competition among Carriers and Distributors. The proposed features would provide these firms with a faster, more streamlined method of transmitting and receiving I&RS Data, and therefore could enable I&RS Eligible Products to be marketed more quickly. Specifically, I&RS Members could have the ability to distribute I&RS Eligible Products into the market to consumers more quickly because I&RS Members would have the ability to obtain information with respect to these products in a quicker, more efficient manner.

NSCC does not believe the renumbering of the section numbers in Rule 57 in connection with the addition of Activity Status or the renaming of two services in Addendum A discussed above would impact competition. Such changes would help to ensure that the Rules remain clear and facilitate I&RS Members' understanding of the Rules

and their obligations thereunder. The proposed changes would not affect NSCC's operations or the rights and obligations of the membership. As such, NSCC believes the proposed rule change would not have any impact on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received or solicited any written comments relating to this proposal. If any written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b-4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b-4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, available at www.sec.gov/regulatory-actions/how-to-submit-comments. General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at tradingandmarkets@sec.gov or 202-551-5777.

NSCC reserves the right not to respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)¹⁵ of the Act and paragraph (f)¹⁶ of Rule 19b-4 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.

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-NSCC-2024-009 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR-NSCC-2024-009. 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 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of NSCC and on DTCC's website (<https://dtcc.com/legal/sec-rule-filings.aspx>). 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-NSCC-2024-009 and should be submitted on or before December 16, 2024.

¹⁴ *Id.*

¹⁵ 15 U.S.C. 78s(b)(3)(A).

¹⁶ 17 CFR 240.19b-4(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–27478 Filed 11–22–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101654; File No. SR–LCH SA–2024–002]

Self-Regulatory Organizations; LCH SA; Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1 and Partial Amendment No. 1, Relating to the CDS Clear Select Membership Model

November 19, 2024.

I. Introduction

On March 13, 2024, Banque Centrale de Compensation, which conducts business under the name LCH SA (“LCH SA”), filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² a proposed rule change (the “Proposed Rule Change”) to amend its CDS Clearing Rule Book (the “Rule Book”) and CDS Clearing Procedures (“Procedures”). The Proposed Rule Change was published for comment in the *Federal Register* on March 28, 2024.³

On May 9, 2024, pursuant to Section 19(b)(2) of the Exchange Act,⁴ the Commission designated a longer period within which to approve, disapprove, or institute proceedings to determine whether to approve or disapprove the Proposed Rule Change, until June 26, 2024.⁵ On June 21, 2024, the Commission instituted proceedings, pursuant to Section 19(b)(2)(B) of the Exchange Act,⁶ to determine whether to approve or disapprove the Proposed Rule Change.⁷ On September 18, 2024, the Commission designated a longer period for commission action on

proceedings to determine whether to approve or disapprove the Proposed Rule Change, until November 23, 2024.⁸ On October 11, 2024, LCH SA filed Amendment No. 1 to the Proposed Rule Change.⁹ On October 17, 2024, LCH SA filed Partial Amendment No. 1 to the Proposed Rule Change.¹⁰ Notice of Amendment No. 1 and Partial Amendment No. 1 were published in the *Federal Register* on October 24, 2024.¹¹ The Commission has not received any comments on the Proposed Rule Change, as modified by Amendment No. 1 and Partial Amendment 1. For the reasons discussed below, the Commission is approving the Proposed Rule Change, as modified by Amendment No. 1 and Partial Amendment No. 1 (hereinafter defined as “Proposed Rule Change”) on an accelerated basis.

II. Description of the Proposed Rule Change

LCH SA is a clearing agency registered with the Commission. Through its CDS Clear business unit, LCH SA provides central counterparty services for security-based swaps, including credit default swaps, and options on credit default swaps.¹² LCH SA provides these central counterparty services to its Clearing Members.¹³ Some of these Clearing Members provide clearing services for clients.

LCH SA has two different types of Clearing Members, General Members and Select Members, with different obligations to LCH SA. General Members must participate in competitive bidding for auction packages, must submit prices to LCH SA, and may provide client clearing

services to Affiliated Firms¹⁴ and non-Affiliated Firms.¹⁵ General Members also must nominate representatives for the CDS Default Management Committee and CDS Default Management Group.¹⁶

Select Members, on the other hand, must participate in competitive bidding only for a subset of Auction Packages and may opt out of submitting prices.¹⁷ Select Members also may provide client clearing services,¹⁸ but only for Affiliated Firms. Finally, while Select Members also must nominate representatives for the CDS Default Management Committee and CDS Default Management Group,¹⁹ as noted, their participation in competitive bidding is limited to a subset of Auction Packages.²⁰

The obligations of General Members and Select Members differ because LCH SA designed the two membership categories with different potential members in mind. LCH SA created the

¹⁴ The Rule Book defines an Affiliated Firm as any Affiliate or any entity that is otherwise member to the same institutional protection scheme (as defined in the CRR) as the Clearing Member. The CRR is defined in the Rule Book as Regulation (EU) No. 575/2013 and certain related regulations and standards. LCH SA CDS Clearing Rule Book Chapter 1 Article 1.1.1 An institutional protection scheme under the CRR is a contractual or statutory liability arrangement that protects those institutions and in particular ensures their liquidity and solvency to avoid bankruptcy where necessary. Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012, Article 113(7), available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0575>.

¹⁵ Notice, 89 FR at 21579.

¹⁶ *Id.* at 21581.

¹⁷ Notice, 89 FR at 21579, 81.

¹⁸ Select Members originally were not allowed to offer client clearing services. See LCH SA, Self Certification Letter, Select Membership, available at <https://www.cftc.gov/sites/default/files/filings/orgrules/16/07/rule070816lchsadco001.pdf>. In 2019, the Commission approved amendments to the Rule Book and Procedures to allow Select Members to provide client clearing services to Affiliated Firms. See Securities Exchange Act Release No. 86376 (July 15, 2019), 84 FR 34955, 34957 (July 19, 2019) (File No. SR–LCH SA–2019–003). LCH SA proposed these to allow client clearing limited in this manner because a Select Member requested the ability to offer client clearing to an affiliate. LCH SA provided background and analysis related to the Select Membership model in confidential Exhibit 3.3 to the Proposed Rule Change, which LCH SA added to the Proposed Rule change with Amendment No. 1.

¹⁹ Notice, 89 FR at 21581.

²⁰ Currently, Select Members and General Members must nominate representatives for the CDS Default Management Committee and CDS Default Management Group because both Select Members and General Members currently must participate in auctions to some extent. Notice, 89 FR at 21581; LCH SA provided background and analysis related to the Select Membership model in confidential Exhibit 3.3 to the Proposed Rule Change, which LCH SA added to the Proposed Rule change with Amendment No. 1.

¹⁷ 17 CFR 200.30–3(a)(12).

¹⁵ U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ Securities Exchange Act Release No. 99847 (Mar. 22, 2024), 89 FR 21579 (Mar. 28, 2024) (File No. SR–LCH SA–2024–002) (“Notice”).

⁴ 15 U.S.C. 78s(b)(2).

⁵ Securities Exchange Act Release No. 100094 (May 9, 2024), 89 FR 42515 (May 15, 2024) (File No. SR–LCH SA–2024–002).

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ Securities Exchange Act Release No. 100394 (June 21, 2024), 89 FR 53685 (June 27, 2024) (File No. SR–LCH SA–2024–002).

⁸ Securities Exchange Act Release No. 101094 (Sept. 18, 2024), 89 FR 77919 (Sept. 24, 2024) (File No. SR–LCH SA–2024–002).

⁹ Amendment No. 1 modified the Proposed Rule Change to require a Select Member to participate in competitive bidding in default auctions and contribute end-of-day prices should its margins exceed a predetermined threshold over a designated time. This requirement is discussed in Part II of this Order. It also included an Exhibit 3.3 to the filing showing LCH SA’s responses to an SEC request for information related to the Select Membership model.

¹⁰ Partial Amendment No. 1 fixed errors in the Exhibit 1A filed with Amendment No. 1 by replacing the Statutory Basis and Burden on Competition sections of the amended Exhibit 1A with the text of the Statutory Basis and Burden on Competition sections of the amended 19b–4 narrative.

¹¹ Securities Exchange Act Release No. 101383 (Oct. 18, 2024), 89 FR 84972 (Oct. 24, 2024) (File No. SR–LCH SA–2024–002) (“Amended Notice”).

¹² *What We Clear*, <https://www.lch.com/services/cdsclear/what-we-clear> (last visited Sept. 27, 2024).

¹³ Capitalized terms not otherwise defined herein have the meanings assigned to them in the CDS Clear Rule Book or CDS Clearing Procedures, as applicable.

Select Member tier in 2016 to offer CDS Clear direct membership to institutions that met the membership criteria, but did not want to be direct members due to the Competitive Bidding and price contribution obligations of such members.²¹ These institutions tend to be price takers with smaller portfolios.²² They prefer avoiding Competitive Bidding as General Members because they may not have the risk-taking capabilities to manage positions that they do not actively trade but may win in an auction.²³ Similarly, they prefer avoiding price contribution as General Members because they may only actively transact in a limited set of products, thereby making it difficult to provide data for all of their open positions.²⁴ LCH SA views price contribution as less critical for these institutions because, as price takers, any prices the Select Members might submit to LCH SA likely would have already been provided to LCH SA by CDS Clear General Members.²⁵

Some prospective Clearing Members may wish to provide clearing services to non-affiliated firms but they may not have the capacity to participate in Competitive Bidding or submit Market Data.²⁶ In order to allow prospective Clearing Members that do not have the capacity to participate in Competitive Bidding or submit Market Data to provide clearing services to non-affiliated firms, without becoming General Members, LCH SA proposes changes to adjust those requirements for Select Members, and make other related changes.²⁷

Although these changes will allow some Select Members to clear for non-affiliated firms without participating in Competitive Bidding or submitting Market Data, these changes will not necessarily undermine Competitive Bidding or LCH SA's collection of Market Data. This is because Select Membership will not be overall more favorable than General Membership due to the Proposed Rule Change. Specifically, while Select Members will have fewer obligations than General Members and still be able to clear for clients, LCH SA's fee grid and Risk Management Framework, which the Proposed Rule Change does not affect, make client clearing cheaper for General than Select Members, as described below.

Specifically, with respect to the fee grid, currently only General Members may subscribe to the unlimited tariff, which allows General Members to clear an unlimited number of trades for their own account for an annual fixed fee.²⁸ Further, General Members that pay a variable tariff will have lower fixed and variable fees than Select Members.²⁹ The Proposed Rule Change would not alter this arrangement.³⁰

With respect to the Risk Management Framework, General Members who clear for clients may be able to give their clients the same liquidity margin as other General Members. Select Members, on the other hand, may incur a higher liquidity margin, including a liquidity concentration charge, for large positions, including large client positions.³¹ The Proposed Rule Change would not alter this liquidity margin or otherwise amend the Risk Management Framework.

To further ensure that a sufficient number of Clearing Members participate in Competitive Bidding and submit Market Data, as discussed below, the Proposed Rule Change would guarantee that at least six Clearing Member Financial Groups³² participate in default auctions and submit Market Data

by requiring a Select Member to participate in those processes if the margins of its Financial Group exceed a predetermined threshold over a designated time.³³

LCH SA's proposed changes to Select Membership can be grouped into five categories.³⁴ The first category would allow Select Members to provide client clearing services to non-affiliated firms. The second and third categories would relate to Select Members' ability to elect to participate in Competitive Bidding and submission of end-of-day prices. The fourth category would address mandatory participation in Competitive Bidding and submission of end-of-day prices by Select Members. The fifth category would create a new form through which Select Members may make certain elections, including to participate in Competitive Bidding and submit Market Data.

A. Non-Affiliated Firm Clearing for Select Members

As noted above, the Rule Book does not allow Select Members to provide CDS Client Clearing Services to non-affiliated firms. Current Article 5.1.1.2 of the Rule Book addresses conditions upon which CDS Client Clearing Services may be provided by a "CCM"³⁵ to its CCM Clients. Article 5.1.1.2(i) indicates that if a CCM is a Select Member, it shall not provide CDS Client Clearing Services to any CCM Client other than its Affiliated Firms. Similarly, Article 6.1.1.2 of the Rule Book addresses conditions upon which FCM/BD Clearing Members³⁶ may

²¹ LCH SA, Self Certification Letter, Select Membership, available at, <https://www.cftc.gov/sites/default/files/filings/orgrules/16/07/rule070816lchscdco001.pdf>.

²² Securities Exchange Act Release No. 82076 (Nov. 14, 2017), 82 FR 55139, 55140 (Nov. 20, 2017) (File No. SR-LCH SA-2017-008); Notice, 89 FR at 21583.

²³ LCH SA provided background and analysis related to the Select Membership model in confidential Exhibit 3.3 to the Proposed Rule Change, which LCH SA added to the Proposed Rule change with Amendment No. 1.

²⁴ LCH SA provided background and analysis related to the Select Membership model in confidential Exhibit 3.3 to the Proposed Rule Change, which LCH SA added to the Proposed Rule change with Amendment No. 1.

²⁵ LCH SA provided background and analysis related to the Select Membership model in confidential Exhibit 3.3 to the Proposed Rule Change, which LCH SA added to the Proposed Rule change with Amendment No. 1.

²⁶ Notice, 89 FR at 21579.

²⁷ *Id.* Despite these changes, Select Members must still satisfy the membership requirements found in Section 2.2.1 of the LCH SA CDS Clearing Rule Book, the same as General Members. Pursuant to Section 2.2.1, Select Members must, among other things, comply with applicable law, be subject to supervision by competent regulatory authorities,

meet minimum capital requirements, and satisfy a credit risk assessment. See LCH SA CDS Clearing Rule Book, Section 2.2.1.

²⁸ Notice, 89 FR at 21579.

²⁹ *Id.* at 21580.

³⁰ *Id.*

³¹ *Id.*

³² The Rule Book indicates that a Person shall belong to the same Financial Group as (i) any entity controlled, directly or indirectly by the Person; (ii) any entity that controls, directly or indirectly the Person; or (iii) any entity directly or indirectly under common control with the Person. LCH SA CDS Clearing Rule Book, Chapter 1 Article 1.1.1. Currently, CDS Clear Financial Groups include anywhere from 1 to 4 Clearing Members. *Member Search*, <https://www.lseg.com/en/post-trade/clearing/membership/member-search#t-sa> (last visited Oct. 25, 2024).

³³ As described below, the Proposed Rule Change would require Select Member participation in Competitive Bidding and submission of Market Data when the Group Total Margin Percentage for the Select Member's Financial Group exceeds the Participation Threshold for sixty consecutive clearing days. The Participation Threshold is the percentage which is equal to the lower of 5% and the sixth largest Group Total Margin Percentage among all the Group Total Margin Percentages calculated in respect of each Financial Group to which one or more Clearing Members belong. As noted above, General Members must participate in Competitive Bidding and submit Market Data.

³⁴ LCH SA also proposes changes to correct cross-references, grammar, and typographical errors, and provide additional clarification.

³⁵ The Rule Book defines a CCM as any legal entity admitted as a Clearing Member in accordance with the CDS Clearing Rules at LCH SA and a party to the CDS Admission Agreement, including General Members and Select Members. LCH SA CDS Clearing Rule Book Chapter 1 Article 1.1.1.

³⁶ The Rule Book defines FCM/BD Clearing Members as any FCM, BD or legal entity that is both FCM and BD that has been admitted as a clearing member in accordance with the CDS Clearing Rules and is a party to the CDS Admission Agreement and which has not elected to become a CCM, provided that if such FCM/BD Clearing Member wishes to provide CDS Client Clearing Services described in Title VI, it shall either (i) be a General Member or (ii) provide such CDS Client Clearing Services to its

provide CDS Clearing Services. Article 6.1.1.2(i) states that if an FCM/BD Clearing Member is a Select Member, it shall not provide CDS Client Clearing Services to any FCM/BD Client other than its Affiliated Firms. LCH SA proposes deleting Articles 5.1.1.2(i) and 6.1.1.2(i), since these provisions limit the entities to which Select Members may provide client clearing services to Affiliated Firms.³⁷

To clarify that Select Members may offer CDS Client Clearing Services to any client, including non-affiliates, LCH SA proposes adjusting certain defined terms, including the definition of Select Member.³⁸ Currently, the Rule Book defines Select Member as a CCM or FCM/BD Clearing Member that does not provide CDS Client Clearing Services to clients other than Affiliated Firms and has been admitted by LCH SA as a Select Member in accordance with Section 1 of the Procedures. LCH SA proposes deleting the text from the definition, noting that Select Members do not provide CDS Client Clearing Services to clients other than Affiliated Firms. LCH SA also proposes deleting certain text from the Rule Book highlighting the current status quo—that General Members may provide client clearing services to non-affiliated firms, while Select Members may not do so—in the definitions of CCM and FCM/BD Clearing Member.

Under LCH SA's proposal to allow Select Members to provide CDS Client Clearing Services to Clients other than Affiliated Firms, there is no need to define the term Affiliated Firm. This term was only used with respect to the current Select Member model.³⁹ As such, LCH SA proposes deleting the defined term Affiliated Firm from the Rule Book.

Similarly, LCH SA proposes updating certain references that are no longer necessary or that can no longer exist because of its proposal to permit Select Members to provide clearing services to any client and the deletion of the defined term Affiliated Firm.⁴⁰ LCH SA accordingly proposes deleting references to Affiliated Firms in Article 5.1.1.1 of the Rule Book and in Article 4.2.7.2 of the Rule Book.⁴¹ As noted above, in 2019, LCH SA made several changes to its Rule Book to allow and account for Select Members providing

client clearing services to Affiliated Firms. The proposed changes to Articles 5.1.1.1 and 4.2.7.2 eliminate these changes and work to make those provisions consistent with LCH SA's new requirements for Select Members. Separately, in some provisions of its Rule Book, LCH SA proposes replacing the term Affiliated Firm with the term Affiliate⁴² rather than deleting it entirely because in certain places, LCH SA refers to Affiliates of a Clearing Member. Specifically, LCH SA would make this change in the definitions of CCM Indirect Gross Segregated Account Client, CCM Indirect Net Segregated Account Client, CCM Individual Segregated Account Client, and FCM/BD Client as well as in Article 6.1.1.2. The proposed changes to the definitions for CCM Indirect Gross Segregated Account client, CCM Indirect Net Segregated Account Client, and CCM Individual Segregated Account Client reverse 2019 changes made to account for Select Members ability to clear for Affiliated Firms. The proposed change to Article 6.1.1.2's introduction makes that provision consistent with Article 6.1.1.1.⁴³ Further, the changes to Article 6.1.1.2 in general account for the fact that, after changes to its Select Member tier, without the need for the broader term Affiliated Firm, LCH SA can revert back to the use of the term Affiliate.

Finally, given the proposal to allow Select Members to clear for non-affiliated firms as General Members can, LCH SA proposes changes to apply certain existing requirements to both General Members and Select Members without distinguishing between the two.⁴⁴ In Articles 2.2.1.1(iv) and 2.2.1.1(v) of the Rule Book, LCH SA proposes changes that would make

certain conditions to becoming a Clearing Member applicable to all Applicants wishing to provide CDS Client Clearing Services, instead of Applicants wishing to be admitted as a General Member or as a Select Member providing CDS Client Clearing Services to Affiliated Firms. Similarly, LCH SA proposes changes to Article 2.2.2.1(iv) of the Rule Book that would make certain continuing obligations of Clearing Members applicable to Clearing Members which have elected to provide CDS Client Clearing Services generally, rather than only to General or Select Members that have elected to provide CDS Client Clearing Services to Affiliated Firms. LCH SA also proposes deleting text from Article 4.2.7.2 of the Rule Book limiting Clearing Members authorized to provide Markit LCH Settlement Prices under certain conditions to General Members, or Select Members that opt to be Price Contribution Participants and that provide CDS Client Clearing Services to Affiliated Firms.⁴⁵ After making this change, all Clearing Members, as opposed to just a subset of Clearing Members, would be authorized to provide Markit LCH Settlement Prices to certain clients under certain conditions.

B. Participation in Competitive Bidding

In the event of a Clearing Member default, LCH SA shall auction off the defaulting Clearing Member's positions.⁴⁶ Currently, the LCH SA CDS Default Management Process requires all Non-Defaulting Clearing Members, including Select Members, to participate in Competitive Bidding during such auctions, with a few exceptions.⁴⁷ For example, a Select Member does not need to bid for any Auction Package if that Auction Package contains a product that the Select Member does not transact

Affiliated Firms only. LCH SA CDS Clearing Rule Book Chapter 1 Article 1.1.1.

³⁷ Notice, 89 FR at 21580.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* at 21580–81.

⁴¹ *Id.*

⁴² The Rule Book defines Affiliate as any entity that controls, directly or indirectly, the Clearing Member, any entity controlled, directly or indirectly, by the Clearing Member or any entity directly or indirectly under common control with such Clearing Member. Affiliated Firm is defined as any Affiliate or any entity that is otherwise member to the same institutional protection scheme (as defined in the CRR as the Clearing Member). LCH SA CDS Clearing Rule Book Chapter 1 Article 1.1.1.

⁴³ Article 6.1.1.1 provides that an FCM/BD Clearing Member may not enter into Cleared Transactions for the account of an Affiliate, unless such FCM/BD Clearing Member first provides LCH SA with an opinion of counsel, in form and content acceptable to LCH SA, confirming that entry into such Cleared Transactions would not be contrary to Applicable Law. The proposed Article 6.1.1.2 would provide that an FCM/BD Clearing Member may provide CDS Clearing Services to a Client or, if permitted pursuant to Article 6.1.1.1 an Affiliate, rather than an Affiliated Firm, on any terms and conditions mutually agreed to by it and such Person.

⁴⁴ Notice, 89 FR at 21580.

⁴⁵ A Price Contribution Participant is a Select Member that has opted for submitting Market Data in accordance with Section 5 of the Procedures or each General Member, or in each case, its Price Contribution Delegate. LCH SA CDS Clearing Rule Book Chapter 1 Article 1.1.1.

⁴⁶ Specifically, where there is an Event of Default with respect to a Clearing Member, LCH SA will auction "Auction Packages." LCH SA CDS Clearing Rule Book, Appendix 1, Clause 2.1. An Auction Package is defined as a portfolio of Auction Transactions reflecting one or more Cleared Transactions registered in the name of the Defaulting Clearing Member, together with any connected hedging trades that have been concluded by LCH SA through Hedging. LCH SA CDS Clearing Rule Book, Appendix 1, Clause 1.1.

⁴⁷ These exceptions are described in Clause 5.4.1 of the CDS Default Management Process in the Rule Book.

in,⁴⁸ as set out in that Select Member's Product Family Form.⁴⁹

Even with this exception, LCH SA has found that some Select Members may not have the operational capacity to participate in default auctions.⁵⁰ LCH SA believes that it does not need certain Select Members to participate in Competitive Bidding because Select Members have had minimal impact on winning bids during previously conducted fire drills.⁵¹ Accordingly, LCH SA is now proposing to make participation in Competitive Bidding optional for Select Members, subject to a minimum participation requirement, as discussed below.⁵²

Specifically, LCH SA proposes to revise current Article 2.2.0.5 of the Rule Book to alter which Select Members are required to participate in Competitive Bidding. Further, these revisions will clarify that a Select Member, under circumstances where it is not required to participate in Competitive Bidding as described in Section D below, may opt to participate in Competitive Bidding pursuant to Clause 5 of the CDS Default Management Process, subject to Article 2.2.1.1(xi) of the Rule Book.⁵³ Related to this change, LCH SA will also clarify that a Select Member that elects, or is required, to participate in Competitive Bidding will be subject to the provisions

of the CDS Clearing Documentation that apply to any Non-Defaulting Clearing Member that must participate in Competitive Bidding for each Auction Package, as a General Member will be.

To further effectuate this change, LCH SA also proposes revisions to Clause 5.4.1(ii) of the CDS Default Management Process, which is found in Appendix 1 to the Rule Book. Clause 5.4.1 identifies exceptions to the requirement that all Non-Defaulting Clearing Members participate in Competitive Bidding. The Proposed Rule Change would add an exception from the Competitive Bidding requirement for Select Members that are not required to participate in Competitive Bidding under proposed Article 2.2.0.4, and that also have not elected to participate in Competitive Bidding by following the requirements of proposed Article 2.2.0.4 within one hour of the declaration of an Event of Default by LCH SA.⁵⁴

LCH SA proposes to revise certain other provisions—specifically, those related to conditions on Applicants wishing to be admitted as Clearing Members—to reflect that Competitive Bidding will be elective for Select Members going forward, subject to the minimum participation requirement described below. Article 2.2.1.1(xi) of the Rule Book currently requires a Clearing Member Applicant to participate in the implementation of the CDS Default Management Process or demonstrate that it has an associated entity or an LCH Approved Outsourcing Agent that can successfully do so.⁵⁵ It also requires a Clearing Member Applicant to participate in (and satisfy LCH SA's requirements with respect to the carrying out of) regular fire drills run by LCH SA from time to time in accordance with the Rule Book, or demonstrate that it has an associated entity or an LCH Approved Outsourcing Agent that can successfully do so. The proposed rule change would add language to Article 2.2.1.1(xi) specifying that it applies to an Applicant seeking to be admitted as a General Member, or as a Select Member that will elect to participate in Competitive Bidding. Relatedly, the proposed rule change would amend Section 1.1(d) of the Procedures to note that an Applicant must accept that, during the review

process, LCH SA is entitled to request that the Applicant applying to be a Select Member and wishing to participate in Competitive Bidding must pass LCH SA-administered tests to ensure that the Applicant can successfully participate in Competitive Bidding.

Because certain Select Members will no longer be required to participate in Competitive Bidding, they also will no longer be required to use the Product Family Form. The Product Family Form is used by Select Members to identify the Product Families that a Select Member intends to clear through LCH SA.⁵⁶ A form identifying the Product Families that a Select Member intends to clear through LCH SA is currently necessary because Select Members only must participate in Competitive Bidding for Auction Packages if the Cleared Transactions in the Auction Package all belong to Product Families set out in the Select Member's Product Family Form.⁵⁷ Under the Proposed Rule Change, because Select Members are no longer required to participate in Competitive Bidding, subject to the minimum participation requirement discussed below, there is no longer a need for Select Members to use the Product Family Form.⁵⁸ As such, LCH SA proposes deleting the defined terms Product Family and Product Family Form from the Rule Book, and proposes deleting references to the terms Product Family and Product Family Form in Articles 2.2.0.4,⁵⁹ 3.1.6.2(ii),⁶⁰ 3.1.6.5, and Appendix 1 Clauses 5.4.1(ii)⁶¹ and 6.1 of the Rule Book.⁶²

⁴⁸ Specifically, a Select Member does not need to engage in Competitive Bidding for Auction Packages containing any Cleared Transaction that does not belong to any Product Family as set out in that Select Member's Product Family Form. The Rule Book defines Product Family as each category of CDS or Index Swaption for which LCH SA provides CDS Clearing Services and that may be selected by a Select Member in its Product Family Form. LCH SA CDS Clearing Rule Book, Chapter 1 Article 1.1.1.

⁴⁹ The Rule Book defines Product Family Form as, in respect of a Select Member, the form referencing the Product Families that a Select Member intends to clear through LCH SA, as amended from time to time in accordance with Section 5 of the Procedures. *Id.*

⁵⁰ Notice, 89 FR at 21579. Specifically, LCH SA notes that Select Members have historically required assistance managing default files and have routinely requested assistance addressing questions during fire drill exercises. *Id.* at 21582 n19.

⁵¹ LCH SA provided background and analysis related to past fire drill bidding in confidential Exhibit 3.2 and background and analysis related to the Select Membership model in confidential Exhibit 3.3 to the Proposed Rule Change. Confidential Exhibit 3.2 was a part of the originally filed Proposed Rule Change. Confidential Exhibit 3.3 was added to the Proposed Rule Change with Amendment No. 1.

⁵² As discussed in Section D below, LCH SA recognizes that changes to its membership tiers require that LCH SA maintains sufficient participation in Competitive Bidding and the price contribution process. *See* Amended Notice, 89 FR at 84975.

⁵³ As is noted in footnote 59, the Proposed Rule Change would delete current Article 2.2.0.4. Thus, current Article 2.2.0.5 and proposed Article 2.2.0.4 are the same provision.

⁵⁴ As noted above, under the LCH SA's proposal, a Select Member that voluntarily chooses to participate in Competitive Bidding must abide by its obligations under Article 2.2.1.1(xi) and elect to participate in Competitive Bidding in order to opt into Competitive Bidding.

⁵⁵ Associated entities under Article 2.2.1.1(xi) would include affiliated Clearing Members or alternatively a non-clearing member affiliate that clears through the Clearing Member.

⁵⁶ LCH SA CDS Clearing Rule Book Chapter 2 Article 2.2.0.4.

⁵⁷ Notice, 89 FR at 21580.

⁵⁸ *Id.*

⁵⁹ LCH SA proposes deletion of this entire provision. This provision discusses the use of the Product Family Form and updating the Product Family Form. From this point forward references to Article 2.2.0.4 will be to the proposed Article 2.2.0.4/current Article 2.2.0.5 of the Rule Book.

⁶⁰ LCH SA proposes deletion of text noting that LCH SA will inform relevant Clearing Members of, in respect of a Select Member, any cleared Transaction, as a result of the novation process pursuant to Article 3.1.6.1, that does not belong to any of the Product Families indicated in the Product Family Form of that Select Member.

⁶¹ LCH SA proposes the deletion of text in this provision indicating that a Non-Defaulting Clearing Member is not required to participate in Competitive Bidding for an Auction Package containing any Cleared Transaction that does not belong to any Product Family as set out in that Select Member's Product Family Form in force on the Business Day immediately preceding the CDS Post Default Period.

⁶² LCH SA proposes the deletion of text in this provision highlighting circumstances under which and how a Product Family Form will be updated. With the deletion of this text there is also no need for the references to General Members and Select Members in Clause 6.1.2(ii)(a) which acknowledge

For a similar reason, the Proposed Rule Change would delete Article 3.1.6.8 of the Rule Book. This provision is no longer needed because it describes how LCH SA would deal with situations where LCH SA registers a Cleared Transaction, in respect of a Select Member, which does not belong to any of the Product Families indicated in the Select Member's Product Family Form.⁶³

Finally, because Select Members' obligations with respect to Competitive Bidding would change and therefore, their perspective would provide less added value with respect to the design of LCH SA's liquidation strategy than it did in the past, Select Members also will no longer be required to nominate representatives to the CDS Default Management Committee or Group.⁶⁴

The CDS Default Management Committee meets at least quarterly, primarily to ensure continued preparedness for an Event of Default. The Default Management Committee's duties include participating in regular fire drills in relation to the CDS Default Management Process, keeping under review the terms of reference for both the CDS Default Management Committee and the CDS Default Management Group, determining the provisions of the CDS Default Management Guidance Manual that will supplement the principles set out in the CDS Default Management Process, and assisting the members of the CDS Default Management Group in implementing the CDS Default Management Process.⁶⁵ Appendix 1, Clause 10.2 of the Rule Book indicates that the CDS Default Management Committee shall consist of representatives nominated by each of the Clearing Members.

The CDS Default Management Group meets as soon as reasonably practicable following notification by LCH SA that a Clearing Member is the subject of an Event of Default. This group assists LCH SA in the implementation of the CDS Default Management Process.⁶⁶ Appendix 1, Clause 11.2.2 of the Rule Book notes that each Clearing Member

is required to notify LCH SA of at least two representatives that can be called upon to participate as a member of the CDS Default Management Group.

LCH SA proposes changes to current Article 2.2.0.5 (proposed Article 2.2.0.4) to give Select Members the option to nominate representatives to the CDS Default Management Committee and to the CDS Default Management Group. LCH SA proposes conforming changes to Appendix 1, Clauses 10.2.1 and 11.2.2 of the Rule Book, to clarify that going forward Select Members may, but are not required to, nominate representatives to the Committee and Group. LCH SA proposes these changes to make Select Members' obligations with respect to nominating these representatives consistent with the ability to opt out of Competitive Bidding.⁶⁷

C. Submission of Market Data

Unlike Competitive Bidding, under LCH SA's Rule Book, participation in the end of day price contribution process is currently optional for Select Members. As described in Section D below, the Proposed Rule Change would require some Select Members to submit Market Data, while continuing to give other Select Members the option to submit Market Data. LCH SA also proposes two changes to Select Members' price submissions, if they choose to do so. First, the Proposed Rule Change would note that Select Members elect to receive Price Requirement Files⁶⁸ for relevant Trading Cities.⁶⁹ Second, LCH SA proposes a change so that, with respect to the Price Requirement Files received for relevant Trading Cities only, Select Members that elect to be Price Contribution Participants are bound by all obligations of a Price Contribution Participant as set out in the Rule Book and Section 5 of the Procedures, including the obligation to submit Market Data.

As noted, Select Members already may opt to submit Market Data. As such, they have the choice to become Price Contribution Participants. However, under current Article 2.2.0.5, even when a Select Member elects to be a Price Contribution Participant it may choose not to submit Market Data. This differs from General Members, who must act as

Price Contribution Participants and submit Market Data. Given that potential Select Members may lack the capacity to submit Market Data, LCH SA's proposed revisions to select membership will still allow certain Select Members to choose whether they would like to submit Market Data.⁷⁰

D. Mandatory Competitive Bidding and Submission of Market Data

As part of the changes to make Competitive Bidding and price contribution optional for Select Members, LCH SA also will require certain Clearing Members to participate in these processes, regardless of whether they are General or Select Members. LCH SA proposes these changes to guarantee that it has enough participants for those processes.⁷¹

As noted above, Select Members currently must participate in Competitive Bidding for Auction Packages containing Cleared Transactions that belong to any Product Family as set out in that Select Member's Product Family Form. Select Members also currently may choose whether to submit Market Data. The Proposed Rule Change would add text to proposed Article 2.2.0.4, requiring that Select Members submit Market Data for all the Trading Cities and participate in Competitive Bidding when the Group Total Margin Percentage calculated for its Financial Group exceeds the Participation Threshold for sixty consecutive Clearing Days. Additionally, LCH SA's proposal provides that this obligation ends when the Group Total Margin Percentage remains one percentage point below the Participation Threshold for sixty consecutive Clearing Days. LCH SA's proposed changes further indicate that if LCH SA reasonably believes that a Select Member will be required to participate in Competitive Bidding and the price contribution process under proposed Article 2.2.0.4, LCH SA may request for that Select Member to carry out such tests as LCH SA may reasonably require to assess its ability to participate in Competitive Bidding.

To implement this change, LCH SA proposes several new defined terms for its Rule Book. The Participation Threshold for determining when a Select Member must participate in Competitive Bidding and the price contribution process would be defined as the percentage as determined by LCH SA, which is equal to the lower of five percent (5%) and the sixth largest Group Total Margin Percentage among all the

the differences between Select Members and General Members under the current Rule Book. Notice, 89 FR at 21580. Thus, LCH SA proposes to delete references to the terms General Member and Select Member in Clause 6.1.2(ii)(a).

⁶³ Notice, 89 FR at 21580.

⁶⁴ LCH SA provided background and analysis related to the Select Membership model in confidential Exhibit 3.3 to the Proposed Rule Change, which LCH SA added to the Proposed Rule Change with Amendment No. 1.

⁶⁵ LCH SA CDS Clearing Rule Book Appendix 1 Clause 10.1.

⁶⁶ LCH SA CDS Clearing Rule Book Appendix 1 Clause 11.1.

⁶⁷ Notice, 89 FR at 21581.

⁶⁸ Price Requirement Files are files listing the Open Positions in respect of which Price Contribution Participants are required to submit Market Data. LCH SA CDS Clearing Procedures, Section 5.18.3.

⁶⁹ A Trading City is the city in which a CDS or Index Swaption is typically traded, as published on the website. LCH SA CDS Clearing Rule Book Chapter 1 Article 1.1.1.

⁷⁰ *Id.* at 21579.

⁷¹ Amended Notice, 89 FR at 84975.

Group Total Margin Percentages calculated in respect of each Financial Group to which one or more Clearing Members belong. LCH SA's proposal would define Group Total Margin Percentage as, in respect of a Financial Group to which one or more Clearing Members belong and in respect of any Clearing Day, the ratio of its Average Group Total Margin divided by the Average CDS Clear Total Margin. LCH SA proposes to define Average CDS Clear Total Margin as the average over the last sixty Clearing Days of the sum of all the Margins (excluding Variation Margins) calculated by LCH SA in respect of the Account Structures of all the Clearing Members. The Proposed Rule Change would define Average Group Total Margin as the average over the last sixty Clearing Days of the sum of all the Margins (excluding Variation Margins) calculated by LCH SA in respect of all the Account Structure(s) of the Clearing Members belonging to the same Financial Group.

Finally, the Proposed Rule Change would make a few edits to account for the possibility that Select Members will need to participate in the price contribution process.⁷² In proposed Article 2.2.0.4, LCH SA would delete language suggesting that a Select Member would never have any obligation to submit Market Data. LCH SA also proposes language for the definition of Price Contribution Participant, which would broaden the definition's application to include Select Members that are required to submit Market Data in addition to Select Members that have opted to submit Market Data.

In practice, this will mean that any Clearing Member that is part of the top six Financial Groups at LCH SA will be required to participate in Competitive Bidding and provide prices, even if that Clearing Member is a Select Member.

E. Select Member Form

Finally, the Proposed Rule Change would create a new Select Member Form, through which Select Members would make the elections described above. Specifically, Select Members would use this form to elect to participate in Competitive Bidding, submit Market Data, and nominate representatives to the Default Management Committee and Default Management Group. The Proposed Rule Change would carry out this change by creating a new definition for Select Member Form, editing certain aspects of its rules to note the use of the Select Member Form, deleting references to the

obsolete Product Family Form, and establishing a process for Select Members to obtain and update the form.

First, to provide a definition for this form, LCH SA proposes a new defined term.⁷³ LCH SA's proposal would define Select Member Form as the form referencing the elections made by a Select Member, in accordance with Article 2.2.0.4, as amended from time to time in accordance with Section 5 of the Procedures.

Second, LCH SA proposes changes that would provide that Select Members choose certain parameters of their membership through the Select Member Form. Currently, Select Member Price Contribution Participants may choose to receive Price Requirement Files in accordance with the conditions set out in Section 1 of the Procedures. The Proposed Rule Change would edit current Article 2.2.0.5 so that it indicates that a Select Member shall notify LCH SA of its elections with respect to Competitive Bidding, submission of Market Data, and nomination of representatives to the Default Management Committee and Default Management Group by providing a duly completed and signed Select Member Form in the conditions and manner set out in Section 1 of the Procedures. Similarly, LCH SA proposes to add text to current Article 2.2.0.5 to explain that a Select Member may change these elections by providing LCH SA with a copy of a duly signed updated Select Member Form, in accordance with the conditions set out in Section 5 of the Procedures. With the process for opting to submit Market Data being described in current Article 2.2.0.5 (proposed Article 2.2.0.4), LCH SA proposes clarifying the definition of Price Contribution Participant to include Select Members that have opted, or are required, to submit Market Data in accordance with Article 2.2.0.4, rather than Section 5 of the Procedures.

Additionally, because there is no longer a need to use the Product Family Form, the Proposed Rule Change would replace references to this form and other references no longer needed with references to the new Select Member Form. The Proposed Rule Change would delete the term Product Family Form from Section 1.1 of the Procedures and replace it with the newly created term, Select Member Form.⁷⁴ As such, an Applicant that wishes to be admitted as a Select Member shall provide LCH SA with the Select Member Form completed by the Select Member as opposed to the Product Family Form.

Likewise, LCH SA proposes to edit Section 5.11(c) of the Procedures to focus on updating the Select Member Form rather than the Product Family Form. The proposal would delete references to the Product Family Form, replacing those references with the term Select Member Form where relevant, and delete references to provisions that focus on the Product Family Form. Further, instead of noting that a Select Member is entitled to add or remove any Product Family indicated in its Product Family Form via email in accordance with Article 2.2.0.4 (2.2.0.5 of the currently effective Rule Book), LCH SA proposes that the provision specify that a Select Member is entitled to change any of its election(s) by email. The Proposed Rule Change also replaces the term Product Family Form with Select Member Form in the Rule Book definition of CDS Clearing Documentation.

Certain other proposed changes delete text that is no longer relevant due to the introduction of the Select Member Form. Specifically, because LCH SA proposes using the Select Member Form for making elections, it would delete a paragraph from Section 5.18.1 of the Procedures that describes the current process for choosing to receive or to stop receiving Price Requirement Files.⁷⁵

Finally, LCH SA proposes to add additional text related to obtaining and updating the Select Member Form. First, LCH SA proposes to add language to Section 1.1 of the Procedures, clarifying that the Select Member Form is made available by LCH SA's CDS Clear Business Development and Relationship Management team. LCH SA also proposes to add language to Section 5.11(c) of the Procedures to note that updates to the Select Member Form may require the Select Member to provide LCH SA with additional information, or take and pass tests that LCH SA may require. The Proposed Rule Change would add text to Section 5.11(c) of the Procedures to clarify that, in situations where a Select Member elects to stop taking part in Competitive Bidding, the election is not effective until the eighth Clearing Day following the Clearing Day on which the updated Select Member Form is received. This would ensure that a Select Member will be required to participate in Competitive Bidding if there is an Event of Default with respect to a separate Clearing Member at the same time LCH SA receives the new Select Member Form.⁷⁶ To clarify this point, LCH SA proposes to add a final

⁷² *Id.* at 84976.

⁷³ *Id.* at 21580.

⁷⁴ *Id.* at 21580.

⁷⁵ *Id.* at 21581.

⁷⁶ *Id.*

paragraph to Section 5.11(c) to indicate that, until the Select Member Form update is effective, the Select Member will continue to be subject to the provisions of the CDS Clearing Documentation applying to any Non-Defaulting Clearing Member required to participate in Competitive Bidding for each Auction Package.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act requires the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the Proposed Rule Change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the organization.⁷⁷ Under the Commission's Rules of Practice, the "burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization ['SRO'] that proposed the rule change."⁷⁸

The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,⁷⁹ and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.⁸⁰ Moreover, "unquestioning reliance" on an SRO's representations in a proposed rule change is not sufficient to justify Commission approval of a proposed rule change.⁸¹

After carefully considering the Proposed Rule Change, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act⁸² and Rules 17Ad-22(e)(13)⁸³ and (e)(18)⁸⁴ thereunder, as described in detail below.

A. Consistency With Section 17A(b)(3)(F) of the Act

Under Section 17A(b)(3)(F) of the Act, LCH SA's rules, among other things,

must be "designed to promote the prompt and accurate clearance and settlement of securities transactions . . . derivative agreements, contracts, and transactions" ⁸⁵ Based on the Commission's review of the record, and for the reasons discussed below, LCH SA's changes are consistent with Section 17A(b)(3)(F) of the Act because they may help to expand LCH SA's provision of clearing services, contribute to the smooth operation of LCH SA's default auctions, help LCH SA better contain losses, and clarify the process Select Members use to make elections.

The Proposed Rule Change would potentially improve access to clearing for clients. Currently, Select Members may only provide clearing services to Affiliated Firms. The Proposed Rule Change would allow Select Members to provide clearing services to non-affiliated firms as well. Assuming Select Members begin offering clearing services to clients that are not Affiliated Firms, this change could expand the clearing services available to firms that seek to clear transactions as clients. Additionally, as noted above, certain potential Clearing Members are not positioned to provide Market Data or bids on products in default auctions, as currently required under LCH SA's Rule Book for General Members. These requirements could potentially act as barriers to these potential Clearing Members becoming Clearing Members. As such, LCH SA's proposed changes allowing Select Members to choose not to submit Market Data or participate in Competitive Bidding if their Financial Group's Group Total Margin Percentage remains below the Participation Threshold potentially may allow firms to join LCH SA as Select Members or current Select Members to provide clearing services for clients. This may also work to expand clearing services available to clients, which in turn potentially allows LCH SA to clear more trades. Importantly, the Proposed Rule Change does not alter LCH SA's fee grid, Risk Management Framework,⁸⁶ or any other membership standards for Select Members.⁸⁷ By foregoing changes to its

tariffs (specifically the unlimited tariff and variable tariff) and liquidity margining, and thereby maintaining the current structure whereby a General Member may clear for its own account and its clients at less cost than a Select Member, LCH SA provides incentive for its twenty-two CDSClear General Members⁸⁸ to remain General Members even though, under the proposed change, Select Members can clear for non-affiliated firms too. Further, under the Proposed Rule Change, a General Member would likely still have to participate in Competitive Bidding and submit Market Data due to its Group Total Margin Percentage.⁸⁹ As such, these changes would promote the prompt and accurate clearance and settlement of securities transactions.

LCH SA also proposes changes that would contribute to the smooth operation of LCH SA's default auctions. As noted above, if there is an Event of Default, LCH SA shall auction off the defaulting Clearing Member's positions.⁹⁰ Select Members currently must participate in these auctions to the extent the Cleared Transactions in the Auction Packages all belong to the Product Families set out in that Select Member's Product Family Form. However, sometimes Select Members do not actively trade in the Product Families selected on their Product Family Form, or they may not have the operational capacity to take part in default auctions. In LCH SA's experience, Select Members have required assistance managing default files and routinely request assistance addressing questions during fire drill exercises.⁹¹ The proposed changes allow some Select Members to choose whether they would like to participate in Competitive Bidding without regard to the content of Auction Packages and eliminate the concepts of Product Families and the Product Family Form. These proposed changes should allow LCH SA's default auction process to function more efficiently. The efficiency of these auctions potentially impacts LCH SA's ability to limit losses resulting from a Clearing Member default. Because losses from a Clearing Member default could disrupt LCH SA's ability to operate, this aspect of the Proposed

⁸⁵ 15 U.S.C. 78q-1(b)(3)(F).

⁸⁶ Notice, 89 FR at 21580.

⁸⁷ For example, Select Members must still satisfy the membership requirements found in Section 2.2.1 of the LCH SA CDS Clearing Rule Book, the same as General Members. Pursuant to Section 2.2.1, Select Members must, among other things, comply with applicable law relating to their status as a Clearing Member and the performance of their obligations pursuant to the CDS Clearing Documentation, be subject to supervision by Competent Authorities, meet minimum capital requirements, and satisfy a credit risk assessment. See LCH SA CDS Clearing Rule Book, Section 2.2.1.

⁸⁸ In total, CDSClear has twenty-seven members, five of which are Select Members. LCH, Member Search, <https://www.lch.com/membership/member-search>.

⁸⁹ LCH SA provided background and analysis related to the Select Membership model in confidential Exhibit 3.3 to the Proposed Rule Change, which LCH SA added to the Proposed Rule Change with Amendment No. 1.

⁹⁰ LCH SA CDS Clearing Rule Book, Appendix 1, Clause 2.1.

⁹¹ Notice, 89 FR at 21582.

⁷⁷ 15 U.S.C. 78s(b)(2)(C).

⁷⁸ Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Susquehanna Int'l Group, LLP v. Securities and Exchange Commission*, 866 F.3d 442, 447 (D.C. Cir. 2017) ("Susquehanna").

⁸² 15 U.S.C. 78q-1(b)(3)(F).

⁸³ 17 CFR 240.17Ad-22(e)(13).

⁸⁴ 17 CFR 240.17Ad-22(e)(18).

Rule Change also helps promote LCH SA's operations and therefore the prompt and accurate clearance and settlement of transactions.

At the same time, the Proposed Rule Change would require certain Select Members to participate in Competitive Bidding because of their Financial Group's Group Total Margin Percentage. This makes it more likely that LCH SA will have sufficient participation in its default auctions to successfully offload Auction Packages and ultimately continue operation through a Clearing Member default. By establishing a minimum level of participation, these proposed changes therefore would promote the efficiency of LCH SA's default auctions without necessarily undermining the efficacy of those auctions, thus promoting LCH SA's operations and therefore the prompt and accurate clearance and settlement of transactions.

LCH SA's proposed changes related to price submissions by Select Members also help promote the prompt and accurate clearance and settlement of securities transactions. The Proposed Rule Change would allow some Select Members to choose whether to receive Price Requirement Files for relevant Trading Cities and become bound, in respect of the Price Requirement Files received for relevant Trading Cities only, to submit market data. Under the Proposed Rule Change, other Select Members would have to submit Market Data as a result of their Financial Group's Group Total Margin Percentage. By permitting and requiring Select Members to submit market data under certain circumstances, this aspect of the Proposed Rule Change could enhance the Market Data that LCH SA receives. Enhanced Market Data could, in turn, improve the accuracy of LCH SA's end-of-day prices, which could contribute to the accuracy of LCH SA's outputs, including margin amounts, resulting from these prices. LCH SA uses this Market Data to determine margin amounts and manage the risks associated with clearing and settling securities transactions. These risks, if not properly managed, could cause losses to LCH SA that compromise its ability to operate. As such the proposed changes related to participation in price contribution also promote the prompt and accurate clearance and settlement of transactions.

LCH SA's proposed changes also clarify the process Select Members use to make elections through the Select Member Form. For example, the Proposed Rule Change notes that, under certain circumstances, Select Members may elect to submit Market Data and

participate in Competitive Bidding through the Select Member Form. They can also nominate certain representatives through the Select Member Form. Relatedly, LCH SA's proposal would indicate how a Select Member could change its elections. The Proposed Rule Change would also provide details related to the timing of the effectiveness of updates to the Select Member Form under certain circumstances. By clarifying the process through which Select Members can make elections through the Select Member Form, LCH SA gives effect to its other proposed changes, which as described above, expand LCH SA's provision of clearing services, contribute to the smooth operation of LCH SA's default auctions, and help enhance Market Data that LCH SA receives. As such, the proposed changes related to the introduction of the Select Member Form promote the prompt and accurate clearance and settlement of transactions.

Therefore, the Proposed Rule Change is consistent with the requirements of Section 17A(b)(3)(F) of the Act.⁹²

B. Consistency With Rule 17Ad-22(e)(13) Under the Act

Rule 17Ad-22(e)(13) requires covered clearing agencies to establish, implement, maintain, and enforce written policies and procedures reasonably designed to ensure the covered clearing agency has the authority and operational capacity to take timely action to contain losses and liquidity demands and continue to meet its obligations by, at a minimum, requiring the covered clearing agency's participants and, when practicable, other stakeholders to participate in the testing and review of its default procedures, including any close-out procedures, at least annually and following material changes thereto.⁹³

As discussed above, the Proposed Rule Change would make participating in Competitive Bidding and default management drills elective for certain Select Members. At the same time, certain Select Members would still be required to participate in Competitive Bidding, specifically if their Financial Group's Group Total Margin Percentage exceeds the specified threshold. As discussed above, in practice, this means that any Clearing Member that is part of the top six Financial Groups at LCH SA will be required to participate in Competitive Bidding and provide Market Data, even if that Clearing Member is a Select Member. This will

help ensure that LCH SA will have sufficient participation in its default auctions to successfully offload Auction Packages and ultimately continue operation through a Clearing Member default. By establishing a minimum level of participation, these proposed changes therefore ensure LCH SA has the authority and operational capacity to take timely action to contain losses and liquidity demands and continue to meet its obligations.

Additionally, under the Proposed Rule Change, certain Clearing Members and Applicants would still be required to participate in default management drills. Specifically, a Clearing Member Applicant seeking Select Membership and seeking to elect to participate in Competitive Bidding would be required to participate in (and satisfy LCH SA's requirements with respect to the carrying out of) regular fire drills run by LCH SA from time to time in accordance with the Rule Book, or demonstrate that it has an associated entity or an LCH Approved Outsourcing Agent that can successfully do so. Similarly, Select Members that LCH SA reasonably believes will breach the Participation Threshold for sixty consecutive Clearing Days will also need to participate in testing to assess their capacity and ability to participate in Competitive Bidding. Ultimately, this will provide LCH SA with the information it needs to ensure it has the operational capacity to take timely action to contain losses and liquidity demands and continue to meet its obligations through its default management process.

Proposed changes that improve a clearing agency's ability to conduct a successful auction have been found to be consistent with Rule 17Ad-22(e)(13). For example, a proposed change to except an auction participant from a minimum bid requirement when the auction participant does not have the operational capacity to clear contracts in the relevant auction lot is consistent with the Act, because it improved the clearing agency's auction process by helping to ensure that bids received in an auction are provided by members most able to value and risk manage the defaulter's portfolio.⁹⁴ As discussed above, the Proposed Rule change would allow certain Select Members to choose to participate in Competitive Bidding and would require those Select Members participating in Competitive Bidding to undergo default management drills. This change would allow certain Select Members who do not have the

⁹² 15 U.S.C. 78q-1(b)(3)(F).

⁹³ 17 CFR 240.17Ad-22(e)(13).

⁹⁴ Securities Exchange Act Release No. 98147 (Aug. 16, 2023), 88 FR 57164, 57165-66 (Aug. 22, 2023) (File No. SR-ICC-2023-009) ("Order").

operational capacity to participate in the default auction process to choose not to participate in an auction rather than requiring them to place a bid.⁹⁵ It would also work to identify, manage, and avoid issues LCH SA has encountered with its Select Members in navigating fire drill exercises.⁹⁶ Thus, these aspects of the Proposed Rule Change would work to improve LCH SA's auction process.

Therefore, the Proposed Rule Change is consistent with the requirements of Rule 17Ad-22(e)(13) under the Act.⁹⁷

C. Consistency With Rule 17Ad-22(e)(18) Under the Act

Rule 17Ad-22(e)(18) requires covered clearing agencies to establish, implement, maintain, and enforce written policies and procedures reasonably designed to establish objective, risk-based, and publicly disclosed criteria for participation, which permit fair and open access by direct and, where relevant, indirect participants and other financial market utilities.⁹⁸ As noted above, the Proposed Rule Change would expand access to LCH SA and facilitate fair and open access to LCH SA by indirect participants by allowing Select Members to provide clearing services to non-affiliated firms rather than just to Affiliated Firms. The Proposed Rule Change also would establish objective and publicly-disclosed criteria for participation by Applicants wishing to be Select Members, with respect to participation in competitive bidding, as discussed above.

Therefore, the Proposed Rule Change is consistent with the requirements of Rule 17Ad-22(e)(18) under the Act.⁹⁹

IV. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1 and Partial Amendment No. 1

The Commission finds good cause, pursuant to Section 19(b)(2) of the Exchange Act,¹⁰⁰ to approve the Proposed Rule Change prior to the 30th day after the date of publication of notice of the filing of Amendment No. 1 and Partial Amendment No. 1 in the **Federal Register**. As discussed above, Amendment No. 1 added a requirement that a Select Member participate in Competitive Bidding in default auctions and contribute end-of-day prices should its Financial Group's margins exceed a predetermined threshold over a

designated time, and Partial Amendment No. 1 fixes certain errors in Amendment No. 1. These amendments do not otherwise change the purpose of or statutory basis for the Proposed Rule Change.

For the reasons discussed above, the Commission finds that Proposed Rule Change, as modified by Amendment No. 1 and Partial Amendment No. 1, is consistent with the requirement that LCH SA's rules be designed to promote the prompt and accurate clearance and settlement of securities transactions under Section 17A(b)(3)(F) of the Exchange Act.¹⁰¹ Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Exchange Act,¹⁰² to approve the Proposed Rule Change, as modified by Amendment No. 1 and Partial Amendment No. 1, on an accelerated basis, pursuant to Section 19(b)(2) of the Exchange Act.¹⁰³

IV. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change, as modified by Amendment No. 1 and Partial Amendment No. 1, is consistent with the requirements of the Act, and in particular, Section 17A(b)(3)(F) of the Act¹⁰⁴ and Rules 17Ad-22(e)(13)¹⁰⁵ and (e)(18) thereunder.¹⁰⁶

It is therefore ordered pursuant to Section 19(b)(2) of the Act that the Proposed Rule Change, as modified by Amendment No. 1 and Partial Amendment No. 1 (SR-LCH SA-2024-002), be, and hereby is, approved on an accelerated basis.¹⁰⁷

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.¹⁰⁸

Sherry R. Haywood,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101655; File No. SR-CboeBZX-2024-112]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Expand BZX Rule 14.11(l) To Permit the Generic Listing and Trading of Multi-Class ETF Shares

November 19, 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 November 8, 2024, Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. ("BZX" or the "Exchange") is filing with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change to amend Rule 14.11(l) to provide that the Exchange may approve a series of Exchange-Traded Fund ("ETF") Shares for listing and/or trading on the Exchange that operates in reliance on exemptive relief to Rule 6c-11 under the Investment Company Act of 1940 (the "Investment Company Act") that permits the trust issuing the ETF Shares to offer an exchange-traded fund class in addition to classes of shares that are not exchange-traded.

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

⁹⁵ Notice, 89 FR at 21579.

⁹⁶ *Id.* at 21582.

⁹⁷ 17 CFR 240.17Ad-22(e)(13).

⁹⁸ 17 CFR 240.17Ad-22(e)(18).

⁹⁹ 17 CFR 240.17Ad-22(e)(18).

¹⁰⁰ 15 U.S.C. 78s(b)(2).

¹⁰¹ 15 U.S.C. 78q-1(b)(3)(F).

¹⁰² 15 U.S.C. 78s(b)(2).

¹⁰³ 15 U.S.C. 78s(b)(2).

¹⁰⁴ 15 U.S.C. 78q-1(b)(3)(F).

¹⁰⁵ 17 CFR 240.17Ad-22(e)(13).

¹⁰⁶ 17 CFR 240.17Ad-22(e)(18).

¹⁰⁷ In approving the Proposed Rule Change, the Commission considered the proposal's impacts on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹⁰⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 14.11(l) to provide that the Exchange may approve a series of ETF Shares for listing and/or trading on the Exchange where such series operates in reliance on exemptive relief to Rule 6c–11 under the Investment Company Act that permits the trust issuing the ETF Shares to offer ETF Shares in addition to classes of shares that are not exchange-traded (“Multi-class ETF Shares”) of an open-end fund.³ There are numerous applications for exemptive relief for Multi-class ETF Shares currently before the Commission⁴ that request exemptive relief similar to that previously granted to other funds that are not listed on the Exchange.⁵ This proposed amendment would provide for the “generic” listing and/or trading of Multi-class ETF Shares under Rule 14.11(l) on the Exchange immediately upon the Commission’s applicable order granting exemptive relief to the outstanding applications. This proposal is not intended to amend any other part of Rule 14.11(l) and the Exchange submits this proposal only to prevent any unnecessary delay in listing additional Multi-Class ETF Shares generically under Rule 14.11(l) when and if such requests are granted by the Commission.

Background

Starting in 2000, the Commission began granting limited relief for The Vanguard Group, Inc. (“Vanguard”) to offer certain index-based open-end management investment companies

with Multi-class ETF Shares.⁶ After this relief was granted, there was limited public discourse about Multi-class ETF Shares until 2019, when the prospect of providing blanket exemptive relief to Multi-class ETF Shares was addressed in the Commission’s adoption of Rule 6c–11 under the Investment Company Act (the “ETF Rule”).⁷ The ETF Rule permits ETFs that satisfy certain conditions to operate without the expense or delay of obtaining an exemptive order. However, the ETF Rule did not provide blanket exemptive relief to allow for Multi-class ETF Shares as part of the final rule. Instead, the Commission concluded that Multi-class ETF Shares should request relief through the exemptive application process so that the Commission may assess all relevant policy considerations in the context of the facts and circumstances of particular applicants. The Exchange adopted Rule 14.11(l)⁸ shortly after the implementation of the ETF Rule and, because there were no exemptive applications before the Commission and because none of the Multi-class ETF Shares that were previously granted exemptive relief listed on the Exchange, did not propose to include any language comparable to what is being proposed herein.

As noted above, a number of applications for exemptive relief to permit the applicable fund to offer Multi-class ETF Shares (the “Applications”) have been submitted to the Commission starting in early 2023. In general, the Applications state that

the ability of a fund to offer Multi-class ETF Shares, *i.e.*, both a class of mutual fund shares (each such class, a “Mutual Fund class” and such shares “Mutual Fund Shares”) and ETF Shares, could be beneficial to the fund and to shareholders of each type of class for various reasons, including more efficient portfolio management, better secondary market trading opportunities, and cost efficiencies, among others.⁹

While Multi-class ETF Shares could potentially be listed under existing Exchange Rules 14.11(c) or 14.11(i), doing so would unnecessarily reintroduce the burdensome quantitative portfolio requirements and ongoing compliance obligations associated therewith that existed before the adoption of Rule 6c–11 and Exchange Rule 14.11(l).¹⁰ The Exchange is not

⁹ Specifically, the Applicants believe that a Mutual Fund class would benefit ETF class shareholders because investor cash flows through a Mutual Fund class can be used for efficient portfolio rebalancing. To the extent that cash flows come into a fund through a Mutual Fund class, a portfolio manager may be able to deploy that cash strategically to rebalance the portfolio. Second, cash flows through a Mutual Fund class may allow for greater creation basket flexibility for creations and redemptions through the ETF class, which could promote arbitrage efficiency and smaller spreads on the trading of ETF Shares in the secondary market. With respect to existing funds, ETF classes would permit investors that prefer the ETF structure to gain access to established funds’ investment strategies. Additionally, the establishment of an ETF class as part of an existing fund could lead to cost efficiencies. Specifically, in terms of fund expenses, an ETF class could have initial and ongoing advantages for its shareholders, where shareholders of an ETF class of a fund that already has substantial assets could immediately benefit from economies of scale. Finally, the tax-free conversion of shares from the Mutual Fund class to the ETF class may accelerate the development of an ETF shareholder base. Subsequent secondary market transactions by the ETF class shareholders could generate greater trading volume, resulting in lower trading spreads and/or premiums or discounts in the market prices of the ETF Shares to the benefit of ETF shareholders. The Applicants also believe that an ETF class would benefit Mutual Fund class shareholders because in-kind transactions through the ETF class may contribute to lower portfolio transaction costs and greater tax efficiency. Additionally, the conversion feature could allow Mutual Fund shareholders to convert Mutual Fund Shares for ETF Shares without adverse consequences to the Fund by allowing Mutual Fund shareholders to convert their shares into the ETF class of the same fund rather than redeeming their Mutual Fund Shares and buying shares of another ETF. In doing so, the converting shareholder could save on transaction costs and potential tax consequences that may otherwise be incurred in redeeming their existing shares and buying separate ETF Shares. The ETF class would also represent an additional distribution channel for a fund that could lead to additional asset growth and economies of scale; greater assets under management may lead to additional cost efficiencies and an improved tax profile for the fund may also assist the competitive position of the Fund for attracting prospective shareholders. Last, the class of ETF Shares could allow certain investors to engage in more frequent trading without disrupting the fund’s portfolio.

¹⁰ See *e.g.*, Exchange Rule 14.11(c) and 14.11(i).

³ The Exchange notes that it had previously submitted a version of this filing on April 15, 2024. See Securities Exchange Act Release No. 34–100034 (May 1, 2024) 89 FR 35255. That filing was withdrawn on November 8, 2024 and submitted this proposal.

⁴ See Perpetual US Services, LLC (filed February 7, 2023); DFA Investment Dimensions Group Inc. and Dimensional Investment Group Inc. (filed July 12, 2023); F/m Investments LLC (August 22, 2023); Fidelity Hastings Street Trust and Fidelity Management & Research Company (filed October 24, 2023); Morgan Stanley Institutional Fund Trust and Morgan Stanley Investment Management Inc. (filed January 29, 2024); First Trust Series Fund and First Trust Variable Insurance Trust (filed January 24, 2024); Guinness Atkinson Funds (filed February 27, 2024); and Metropolitan West Funds, TCW ETF Trust, and TCW Funds, Inc. (filed March 20, 2024).

⁵ *Infra* note 6.

⁶ See Vanguard Index Funds, Investment Company Act Release Nos. 24680 (Oct. 6, 2000) (notice) and 24789 (Dec. 12, 2000) (order). The Commission itself, as opposed to the Commission staff acting under delegated authority, considered the original Vanguard application and determined that the relief was appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. In the process of granting the order, the Commission also considered and denied a hearing request on the original application, as reflected in the final Commission order. See also the Vanguard Group, Inc., Investment Company Act Release Nos. 26282 (Dec. 2, 2003) (notice) and 26317 (Dec. 30, 2003) (order); Vanguard International Equity Index Funds, Investment Company Act Release Nos. 26246 (Nov. 3, 2003) (notice) and 26281 (Dec. 1, 2003) (order); Vanguard Bond Index Funds, Investment Company Act Release Nos. 27750 (Mar. 9, 2007) (notice) and 27773 (April 2, 2007) (order) (collectively referred to as the “Vanguard Orders”).

⁷ See Securities Exchange Act Release No. 33–10695 (October 24, 2019) 84 FR 57162 (the “ETF Rule Adopting Release”).

⁸ See Securities Exchange Act No. 88566 (April 6, 2020) 85 FR 20312 (April 10, 2020) (SR–ChoeBZX–2019–097) (Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, To Adopt BZX Rule 14.11(l) Governing the Listing and Trading of Exchange-Traded Fund Shares).

aware of any clear policy rationale as to why those quantitative requirements should apply to Multi-class ETF Shares other than the rules are already in place. As such, listing Multi-class ETF Shares under these older rules would place undue burdens on both the Exchange and fund issuers because of the quantitative portfolio requirements that currently do not apply to ETFs meeting the requirements of Rule 6c-11 and Rule 14.11(l). Furthermore, while the Applicants generally seek the same exemptive relief as granted under those previous orders,¹¹ several Applicants have proposed different conditions to the relief that reflect the adoption of Rule 6c-11. Therefore, the Exchange believes there is a reasonable relationship between the Applications and the proposed rule change to allow for the Commission's evaluation of whether the proposed rule change is consistent with the Act. The Exchange also acknowledges that approval of this proposed rule change would not necessarily result in the listing and trading of the additional Multi-class ETF Shares under the proposed Rule until and unless the necessary relief was granted by the Division of Investment Management, but approving this proposal would address any potential concerns the Commission's division of Trading and Markets might have as it specifically relates to the listing and trading of Multi-class ETF Shares under proposed Rule 14.11(l) and would allow for a smooth launch process if an when such relief is granted.¹²

Proposal

The Exchange proposes to amend Rule 14.11(l)(4) to explicitly provide that any series of ETF Shares that is eligible to operate under exemptive relief under the Investment Company Act that permits the fund to offer a class

of ETF Shares in addition to classes of shares that are not-exchange traded (*i.e.*, Multi-class ETF Shares) may be approved by the Exchange for listing and/or trading (including pursuant to unlisted trading privileges) on the Exchange pursuant to Rule 19b-4(e) under the Act. The Exchange also proposes to explicitly provide that the requirements of any exemptive relief applicable to Multi-class ETF Shares must be satisfied by a series of ETF Shares on an initial and continued listing basis. Last, the Exchange proposes to amend Rule 14.11(l)(4)(B)(i)(a) to provide that any series of Multi-class ETF Shares that fails to meet the requirements of the applicable exemptive relief will be subject to the suspension of trading or removal provisions of Rule 14.11(l)(4)(B)(i).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹³ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁴ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁵ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that permitting Multi-class ETF Shares to list on the Exchange is consistent with the applicable exemptive relief and will help perfect the mechanism of a free and open market and, in general, will protect investors and the public interest in that it will permit the listing and trading of Multi-class ETF Shares, consistent with the applicable exemptive relief, and in a manner that will benefit investors. Specifically, the Exchange believes that the relief

proposed in the Applications and the expected benefits of the Multi-class ETF Shares described above would be to the benefit of investors. Eliminating any unnecessary delay for additional Multi-class ETF Shares listing on the Exchange under Rule 14.11(l) will simply help accrue those benefits to investors more expeditiously. Further, the Exchange is only proposing to amend its rules to allow such a series of Multi-class ETF Shares to list on the Exchange pursuant to Rule 14.11(l), a change to its rules that will only be meaningful if and when the Commission grants such relief to an Applicant. To the extent that the Commission does not grant Multi-class ETF Shares relief, the proposed change to Rule 14.11(l) will have no impact on series of ETF Shares listed on the Exchange.

The Exchange also believes that amending Rule 14.11(l) to explicitly provide that the initial and continued listing standards applicable to ETF Shares, including the suspension of trading or removal standards, would be applicable to Multi-class ETF Shares operating under any applicable exemptive relief, are designed to promote transparency and clarity in the Exchange's Rules. The Exchange believes that with these changes, Rule 14.11(l)(4) would clearly allow for the listing and trading of Multi-class ETF Shares upon the Commission's order of exemptive relief.

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 believes the proposed rule change, by permitting the listing and trading of ETF Shares operating under Multi-class ETF Shares exemptive relief, would introduce additional competition among various ETF products to the benefit of investors.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may

¹¹ Supra note 6.

¹² The Commission has in some instances historically approved Exchange listing rules even when no products would necessarily be permitted to list under those rules. Most recently, the Commission approved Exchange proposals to list and trade shares of ether-based exchange-traded products ("ETPs") prior to any such products having an effective registration statement. As those ether-based ETPs could not trade on the Exchange without an effective registration statement, which were separately considered by the Commission's division of corporate finance, the Exchange could not list and trade those products even with proper Exchange Rules in place. The Exchange believes this example illustrates the reasonability of the Exchange pursuing the adoption a proposed Rule that would not immediately result in the listing and trading of the applicable products thereunder. See Securities Exchange Act No. 100224 (May 23, 2024) 89 FR 46937 (May 30, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Ether-Based Exchange-Traded Products).

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ *Id.*

designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2024-112 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-2024-112. 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-2024-112 and should be submitted on or before December 16, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-27477 Filed 11-22-24; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20732 and #20733; FLORIDA Disaster Number FL-20014]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Florida

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Florida (FEMA-4828-DR), dated October 5, 2024.

Incident: Hurricane Helene.

DATES: Issued on November 1, 2024.

Incident Period: September 23, 2024 through October 7, 2024.

Physical Loan Application Deadline Date: December 4, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 7, 2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Vanessa Morgan, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Florida, dated October 5, 2024, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Collier, Lee, Marion, Sumter.

All other information in the original declaration remains unchanged.

¹⁶ 17 CFR 200.30-3(a)(12).

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024-27569 Filed 11-22-24; 8:45 am]

BILLING CODE 8026-09-P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2022-0002]

Social Security Acquiescence Ruling 24-1(6); Rescission of Social Security Acquiescence Ruling 98-3(6) and Social Security Acquiescence Ruling 98-4(6)

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Acquiescence Ruling (AR) and rescission of two Social Security ARs.

SUMMARY: The Commissioner of Social Security is giving notice of Social Security Acquiescence Ruling 24-1(6) and rescission of Social Security Acquiescence Ruling 98-3(6) and Social Security Acquiescence Ruling 98-4(6).

DATES: We will apply this ruling on December 2, 2024.

FOR FURTHER INFORMATION CONTACT: Mona Ahmed, Office of the General Counsel, Office of Program Law, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-0600, or TTY 410-966-5609, for information about this notice. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our internet site, Social Security Online, at <https://www.socialsecurity.gov>.

SUPPLEMENTARY INFORMATION: We are rescinding Social Security Acquiescence Ruling (AR) 98-3(6) and Social Security AR 98-4(6) and publishing this Social Security AR, in accordance with 20 CFR 402.35(b), 404.985(a), (b), and 416.1485(a), (b), to explain how we will apply the holding in *Earley v. Commissioner of Social Security*, 893 F.3d 929 (6th Cir. 2018), regarding the effect of prior disability findings on the adjudication of a subsequent disability claim.

An AR explains how we will apply a holding in a United States Court of Appeals decision that we determine conflicts with our interpretation of a provision of the Social Security Act (Act) or regulations when the Government has decided not to seek further review of that decision or is unsuccessful on further review.

On June 1, 1998, we issued AR 98-3(6) (63 FR 29770) and AR 98-4(6) (63

FR 29771) to explain how we would apply the holdings in *Dennard v. Secretary of Health & Human Services*, 907 F.2d 598 (6th Cir. 1990), and *Drummond v. Commissioner of Social Security*, 126 F.3d 837 (6th Cir. 1997), respectively. Both ARs provided instructions for adjudicating a subsequent disability claim, with an unadjudicated period, arising under the same title of the Act as the prior claim, where the claimant resided within the Sixth Circuit. AR 98–3(6) (for *Dennard*) stated that adjudicators must adopt a finding from the final decision by an administrative law judge (ALJ) or the Appeals Council (AC) of the demands of the claimant's past relevant work, or a finding of the claimant's date of birth (for the purposes of ascertaining their age), education, or work experience unless there is new and material evidence relating to such a finding or there has been a change in the law, regulations, or rulings affecting the finding or the method for arriving at the finding. Similarly, AR 98–4(6) (for *Drummond*) stated that adjudicators must adopt certain findings from the final decision by an ALJ or the AC in determining whether the claimant is disabled with respect to an unadjudicated period, unless there is new and material evidence relating to such a finding or there has been a change in the law, regulations, or rulings affecting the finding or the method for arriving at the finding. AR 98–4(6) stated that it applied only to a finding of a claimant's residual functional capacity (RFC) "or other finding required at a step in the sequential evaluation process for determining disability provided under 20 CFR 404.1520, 416.920 or 416.924, as appropriate, which was made in a final decision by an ALJ or the Appeals Council on a prior disability claim."

On June 27, 2018, the United States Court of Appeals for the Sixth Circuit issued a decision in *Earley v. Commissioner of Social Security*, 893 F.3d 929 (6th Cir. 2018), in which it clarified its intent in *Drummond* and interpreted the holding in *Drummond* to be more limited than described in AR 98–4(6). Whereas AR 98–3(6) and AR 98–4(6) required the adjudicator to adopt findings in an earlier disability decision unless there is new and material evidence, *Earley* indicates that it is fair for the adjudicator to consider prior findings as legitimate, albeit not binding, in reviewing a subsequent application. The court in *Earley* recognizes that a new application covering a new period deserves a new review, but prior ALJ and AC findings

and the earlier record may have probative value in that review. The court also indicates that res judicata principles would apply where the new application covers the same dates, and no new evidence is introduced.

Although the *Earley* decision does not apply or discuss *Dennard*, the court's explanations in *Earley* also clarify the Sixth Circuit's view on the issues addressed in AR 98–3(6) (for *Dennard*). Indeed, in *Drummond*, which the *Earley* decision addresses in depth, the Sixth Circuit relied in part on *Dennard*. The Sixth Circuit in *Earley* interpreted *Drummond* more narrowly than the Social Security Administration (SSA) did in AR 98–4(6), and the Sixth Circuit's explanations in *Earley* clarify the standard or the approach for the issues addressed in both AR 98–3(6) and AR 98–4(6). Therefore, we are rescinding ARs 98–3(6) and 98–4(6) and publishing this single, new AR to provide instructions on the effect of prior disability findings on the adjudication of a subsequent disability claim in the Sixth Circuit.

We will apply the holding of the Court of Appeals' decision as explained in this Social Security AR to claims at all levels of administrative adjudication within the Sixth Circuit. This Social Security AR will apply to all determinations and decisions made on or after December 2, 2024. If we made a determination or a decision on an application for benefits between June 27, 2018, the date of the Court of Appeals' decision in *Earley v. Commissioner of Social Security*, 893 F.3d 929 (6th Cir. 2018), and December 2, 2024, the effective date of this Social Security AR, an individual may request application of this Social Security AR to their claim. However, the individual must first demonstrate, pursuant to 20 CFR 404.985(b)(2) or 416.1485(b)(2), that application of the ruling could change our prior determination or decision.

If we later rescind this AR as obsolete, we will publish a notice in the **Federal Register** to that effect, as provided in 20 CFR 404.985(e) and 416.1485(e). If we decide to relitigate the issue covered by this AR, as provided by 20 CFR 404.985(c) and 416.1485(c), we will publish a notice in the **Federal Register** stating that we will apply our interpretation of the Act or regulations and explaining why we decided to relitigate the issue.

(Federal Assistance Listings, Program Nos. 96.001 Social Security Disability Insurance; 96.002 Social Security Retirement Insurance; 96.004 Social Security Survivors Insurance; 96.006 Supplemental Security Income)

The Commissioner of Social Security, Martin O'Malley, having reviewed and approved this document, is delegating the authority to electronically sign this document to Erik Hansen, a Federal Register Liaison for the Social Security Administration, for purposes of publication in the **Federal Register**.

Erik Hansen,

Associate Commissioner for Legislative Development and Operations, Social Security Administration.

Acquiescence Ruling 24–1(6)

Earley v. Commissioner of Social Security, 893 F.3d 929 (6th Cir. 2018) (Interpreting *Drummond v. Commissioner of Social Security*, 126 F.3d 837 (6th Cir. 1997)): Effect of Prior Disability Findings on Adjudication of a Subsequent Disability Claim—Titles II and XVI of the Act

Issue

Whether, in making a disability determination or decision on a subsequent disability claim with respect to an unadjudicated period, the Social Security Administration (SSA) must consider a finding of a claimant's residual functional capacity (RFC) or other finding required under the applicable sequential evaluation process for determining disability, made in a final decision by an administrative law judge (ALJ) or the Appeals Council (AC) on a prior disability claim.

Statute/Regulation/Ruling Citation

Sections 205(a) and (h) and 702(a)(5) of the Social Security Act (42 U.S.C. 405(a) and (h) and 902(a)(5)), 20 CFR 404.900(a), 404.957(c)(1), 416.1400(a), 416.1457(c)(1), AR 98–3(6) (rescinded), AR 98–4(6) (rescinded).

Circuit

Sixth (Kentucky, Michigan, Ohio, Tennessee).

Earley v. Commissioner of Social Security, 893 F.3d 929 (6th Cir. 2018) (Interpreting *Drummond v. Commissioner of Social Security*, 126 F.3d 837 (6th Cir. 1997))

Applicability of Ruling

This ruling applies to determinations and decisions at all administrative levels (*i.e.*, the initial, reconsideration, ALJ hearing, and AC levels).

The decision of the Sixth Circuit in *Earley* was based, in part, on the panel's interpretation of the Sixth Circuit's prior decision in *Drummond*. *Drummond*, in turn, relied in part on the Sixth Circuit's earlier decision in *Dennard*. The following summaries of the two earlier

cases are provided as background material.

Dennard v. Secretary of Health & Human Services, 907 F.2d 598 (6th Cir. 1990)

Mr. Dennard argued that because SSA found him unable to do his past relevant work on his first application for benefits, SSA was precluded from reconsidering this issue and finding in a subsequent decision, involving an unadjudicated period, that Mr. Dennard could perform the same past relevant work. The Sixth Circuit observed that it seemed clear that SSA had reconsidered the nature and extent of Mr. Dennard's exertional level in his former job. The court stated: "We are persuaded that under the circumstances, we must remand this case to [SSA] . . . to determine whether [Mr.] Dennard is disabled in light of the prior determination that he could not return to his previous employment."

Drummond v. Commissioner of Social Security, 126 F.3d 837 (6th Cir. 1997)

Ms. Drummond argued that, absent evidence of improvement in her condition, the ALJ's finding in a prior claim that she was limited to sedentary work precluded SSA from finding in a subsequent claim that she could perform medium work. The Sixth Circuit stated that, "[a]bsent evidence of an improvement in a claimant's condition, a subsequent ALJ is bound by the findings of a previous ALJ." The court held that SSA could not reexamine issues previously decided, in the absence of new and additional evidence or changed circumstances. The court further stated that, "[j]ust as a Social Security claimant is barred from relitigating an issue that has been previously determined, so is the Commissioner." After finding that there was not substantial evidence that Ms. Drummond's condition had improved significantly in the time between the two ALJ decisions, the court concluded that SSA was bound by its previous finding that Ms. Drummond was limited to sedentary work.

Earley v. Commissioner of Social Security, 893 F.3d 929 (6th Cir. 2018)

Description of Case

In 2010, Ms. Earley applied for disability benefits, claiming that she was disabled starting on June 25, 2010. In 2012, an ALJ found that she remained capable of light physical exertion and that she was not disabled for the period from June 25, 2010, through May 15, 2012. Ms. Earley applied again in July 2012, arguing that she became disabled

after the decision on her last claim. The same ALJ, invoking *Drummond* and AR 98-4(6), stated that he was bound by his earlier findings, unless Ms. Earley offered new and material evidence of a changed condition. Because the ALJ found that Ms. Earley had failed to do that, the ALJ again found her not disabled and denied her claim.

On review, the district court reversed. The district court construed *Drummond* to apply only if it would lead to a favorable outcome for the claimant. Since any preclusive effect of the ALJ's prior findings would make it more difficult for Ms. Earley to be found disabled, the court found that *Drummond* did not apply.

On appeal, the Sixth Circuit examined and clarified *Drummond*. The court found that the key principles protected by *Drummond*, consistency between proceedings and finality with respect to prior adjudicated claims, apply to both individuals and the government. At the same time, these principles do not prevent the agency from giving a fresh look to a new claim containing new evidence or satisfying a new regulatory threshold that covers a new period of alleged disability while being mindful of past rulings and the record in prior proceedings.

The court rejected the argument that, "[i]n reviewing a second application by the same individual . . . the administrative law judge should completely ignore earlier findings and applications." The court explained that "[f]resh review is not blind review" and that "a later administrative law judge may consider what an earlier judge did if for no other reason than to strive for consistent decision making." Further, the court explained that "it is fair for an administrative law judge to take the view that, absent new and additional evidence, the first administrative law judge's findings are a legitimate, albeit not binding, consideration in reviewing a second application" and, at the same time, that "an applicant remains free to bring a second application that introduces no new evidence or very little new evidence after a failed application." The court cautioned, however, that a claimant "should not have high expectations about success if the second filing mimics the first one and the individual has not reached any new age (or other) threshold to obtain benefits."

Holding

The Sixth Circuit stated that, "[w]hen an individual seeks disability benefits for a distinct period of time, each application is entitled to review." The court explained that if an individual

files a subsequent application for the same period and "offers no cognizable explanation for revisiting the first decision, res judicata would bar the second application." The court further explained that an ALJ honors res judicata "principles by considering what an earlier judge found with respect to a later application and by considering the earlier record" and that, accordingly, "it is fair for an administrative law judge to take the view that, absent new and additional evidence, the first administrative law judge's findings are a legitimate, albeit not binding, consideration in reviewing a second application." Ms. Earley's new claim involved a new period; therefore, the court held that res judicata did not apply. Accordingly, the court remanded the case for the ALJ to reconsider Ms. Earley's claim for benefits under the correct standard.

Statement as to How Earley Differs From The Agency's Policy

In a subsequent disability claim, SSA considers the issue of disability with respect to a period that was not adjudicated to be a new issue that requires an independent evaluation. Thus, when adjudicating a subsequent disability claim involving an unadjudicated period, SSA considers the facts and issues *de novo* in determining or deciding disability with respect to the unadjudicated period. SSA does not consider prior findings made in the final determination or decision on the prior claim as evidence in adjudicating disability with respect to the unadjudicated period in the subsequent claim.

In *Earley*, the Sixth Circuit agreed with SSA's policy that res judicata does not apply with respect to an unadjudicated period. Yet, the Sixth Circuit disagreed with SSA's policy that prior disability findings are not to be considered in the adjudication of disability for a previously unadjudicated period in a subsequent claim. Rather, *Earley* indicates that such prior findings made at the ALJ hearing or AC level should be considered in the adjudication of disability for an unadjudicated period in a subsequent claim, stating that "it is fair for an administrative law judge to take the view that, absent new and additional evidence, the first administrative law judge's findings are a legitimate, albeit not binding, consideration in reviewing a second application." *Earley* indicates that an adjudicator honors the principles of res judicata "by considering what an earlier judge found with respect to a later application and by considering that earlier record."

SSA interprets *Earley* to require that, where a final decision after a hearing on a prior disability claim contains a finding of a claimant's RFC or other finding required under the applicable sequential evaluation process for determining disability, SSA must consider such finding(s) as evidence when adjudicating a subsequent disability claim, arising under the same or a different title of the Act, involving an unadjudicated period.

Explanation of How We Will Apply The *Earley* Decision Within The Circuit

This Ruling applies only to disability findings in cases involving claimants who reside in Kentucky, Michigan, Ohio, or Tennessee at the time of the determination or decision on the subsequent claim at the initial, reconsideration, ALJ hearing, or AC level. Additionally, it applies only to a finding of a claimant's RFC or other finding that is required at a step in the sequential evaluation process for adjudicating disability (provided under 20 CFR 404.1520, 416.920, or 416.924, as appropriate), made in a final decision (favorable or unfavorable) by an ALJ or the AC on a prior disability claim.¹

When a claimant seeks disability benefits for a new period in a subsequent claim, that subsequent claim is entitled to review following the applicable sequential evaluation process. However, such review does not exist in a vacuum. When adjudicating a subsequent claim (arising under the same or a different title of the Act as the prior claim), an adjudicator deciding whether a claimant is disabled during a previously unadjudicated period must consider findings from the decision on the prior claim. As the Court recognized in *Earley*, things change with the passage of time, such as age and physical condition. As a result, each claim covering a different period should be reviewed as a new claim. However, when a finding of a claimant's RFC or other finding required under the sequential evaluation process for determining disability differs from that in the prior decision, the adjudicator must make clear that they considered the prior finding as evidence in light of all relevant facts and circumstances.²

¹ In making a finding of a claimant's RFC or other finding that is required at a step in the sequential evaluation process for adjudicating disability, an ALJ or the AC may have made certain subsidiary findings, such as an assessment of the claimant's symptoms. A subsidiary finding does not constitute a finding that is required at a step in the sequential evaluation process for adjudicating disability, as provided under 20 CFR 404.1520, 416.920, or 416.924.

² For example, an adjudicator might consider such factors as: (1) whether the fact on which the

Where the prior finding was about a fact that is subject to change with the passage of time, such as a claimant's RFC or the severity of an impairment(s), the likelihood that the fact has changed generally increases as the time between the previously adjudicated period and the subsequent period increases. An adjudicator generally should pay particular attention to the lapse of time between the earlier claim and the later claim and the impact of the passage of time on the claim. In situations where minimal time has passed, and no or very little new evidence has been introduced, it is more likely that the prior finding will remain the same. But the adjudicator must consider all relevant facts and circumstances on a case-by-case basis. Additionally, a change in the law, regulations, or rulings affecting a relevant finding or the method for arriving at the finding may be a reason why the prior finding, considered as evidence, is properly departed from in the current determination or decision.

[FR Doc. 2024–27466 Filed 11–22–24; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 12594]

Waiver of Missile Proliferation Sanctions

ACTION: Notice of determination.

SUMMARY: A determination has been made pursuant to the Arms Export Control Act and Export Administration Act.

FOR FURTHER INFORMATION CONTACT: Pam Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State (202–647–4930). On import ban issues, Lauren Sun, Assistant Director for Regulatory Affairs, Department of the Treasury (202–622–4855). On U.S. Government procurement ban issues, Eric Moore, Office of the Procurement Executive, Department of State (703–875–4079), email: isn-mbc-sanctions@state.gov.

prior finding was based is subject to change with the passage of time, such as a fact relating to the severity of the claimant's medical condition; (2) the likelihood of such a change, considering the amount of time between the period adjudicated in the prior claim and the unadjudicated period in the subsequent claim; and (3) the extent to which evidence that was not considered in the final decision on the prior claim provides a basis for making a different finding for the unadjudicated period in the subsequent claim. These are only examples and not intended to create specific requirements as part of the sequential evaluation.

SUPPLEMENTARY INFORMATION: Consistent with section 654(c) of the Foreign Assistance Act of 1961, as amended, notice is hereby given that the Secretary of State has made a determination pursuant to section 73 of the Arms Export Control Act (22 U.S.C. 2797b) and section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)), as carried out under Executive Order 13222 of August 17, 2001, and has concluded that publication of the determination would be harmful to the national security of the United States.

Ann K. Ganzer,

Acting Assistant Secretary, International Security and Nonproliferation, Department of State.

[FR Doc. 2024–27492 Filed 11–22–24; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2024–0067]

Emergency Temporary Closure of Eastbound Traffic on the National Network for the Lewis and Clark Viaduct Bridge in Kansas City, Kansas and Kansas City, Missouri

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).
ACTION: Notice; request for comments.

SUMMARY: The Kansas Department of Transportation (KDOT) closed for repairs the eastbound portion of Interstate 70 (I–70) on the Lewis and Clark Viaduct Bridge over the Kansas River on September 5, 2024. Closure of the bridge and detour routes extend from Kansas City, Kansas, into Kansas City, Missouri.

The FHWA is providing notice that KDOT is continuing the temporary closure of the Lewis and Clark Viaduct Bridge in the eastbound direction until the bridge can be repaired, which is estimated to be by the end of December 2024. The FHWA is requesting comments from the public on the alternate routes selected by KDOT and the Missouri Department of Transportation (MoDOT) due to the closure.

DATES: Comments must be received on or before December 26, 2024.

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

- *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the

online instructions for submitting comments.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, 1200 New Jersey Avenue SE, Room W12-140, Washington, DC 20590.

- *Hand Delivery or Courier:* U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m. ET, except Federal holidays.

Instructions: You must include the agency name and docket number [FHWA-2024-0067] at the beginning of your comments. All comments received will be posted without change to www.regulations.gov, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Michael Latuszek, Office of Freight Management and Operations, FHWA Office of Operations, (573) 616-0415, michael.latuszek@dot.gov; William Winne, Office of the Chief Counsel, (202) 366-0791, william.winne@dot.gov, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; or Richard Backlund, FHWA Kansas Division, (785) 273-2626, Richard.backlund@dot.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document and all comments received may be viewed online through the Federal eRulemaking portal at www.regulations.gov. The website is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's website at www.federalregister.gov and the U.S. Government Publishing Office's website at www.govinfo.gov.

Background

The KDOT closed a portion of I-70 in the eastbound direction on the Lewis and Clark Viaduct Bridge over the Kansas River for repairs on September 5, 2024. The FHWA is providing notice that KDOT is continuing the temporary closure until the damaged bridge can be repaired. The estimated time for completion of the repair is the end of calendar year 2024. The FHWA is requesting comments from the public on the alternate routes selected by KDOT and MoDOT due to the closure.

The FHWA is responsible for enforcing the Federal regulations applicable to the National Network (NN) of highways that can safely and efficiently accommodate the large

vehicles authorized by provisions of the Surface Transportation Assistance Act of 1982, Public Law 97-424 as amended, designated in accordance with title 23 of the Code of Federal Regulations (CFR) Part 658 (Truck Size and Weight, Route Designations—Length, Width and Weight Limitations) and listed in Appendix A to Part 658. Under 23 CFR 658.11 (Additions, deletions, exceptions, and restrictions), FHWA may approve deletions of, or use restrictions on, the Interstate system or other NN routes based upon specified justification criteria in section 658.11(d)(2). The FHWA is authorized to delete any route from the NN on an emergency basis, based on safety considerations pursuant to § 658.11(e), which also requires publishing this Notice in the **Federal Register** for comment.

As part of a recent bridge inspection, KDOT inspectors identified concerns with gusset plates on the eastbound portion of this I-70 bridge. Gusset plates are used to connect truss members of a bridge. Gusset plates can be fastened to a permanent truss member by bolts, rivets, or welding, or a combination of the three. Based on the inspection findings, KDOT engineers determined that repairs were needed and closed the eastbound portion of the bridge on September 5, 2024, to vehicles and pedestrians until the repairs are completed.

The Lewis and Clark Viaduct is a series of bridges comprising an interchange with I-70, Minnesota Avenue, Washington Boulevard, and the Fairfax Trafficway in Kansas City, Kansas.

The recommended detours have evolved since the closure of the eastbound I-70 Lewis and Clark Viaduct Bridge and traffic on I-70 is being rerouted as follows:

All eastbound I-70 on-ramps in downtown Kansas City, Kansas, are closed including Minnesota Avenue/4th Street, Washington Boulevard, and the Fairfax Trafficway. Eastbound I-70 traffic is being rerouted to eastbound I-670. The signed detour begins on eastbound I-70 after the 18th Street Expressway (US-69) and before the I-70/I-670 split. Drivers continuing on eastbound I-70 after the I-670 split can access downtown Kansas City, Kansas, at 7th Street, Pacific Avenue, Central Avenue, 5th Street or James Street/3rd Street. Drivers exiting downtown Kansas City, Kansas can access eastbound I-70 via the 18th Street corridor and use the I-670 detour; directly access I-670 via the Central Avenue connection; or cross the Kansas

River at James Street to access Kansas City, Missouri.

The I-70 westbound offramp at Central Avenue is also closed. The decision to close this access point was based on discussions between KDOT and the Unified Government of Wyandotte County and Kansas City, Kansas.

Several area Kansas River crossings are currently closed including Central Avenue (local), Kansas Avenue/Avenida Cesar E. Chavez (local), K-5 (KDOT, southbound lanes closed) over the Union Pacific Railroad, and the Buck O'Neil Bridge (US-169, MoDOT).

The closure of eastbound I-70 reduces access to the Fairfax Industrial District, however, there are several detour routes that provide alternative ingress/egress options for the area, including the Fairfax Bridge (US-69), which allows freight traffic to access several interstate highway corridors. The Fairfax Trafficway provides access to westbound I-70 and eastbound I-670 via Central Avenue and Kansas City, Missouri, by way of James Street.

Detour messages are being provided on overhead dynamic message boards; portable message boards have also been strategically deployed throughout the area. The status of road closures and detours has been further disseminated via traveler information systems (*i.e.* KanDrive, KC Scout).

The KDOT and MoDOT are utilizing social media platforms such as Facebook (@NEKansasKDOT) and X (@KansasCityKDOT), along with periodic media releases to keep the public informed in real-time.

Authority: 23 U.S.C. 127 and 315; 49 U.S.C. 31111, 31112, and 31114; 23 CFR part 658.

Kristin R. White,

Acting Administrator, Federal Highway Administration.

[FR Doc. 2024-27482 Filed 11-22-24; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Safety Advisory 24-2 Street-Running Rail Vehicle Collisions

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of safety advisory.

SUMMARY: The Federal Transit Administration (FTA) has determined that street-running rail collisions are a risk to public transportation and is

issuing Safety Advisory 24–2 to recommend actions to mitigate this risk.

FOR FURTHER INFORMATION CONTACT: Ivey Glendon, Safety Assurance and Risk Management Division Chief, Office of Transit Safety and Oversight, FTA, telephone (202) 366–3236, or Ivey.Glendon@dot.gov.

SUPPLEMENTARY INFORMATION: FTA recommends that State Safety Oversight Agencies (SSOAs) direct Rail Transit Agencies (RTAs) operating street-running-rail systems in their jurisdictions to conduct an analysis of street-running rail collisions and consider and implement mitigation strategies to reduce these collisions. FTA requests that any documents be uploaded within 180 days from the issuance of this Safety Advisory.

Safety Advisory 24–2 also identifies resources that provide guidance on identifying specific hazards that may cause or contribute to street-running rail vehicle collisions, completing a safety risk assessment, and developing mitigations to address the assessed safety risks for transit agencies.

FTA's Safety Advisory 24–2 "Street-Running Rail Vehicle Collisions" is available on the agency's public website: <https://www.transit.dot.gov/regulations-and-guidance/safety/fta-safety-advisories>.

Authority: 49 U.S.C. 5329; 49 CFR 1.91 and 670.29.

Veronica Vanterpool,
Deputy Administrator.

[FR Doc. 2024–27501 Filed 11–22–24; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2024–0149]

Updated Notice of Availability for the Port of Port Angeles Memorandum of Agreement Under Section 106 of the National Historic Preservation Act

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of availability and request for comment.

SUMMARY: The Maritime Administration (MARAD) is funding the Intermodal Handling and Transfer Facility Project (Project) which will improve the safety and efficiency of the movement and sorting of forest products through Port Angeles in Port Angeles, Washington. In accordance with the National Historic Preservation Act (NHPA) and its implementing regulations, MARAD has determined that a Memorandum of

Agreement (Agreement) must be prepared in accordance with the requirements of the NHPA in conjunction with the Project and invites public comments on the Agreement.

DATES: All comments on the Agreement are due on or before *January 9, 2025*. MARAD will consider comments filed after this date to the extent practicable.

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

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov>, insert the docket number (MARAD–2024–0149) in the keyword box and click "Search." Select the "Docket" tab, locate the Notice, and click on "comment" to begin the comment submission process. Follow the online instructions.

- **Mail:** Dockets Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, D.C. 20590–0001.

- **Hand Delivery:** W12–140 of the Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590 between 9:00 a.m. and 5:00 p.m. E.T., Monday through Friday, except Federal Holidays. The telephone number is 202–366–9329.

- **Instructions:** To properly identify your comments, please include the agency name and the docket number at the beginning of your comments. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT:

Wendy Coble, (202) 281–1046 or via email at marad.history@dot.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during business hours. The FIRS is available twenty-four hours a day, seven days a week, to leave a message or question. You will receive a reply during normal business hours. You may send mail to the Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Department of Transportation (DOT) awarded funds to the Port of Port Angeles (Port) under the Fiscal Year 2022 Port Infrastructure Development Program for the Intermodal Handling and Transfer

Facility Project. The project is located in Port Angeles, Washington.

The project proposes to improve the safety and efficiency of the movement and sorting of forest products through Port Angeles, including the following project components:

- Site grading and resurfacing approximately 10 acres with asphalt pavement;
- Installing aboveground biofiltration treatment system with pretreatment tanks, biofiltration cell, polishing cell, and associated aboveground piping and appurtenances.

MARAD has defined the Project's area of potential effects (APE) as the footprint of the Project with a buffer around the adjacent archaeological site 45CA523 (Tse-whit-zen), inclusive of the potential physical, visual, and acoustic effects.

Identification of Historic Properties

The analysis conducted for this project included two archaeological investigations in coordination with the Lower Elwha Klallam Tribe (LEKT). The first investigation consisted of a pedestrian and subsurface survey performed in 2017. The second investigation was completed in 2020 under a State of Washington Archaeological Site Alteration and Excavation Permit issued by the DAHP and consisted of additional survey and subsurface testing. The archaeological materials collected during the 2020 investigation are currently held in trust for the LEKT at the Burke Museum in Seattle, Washington. As a result of these investigations, the boundary of Tse-whit-zen was expanded into a portion of the Log Yard, which was considered for this project and is considered an Area of Interest for LEKT under the Agreement.

The APE also contains three previously recorded historic archaeological resources including 45CA773 (railroad spur), 45CA796 (railroad spur), and 45CA797 (kiln stack/historic debris scatter), all of which are within the project footprint. All three sites were previously recommended not eligible for listing in the NRHP by the Port's archaeological contractor because they lack integrity and are not significant under any of the NRHP Criteria for Evaluation. The sites do not have any association with significant events or people, nor do they convey distinctive design or construction. Furthermore, the sites were found to lack the potential to yield information important to history by the Port's archaeological contractor. DAHP determined that these three historic archaeological sites did not require

further consideration during archaeological testing of the Port's Log Yard in 2020.

Affected Historic Properties

Tse-whit-zen (site 45CA523) is a village of continuous uninterrupted use by the LEKT extending back for more than 2,700 years. The village was used extensively as a year-round place of habitation, as well as for traditional practices of sea mammal hunting, shellfish harvesting, and open marine water fishing. A large cemetery and numerous burials are associated with the village and the LEKT continues to maintain a cemetery at the site.

The site has been the subject of extensive investigations and documentation associated with the Washington State Department of Transportation's (WSDOT's) Graving Dock Facility for the Hood Canal Bridge Retrofit and Replacement Project, which was formally located on parcels owned by WSDOT. Two of these parcels are now owned by the Lower Elwha Klallam Tribe adjacent to the log yard.

Tse-whit-zen (45CA523) was listed in the National Register of Historic Places (NRHP) at the local level of significance under Criterion D in 2014. The period of significance is 300–2,700 years before present. The site includes three contributing areas and two noncontributing areas, which correspond with five distinct zones within the site. The site boundary at the time of listing was contained entirely within a Lower Elwha Klallam Tribe's parcel. However, it has been determined that the site extends beyond its originally defined boundaries.

Project Impacts on Historic Properties

Project design minimizes ground disturbance by paving and limiting excavation to match areas where the new surface transitions to the existing paved stormwater retention area on the east portion of the log yard. Excavation will not exceed a depth of 12 inches. However, regrading and resurfacing overlaps with the boundary of Tse-whit-zen (45CA523), although it will not impact any portions of the site that have been identified by previous archaeological investigations. Accordingly, project activities will not physically alter the historic property (site 45CA523). However, the project will introduce new visual elements that diminish the overall integrity of setting, feeling, and association for the historic property.

Adverse Effects, Avoidance, Minimization and Mitigation

MARAD, in coordination with SHPO and LEKT, determined that this project would require the development of a Memorandum of Agreement to address the adverse effects. As of this public notice, MARAD, SHPO, the Port, and LEKT have all agreed to be signatories to the Agreement. The draft Agreement is available for review by going to www.regulations.gov, and search using docket number "MARAD-2024-0149."

To mitigate these adverse effects the MARAD will ensure the following measures are carried out by the Port:

- The Port will transfer to the LEKT "Area of Interest" identified during consultations, which is approximately 6.13 acres. Prior to transfer, the Port will remove from the Protection Area the existing storage warehouse building, office Conex, travel trailer, truck weigh scale, existing paving, quarry spalls, and bark and woody debris.

- Ground disturbing activities associated with this undertaking will be monitored by a professional archaeologist in accordance with the Project-specific Monitoring and Inadvertent Discovery Plan (MIDP). The MIDP details the monitoring and discovery protocols. The MIDP will incorporate the disposition provisions in section 10 of the 4 Party Agreement. All monitoring activities will be supervised by the Project Senior Archaeologist, who will meet the Secretary of the Interior's (SOI) Professional Qualifications Standards for Archeology (36 CFR part 61, 48 FR 44738). Additionally, the Port will retain the services of a Tribal Cultural Resources Monitor from the LEKT, who will observe the monitoring activities.

- The Port, in consultation with LEKT, will obtain a State of Washington Archaeological Site Alteration and Excavation Permit from the DAHP to carry out the Undertaking, as determined necessary by DAHP.

- The Port will retain the services of a professional archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for archaeology (36 CFR part 61), to monitor all Project-related ground disturbing activities.

- The Port will compensate LEKT Cultural Resource Monitors to observe all Undertaking ground disturbing activities as invoiced by LEKT.

- The LEKT will transfer to the Port the three stormwater ponds that were constructed during the WSDOT Graving Dock project (2003–2004). These ponds are located adjacent to the Northwest property line of the LEKT's property.

The footprint area of the three ponds is approximately 0.80 acres.

- The Port's use of the Ponds will be limited to stormwater treatment and associated operation, maintenance, and repair. The Port's ownership and use of the Ponds will satisfy the requirement that the LEKT create a buffer from uses on adjoining property. Any alteration, at any time in the future, of the Ponds will require written approval by the LEKT. Ground disturbing work within the bottom footprint of the Ponds will be subject to the requirements enumerated in section II.B., above. The Port will be able to perform vegetation maintenance without notification.

- The Port will work cooperatively with the LEKT so that the runoff from within LEKT's property can utilize the Ponds and discharge to the harbor through the existing piping system. The Port will ensure that its use of the Ponds will not interfere with or cause damage to the burials located adjacent to the Ponds.

Public Participation

MARAD may provide additional information and documents concerning the project. This information, along with any comments received, can be found at the above docket number. Please check the notice specific docket for this information. It is requested that all public comments be submitted for consideration within 45 calendar days from the posting of this notice.

If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online as described in the **ADDRESSES** section above. MARAD recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that MARAD can contact you if there are questions regarding your submission.

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov. As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>, the comments are searchable by the name of the submitter. 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 1.81 and 1.93; 36 CFR part 800; 5 U.S.C. 552b.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024–27531 Filed 11–22–24; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

[Docket No. NHTSA–2024–0087]

Denial of Motor Vehicle Defect Petition, DP24–001

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of denial of a petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a defect petition, DP24–001, submitted by Ms. Jasmine Jewell (the Petitioner) to NHTSA (the Agency) by a letter dated February 2, 2024. The petition requests that the Agency initiate a safety defect investigation into the loss of motive power incidents attributed to 3.3L Lambda-II engines equipped in vehicles manufactured by Hyundai Motor America (Hyundai), which the Agency interpreted as addressing 3.3L Lambda-II engines on certain Model Year (MY) 2017 Santa Fe Models. After conducting a technical review of the petition and other information, the Agency concluded that the issues raised by the petition do not warrant a new defect investigation. Accordingly, the Agency denied the petition.

FOR FURTHER INFORMATION CONTACT: David Engel, Vehicle Defect Division C, Office of Defects Investigation, NHTSA, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202–366–0385. Email: david.engel@dot.gov.

SUPPLEMENTARY INFORMATION:

Introduction

Interested persons may petition NHTSA requesting that the Agency initiate an investigation to determine whether a motor vehicle or an item of replacement equipment does not comply with an applicable motor vehicle safety standard or contains a

defect that relates to motor vehicle safety. 49 U.S.C. 30162(a)(2); 49 CFR 552.1. Upon receipt of a properly filed petition, the Agency conducts a technical review of the petition, material submitted with the petition, and any additional information. 49 U.S.C. 30162(a)(2); 49 CFR 552.6. The technical review may consist solely of a review of information already in the possession of the Agency or it may include the collection of information from a motor vehicle manufacturer and/or other sources. After conducting the technical review and considering appropriate factors, which may include, but are not limited to, the nature of the complaint, allocation of Agency resources, Agency priorities, the likelihood of uncovering sufficient evidence to establish the existence of a defect, and the likelihood of success in any necessary enforcement litigation, the Agency will grant or deny the petition. *See* 49 U.S.C. 30162(a)(2); 49 CFR 552.8.

Background Information

The Office of Defects Investigation (ODI) received a petition dated February 2, 2024, requesting a defect investigation into an alleged defect of the 3.3L V-shaped GDI Lambda-II engine equipped in Hyundai vehicles. NHTSA interpreted this request to only include 3.3L Lambda-II engines on certain Model Year (MY) 2017 Santa Fe Models. Given the technical differences between makes and model years that impact engine dynamics, NHTSA limited its analysis to the make and model year used by the Petitioner.

Summary of Petition

The petition cites allegations of a sudden loss of motive power, often resulting in an engine seizure. The stall is preceded by a knocking sound, decreased performance, and no warning lights.

Office of Defects Investigation Analysis

An analysis of the subject vehicle population was undertaken using complaints submitted to ODI along with manufacturer data. It was determined that the frequency of events is low for the subject population and those that specifically report a loss of motive power event have a high mileage at the time of incident.¹

¹ Petitioner also mentions Kia vehicles equipped with this engine. ODI recently closed investigation PE23–019, which investigated a loss of motive power related to head gasket and head bolt failure in MY 2016–2017 Kia Sorento vehicles equipped with the 3.3L Lambda II engine. Through its investigation ODI identified the peer vehicle

The 2017 Santa Fe is equipped with a service interval reminder for the consumer that must be set by the consumer themselves or at a dealership. A Technical Service Bulletin (19–EM–002H) instructs the dealership to set the maintenance reminder after routine maintenance service or anytime a repair is performed that requires new engine oil. This maintenance reminder reinforces the need for proper oil maintenance intervals. Additionally, Santa Fe vehicles with 3.3L V-shaped Lambda-II engines will be added to Hyundai's existing Technical Service Bulletin (23–EM–007H) related to combustion chamber cleaning. Lastly, Hyundai has extended the limited engine warranty for the 2017 Santa Fe equipped with 3.3L V-shaped Lambda-II engines included in the Petition. The updated coverage is 15 years or 150,000 miles and is contained in Technical Service Bulletin 24–EM–003H. These actions will help limit incidents related to loss of motive power.

In view of the service interval reminder, combustion chamber cleaning, and extended warranty actions being taken by Hyundai, NHTSA is denying this Defect Petition as it has not determined a defect investigation is warranted at this time. The Agency reserves the right to take additional action if warranted by future circumstances. To review the reports cited in the Closing Resume ODI Report Identification Number document, go to [NHTSA.gov](https://www.nhtsa.gov).

Authority: 49 U.S.C. 30162(d) and 49 CFR part 552; delegation of authority at 49 CFR 1.95(a).²

Eileen Sullivan

Associate Administrator for Enforcement.

[FR Doc. 2024–27526 Filed 11–22–24; 8:45 am]

BILLING CODE 4910–59–P

populations: MY 2014–2015 Kia Sorento, MY 2015–2016 Kia Sedona, and MY 2014–2017 Kia Cadenza equipped with the 3.3L engine. Through discussions with ODI during the investigation, Kia decided to launch extended warranty campaign WTY039 in May 2024, which covers these peer vehicle populations through 15 years or 180,000 miles, whichever comes first. ODI closed the investigation based on analysis of the failure data indicating a low incident report rate of loss of motive power for the alleged defect, and in consideration of the warning signs which frequently occur from head gasket and/or head bolt failure in the subject engines.

² The authority to determine whether to approve or deny defect petitions under 49 U.S.C. 30162(d) and 49 CFR part 552 has been further delegated to the Associate Administrator for Enforcement.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2024–0078]

New Car Assessment Program Final Decision Notice—Crashworthiness Pedestrian Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA or the Agency), Department of Transportation (DOT).

ACTION: Final decision notice.

SUMMARY: This final decision notice adds a crashworthiness pedestrian protection program to the New Car Assessment Program (NCAP) to evaluate new model year vehicles' abilities to mitigate pedestrian injuries. Based on its previous research, NHTSA concurs with and adopts most of the European New Car Assessment Programme's (Euro NCAP) pedestrian crashworthiness assessment methods, including the injury limits for test devices and the score calculation method used for impact points. NHTSA will identify new model year vehicles meeting a certain minimum safety threshold on the Agency's website and other published literature. This notice responds in part to the provisions in Section 24213 of the Infrastructure Investment and Jobs Act (IIJA), which requires NHTSA to incorporate measures in NCAP for evaluating the protection that new vehicles provide vulnerable road users like pedestrians.

DATES: These changes to the New Car Assessment Program are effective for the 2026 model year.

FOR FURTHER INFORMATION CONTACT: For technical issues, you may contact Ms. Christina Smith, New Car Assessment Program, Office of Crashworthiness Standards (Telephone: (202) 366–1810). For legal issues, you may contact Ms. Natasha D. Reed or Mr. Matthew Filpi, Office of Chief Counsel (Telephone: (202) 366–2992). You may send mail to either of these officials at the National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, West Building, Washington, DC 20590–0001.

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I. Executive Summary

The National Highway Traffic Safety Administration's (NHTSA) New Car Assessment Program (NCAP) provides comparative information on the safety performance of new vehicles and availability of new vehicle safety features to assist consumers with vehicle purchasing decisions and to encourage safety improvements. NCAP, like many other NHTSA programs, has contributed to significant reductions in motor vehicle related crashes, fatalities, and injuries since its launch in 1978, with annual passenger vehicle occupant fatalities in the United States falling

from 32,043 to 26,325 from 2001 to 2021.¹ Unfortunately, this reduction was not universal in all categories of fatalities and injuries with annual pedestrian fatalities increasing by 51 percent during the same time frame, from 4,901 to 7,388.² While vehicle-to-pedestrian crashes are not as common as vehicle-to-vehicle crashes, they are significantly more deadly, with an estimated 53 out of 1000 vehicle-to-pedestrian crashes resulting in a pedestrian fatality.³ In comparison, an estimated 2.6 out of 1000 vehicle-to-vehicle crashes resulted in a fatality.

Despite improvements in automotive safety since NCAP's implementation, far more work must be done to reduce the continued high toll to human life both in and outside the vehicle on our nation's roads and to encourage safety improvements. NCAP is one of several NHTSA programs that advance the Agency's mission to reduce fatalities, injuries, and economic losses on U.S. roadways. Historically, features rated or otherwise included in NCAP have focused largely on the protection of occupants in motor vehicles. However, NHTSA has also recognized the importance of protecting other vulnerable road users (VRUs), such as pedestrians, from injury and death due to motor vehicle crashes. NHTSA published a request for comments (RFC) notice on May 26, 2023 (May 2023 RFC)⁴ proposing to add a crashworthiness pedestrian protection program to NCAP to help address the rising number of fatalities and injuries to pedestrians. The RFC notice proposed largely adopting the devices and assessment methods used in the European New Car Assessment Programme (Euro NCAP)⁵ that simulate a pedestrian being struck in the side by a vehicle traveling at 40 km/h (25 mph). However, instead of implementing a comparative rating system for pedestrian protection as Euro NCAP does, NHTSA proposed to initially identify new model year vehicles that meet a specified minimum safety threshold and then transition to a new

¹ Traffic Safety Facts 2021, "A Compilation of Motor Vehicle Traffic Crash Data." U.S. Department of Transportation. National Highway Traffic Safety Administration.

² Ibid.

³ Swanson, E., Foderaro, F., Yanagisawa, M., Najm, W.G., & Azeredo, P. (2019, August). Statistics of light-vehicle pre-crash scenarios based on 2011–2015 national crash data (Report No. DOT HS 812 745). Table ES1—Yearly Average Statistics—Scenario Groups Based on 2011–2015 FARS and GES. Washington, DC: National Highway Traffic Safety Administration.

⁴ 88 FR 34366.

⁵ <https://www.euroncap.com/en>.

rating system as discussed later in this section.

NHTSA received over 2,800 comments on the May 2023 RFC notice. Commenters included vehicle manufacturers, safety advocates, trade groups, research organizations, and individuals. Commenters broadly expressed support for NHTSA's focus on pedestrian safety, although many comments did not directly respond to the questions asked in the notice.

After careful consideration of all comments received and applicable regulatory considerations, NHTSA is largely adopting the May 26, 2023, proposal with some updates based on comments received. This NCAP update will test vehicles using four test devices used in Euro NCAP Pedestrian Testing Protocol, Version 8.5: adult and child headforms (representative of the weight of an adult and child head), the Transport Research Laboratory (TRL) upper legform, and the Flexible Pedestrian Legform Impactor (FlexPLI) lower legform.⁶ The test devices simulate body regions commonly injured in vehicle-to-pedestrian crashes and have successfully been used in Euro NCAP. This update also adopts the majority of Euro NCAP's pedestrian crashworthiness assessment methods, including the injury limits for each test device and the method in which scores for each impact point are calculated. For pedestrian crashworthiness, NHTSA also deviates from its longstanding practice of giving NCAP credit for crashworthiness features based on testing conducted by NHTSA. Historically, NHTSA would give credit in NCAP and assign ratings based on testing conducted by the agency, not data provided by manufacturers. Similar to the Agency's current NCAP crash avoidance credit system, vehicle manufacturers will provide data to demonstrate their vehicle models' performance when subjected to the pedestrian impact tests. NHTSA will perform verification tests on select vehicles to corroborate manufacturers' data. In the Agency's experience, this methodology has proven effective at driving improvements in safety performance.

NHTSA is not implementing a comparative rating system for crashworthiness pedestrian protection at this time and, instead, will identify new model year vehicles that meet a certain minimum safety threshold on the Agency's website and in other

published literature. This pass-fail assessment approach is intended to be temporary and eventually will be replaced with a more refined comparative rating approach in the future when other planned updates will be implemented. These updates include new program elements in crashworthiness and crash protection as well as changes to the safety information section on the Monroney label—as described in the NCAP roadmap.⁷

A. Legal and Policy Considerations

NHTSA established NCAP in 1978 in response to Title II of the Motor Vehicle Information and Cost Savings Act of 1972. At that time, the program provided consumers with frontal impact crashworthiness information to assist them in their vehicle purchasing decisions. Over the years, NHTSA has expanded the type of safety information provided to consumers and now publishes side impact crashworthiness, rollover propensity, and advanced technology information. As vehicle safety and consumer interest evolves, so, too, do the components of NCAP.

In finalizing its decisions for this notice, in addition to comments received, the Agency sought to address requirements in the 2021 Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act, and the U.S. Department of Transportation's National Roadway Safety Strategy initiative. These considerations are described below.

1. 2021 Bipartisan Infrastructure Law (BIL)

Section 24213(b) of the BIL requires NHTSA to add information about VRU safety to NCAP to (i) determine which technologies shall be included, (ii) develop performance test criteria, (iii) determine distinct ratings for each technology, and (iv) update the overall vehicle rating to incorporate the new technology ratings in the public notices.

In response to these requirements, NHTSA published an RFC in March 2022 that proposed, among other things, adding Pedestrian Automatic Emergency Braking (PAEB) to NCAP. By applying the established inclusion criteria in the adoption of PAEB technology and the applicable test procedures and evaluation criteria included in the March 2022 notice, two of the four requirements for the Vulnerable Road User Safety portion of Section 24213(b) will be met upon the publication of this final decision notice.

⁷ <https://www.nhtsa.gov/document/ncap-roadmap>.

Further, in May 2023, the Agency published an RFC notice proposing to update NCAP by providing consumers with information about crashworthiness pedestrian protection of new vehicles. This final decision notice adds crashworthiness pedestrian protection safety technology evaluations into NCAP. As this notice identifies the specific technologies for inclusion and describes the performance test criteria NHTSA will use to evaluate these technologies, it further fulfills parts (i) and (ii) of Section 24213(b) of the BIL with respect to VRU safety.

NHTSA will fulfill the remaining requirements of Section 24213(b) when it proposes and finalizes a new rating system for the crash avoidance technologies in NCAP, updates the current crashworthiness rating program, and proposes and finalizes an overall vehicle rating that incorporates crash avoidance and crashworthiness technology evaluations.

2. 2022 U.S. Department of Transportation (DOT) National Roadway Safety Strategy (NRSS)

DOT published the NRSS in January 2022. The NRSS announced key planned departmental actions aimed at significantly reducing serious roadway injuries and deaths to reach the Department's long-term zero roadway fatalities goal. At the core of the NRSS is the department-wide adoption of the Safe System Approach, which focuses on building layers of protection to both prevent crashes from happening and minimize harm when crashes do occur.

With respect to NCAP, the NRSS supports program updates emphasizing safety features protecting people both inside and outside the vehicle. These safety features may include consideration of pedestrian protection systems, better understanding of impacts to pedestrians (e.g., specific considerations for children), and automatic emergency braking and lane keeping assistance to benefit bicyclists and pedestrians. The program also works to identify the most promising vehicle technologies to help achieve NRSS's safety goals, such as alcohol detection systems and driver distraction mitigation systems. In addition, the NRSS includes a 10-year roadmap for the program and lists as a key departmental action the initiation of a rulemaking to update the vehicle Monroney label.⁸ As part of that

⁸ The Monroney label, often referred to as the "window sticker," is a label affixed to new automobiles containing the manufacturer's suggested retail price and other consumer information as specified at 15 U.S.C. 1231–1233.

⁶ The terms "headform" and "legform" are used to describe the pedestrian head and leg test devices, which are general representations of human heads and legs. The head and leg test devices are described in greater detail later in this notice.

process, the Agency may also consider including information on features that mitigate safety risks for people outside of the vehicle.

Today's final decision notice presents NHTSA's continuing actions towards the implementation of this broad, multi-faceted safety strategy for NCAP that includes improved road safety for VRUs.

II. Summary of Updates to NCAP

A brief summary of the updates to NCAP included in this final decision notice is provided below.

A. Adopted Testing Devices

NHTSA will test vehicles using four test devices historically used in Euro NCAP: adult and child headforms (representative of the mass of an adult and child head), the Transportation Research Laboratory (TRL) upper

legform, and the Flexible Pedestrian Legform Impactor (FlexPLI) lower legform, discussed in detail in section VI below. The Agency will also adopt most of Euro NCAP's pedestrian crashworthiness test and assessment methodology,^{9 10} including the injury limits for each test device and the methods used for calculating scores for each impact point.¹¹ NHTSA will identify new model year vehicles that meet a certain minimum safety threshold on the Agency's website and in other published literature.

B. Adopted Test Procedures

The adopted pedestrian protection testing will evaluate the potential risk of head, upper leg, lower leg, and knee injuries to pedestrians hit by the front of vehicles. The agency expects that vehicles that score well in these tests

will do so by using designs that absorb energy, reduce hard points of contact, and include a front-end profile that will cause less injury to a pedestrian in a crash.

The crashworthiness pedestrian protection test procedures described in this final decision notice consist of standardized instructions to (1) prepare a vehicle for testing, (2) conduct impact tests using various test devices, and (3) assess a vehicle's performance based on the result of the impact tests. Vehicles will first be prepared by measuring and marking the front end of the vehicle in a prescriptive way to locate the test boundaries and impact points on the vehicle. Points on the hood for the specific "Wrap Around Distance" measurements are marked, as shown in Figure 1.¹²

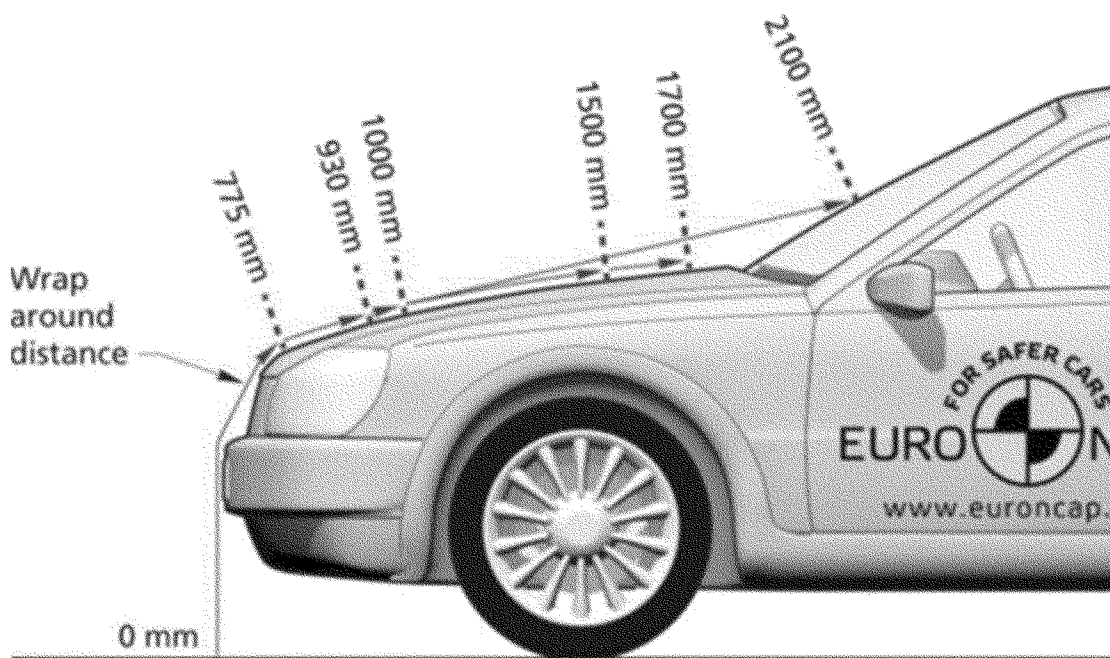


Figure 1: Wrap Around Distance (WAD)¹³

The impact points will be marked on a 100 mm by 100 mm grid on the hood, windshield, and surrounding components for the head impact tests; in a line along the hood (or bonnet) leading edge every 100 mm for the impact tests at a WAD of 775 mm (WAD775) using

the TRL upper legform; and in a line along the front bumper every 100 mm for the lower leg to bumper impact tests using the FlexPLI.

NHTSA is adopting the Euro NCAP procedure for preparing and launching a test device at a marked impact point—specifically, the adult and child headforms for the hood and windshield area points, the TRL upper legform for

the WAD775 points, and the FlexPLI for the bumper impact points.

C. Adopted Component Scoring Method

The vehicle's performance will be scored based on the resulting injury assessment values from each impact test. For the TRL upper legform and FlexPLI impacts, the scoring will be based on a sliding scale between the

Notably, the Monroney label contains safety rating information generated under NCAP.

⁹ European New Car Assessment Programme (Euro NCAP) (October 2018), *Euro NCAP Pedestrian Testing Protocol, Version 8.5*.

¹⁰ European New Car Assessment Programme (Euro NCAP) (June 2020), *Euro NCAP Pedestrian Protocol—Vulnerable Road User Protection, Part 1—Pedestrian Impact Assessment, Version 10.0.3*.

¹¹ For a summary of the differences between Euro NCAP's assessment protocols and NHTSA's procedure, see Table B1 in Appendix B. These differences are also described in more detail later in this notice.

¹² The term "Wrap Around Distance" (WAD) is a distance measurement made using a flexible tape measure along the front of the vehicle, as shown below in Figure 1. One end of the tape is held at

ground level directly below the bumper. The other end is wrapped around the front end of the vehicle and held taut while in contact with a point on the hood or windshield.

¹³ Copyright Euro NCAP 2018. Reproduced with permission from Euro NCAP Pedestrian Testing Protocol V8.5 Figure 9.

highest value of an injury measure (resulting in a score of 0) and the lowest value of the injury measure (resulting in a maximum score). For the headform impacts, the scoring will be based on discrete ranges of Head Injury Criteria (HIC₁₅) values resulting in a score of either 0.000, 0.250, 0.500, 0.750, or 1.000 points. The scores from each group of component tests (headform, upper leg, and lower leg) will be

combined to provide a crashworthiness pedestrian protection score for the tested vehicle.

A summary of the tests using the four adopted test devices is shown in Tables 1–3, including applicable WAD and injury assessment values. The Euro NCAP Assessment Protocol—Vulnerable Road User Protection, Part 1—Pedestrian Impact Assessment, Version 10.0.3, June 2020 document further

describes the injury limits and scoring process for the crashworthiness pedestrian protection impact tests outlined in this notice. Details for each of these tests, devices, and impact locations can also be found in Euro NCAP's Pedestrian Testing Protocol Version 8.5, October 2018, and certain details are discussed later in this notice.

TABLE 1—ADULT AND CHILD HEADFORM TESTING SUMMARY

	Adult headform test	Child headform test
Impact Velocity	40 km/h	40 km/h.
Impact Angle (From Horizontal)	65 deg	50 deg.
WAD	* 1500/1700–2100 mm	** 1000–1500/1700 mm.
HIC ₁₅ (Maximum Score)	650	650.
HIC ₁₅ (Zero Score)	1700	1700.

* Points rearward of the bonnet rear reference line (BRRL) between WAD1500 and WAD1700 and up to WAD2100 are assessed using the adult headform.

** Where the bonnet rear reference line is between WAD1500 and WAD1700, points forward of and directly on the bonnet (hood) rear reference line (BRRL) are assessed using the child headform. Where the BRRL is rearward of WAD1700, the child headform is used up to and including 1700 mm.

TABLE 2—UPPER LEGFORM TESTS AT WAD 775 mm

Impact Velocity	20–33 km/h*.
Sum of Forces (Maximum Score)	5000 N.
Sum of Forces (Zero Score)	6000 N.
Bending Moment (Maximum Score)	285 Nm.
Bending Moment (Zero Score)	350 Nm.

* The exact impact velocity is calculated based on the vehicle's geometry.

TABLE 3—FLEXPLI LOWER LEGFORM TESTS

[For bumpers with lower bumper reference line¹⁴ 500 mm or less]

Impact Velocity	40 km/h.
Ground Clearance	75 mm.
Tibia Bending Moment (Maximum Score)	282 Nm.
Tibia Bending Moment (Zero Score)	340 Nm.
Medial Collateral Ligament (MCL) Elongation (Maximum Score)	19 mm.
Medial Collateral Ligament (MCL) Elongation (Zero Score)	22 mm.
Anterior and Posterior Cruciate Ligaments (ACL/PCL) Elongation*	10 mm.

* ACL and PCL elongations act as modifiers. If the stated limit is exceeded, that impact is awarded zero points regardless of the MCL or Tibia results.

D. Adopted Procedure for Manufacturer-Submitted Data

In order to receive crashworthiness pedestrian protection credit, a manufacturer must submit the results from its own testing to NHTSA in accordance with NHTSA's specified procedures.¹⁵ NHTSA will accept predicted (simulated) results for the head and leg impacts on condition that the manufacturer also provides evidence of physical impact testing to verify the models used for the predicted data.

¹⁴ The lower bumper reference line is the geometric trace between the bumper and a straight edge at a 25-degree forward incline.

¹⁵ This submission form will be specified at a later date.

E. Verification Testing Process

NHTSA is implementing a verification testing process for the crashworthiness pedestrian protection program similar to that used for the crash avoidance testing program in NCAP.¹⁶ For each new model year,

¹⁶ The NCAP crash avoidance safety testing program highlights vehicles equipped with certain advanced driver assistance system technologies if the vehicles meet NHTSA's system performance test criteria. Unlike the NCAP crashworthiness safety program, the crash avoidance safety program uses test data reported by vehicle manufacturers to determine whether a vehicle meets system performance criteria set forth under NCAP and awards credit as applicable. Each year, a certain number of advanced driver assistance systems are selected and tested to verify system performance as part of the NCAP crash avoidance safety testing program.

NHTSA will select and acquire vehicles for NCAP testing. For its crashworthiness pedestrian protection verification testing, NHTSA will select and test 10 head impact points and all necessary upper leg and lower leg impact test locations on each vehicle.¹⁷ The resulting NCAP data for head impacts will be compared to the manufacturer's submitted test data results to determine any needed

¹⁷ NHTSA will utilize the concepts of symmetry and adjacency to determine the impact test points for upper leg and lower leg impact testing across the vehicle width. To reduce test burden, the test assumes that a vehicle's front end is symmetrical, and thus the test result on a specific point on one side of the vehicle will also be applied to the corresponding point on the other side of the vehicle. Likewise, an untested point would receive the same score as the lowest scored adjacent point.

correction factor to apply to the entire head impact test data set.¹⁸ The NCAP data for the upper leg and lower leg tests will replace the manufacturer's provided data.

F. Adopted Vehicle Scoring Apportionment

The overall crashworthiness pedestrian protection score will combine the results from the headform tests, the upper legform tests, and the lower legform tests with a maximum score of 36.000 points. The scoring distribution is as follows: 18.000 points (50 percent) are allocated to test results using the adult and child headforms, 9.000 points (25 percent) are allocated to the test results using the TRL upper legform, and 9.000 points (25 percent) are allocated to the test results using the FlexPLI (Table 4).¹⁹ For vehicle models that receive an overall score of 21.600 (60 percent) or greater, the Agency will grant credit by providing a checkmark (or similar notation) on its website, <http://www.NHTSA.gov>. An example scoring calculation is provided in Appendix C.

TABLE 4—SCORING APPORTIONMENT SUMMARY

Body region	Apportionment (%)	Maximum possible points
Head	50	18.000
Upper Leg	25	9.000
Lower Leg	25	9.000

III. Background

NHTSA's NCAP supports the Agency's mission to reduce the number of fatalities and injuries that occur on U.S. roadways by providing important vehicle safety information to consumers to inform their purchasing decisions. Over the years, NCAP has periodically expanded the scope of the safety information the program provides to consumers, including through the incorporation of various advanced driver assistance system (ADAS) technologies in NCAP, including automatic emergency braking, and highlighted those technologies (via the

¹⁸ The correction factor is determined based on the process described in Euro NCAP's Assessment Protocol—VRU Protection v-10.0.3.
¹⁹ NHTSA proposed in the RFC a scoring apportionment that aligned with the relative frequency of AIS 3+ injuries to the body regions in the U.S. Out of possible 36.0 points, 13.5 were allocated to head impacts, 13.5 points for lower leg impacts, and 9.0 points for upper leg impacts. NHTSA revised the scoring apportionment in this final decision notice to provide more emphasis on head impacts and approach alignment with Euro NCAP's current scoring apportionment. Details of the justification are provided in Section VI.

Agency's website) if they meet NHTSA's system performance criteria. In May 2023, the Agency published an RFC proposing to expand the NCAP program by providing consumers with information about crashworthiness pedestrian protection for new vehicles to spur protection for those outside of the motor vehicle, with a particular focus on pedestrian safety.

The proposal included the addition of a testing program simulating a pedestrian being struck in the side by a vehicle traveling at 40 km/h (25 mph), with data gathered to assess injury potential to the pedestrian's head, upper leg, and lower leg. The proposed test and evaluation procedures included the use of four pedestrian test device impactors: adult headform, child headform, the TRL upper legform, and the FlexPLI lower legform. NHTSA proposed to carry out testing in the manner described in the Euro NCAP pedestrian test protocols,²⁰ with some differences explained in the RFC notice.

According to the procedure outlined in the RFC notice, vehicles would first be prepared by measuring and marking the front end of the vehicle in a prescriptive way to locate the test boundaries and impact points on the vehicle. The boundaries for testing with different impactors would be established at discrete WAD measurements.

The impact points would be marked on a 100 mm by 100 mm grid on the hood, windshield, and surrounding components for the head impact tests; in a line along the hood (or bonnet) leading edge every 100 mm for the upper legform impact tests; and in a line along the front bumper every 100 mm for the FlexPLI lower legform impact tests. The test procedures would provide instructions on how to prepare and launch the test devices at the predetermined impact points—specifically, the adult and child headforms for the hood and windshield area points, the TRL upper legform for the hood leading edge points, and the FlexPLI for the lower leg impact points. Finally, the procedures would describe how a vehicle is scored based on the resulting measurements collected from each impact test.

In general, the proposed test protocols for hood impact tests using the adult and child headforms and the impact tests using the FlexPLI and the TRL

²⁰ <https://www.euroncap.com/en/for-engineers/protocols/vulnerable-road-user-vru-protection/>. See "Pedestrian Test Protocol" Version 8.5 and Part I of the "Assessment Protocol—VRU" Version 10.0.3. Part II of the "Assessment Protocol" and the "AEB VRU Test Protocol" do not apply and are not part of this proposal.

upper legform are similar to that of Euro NCAP. However, the May 2023 RFC proposed some adjustments to the Euro NCAP testing protocol to better reflect pedestrian protection provided by the front end of vehicles in the U.S., improve test practices, and align with the self-reporting aspect of the proposed crashworthiness pedestrian protection program.

NHTSA invited comments on the proposed test procedures and their applicability to the new U.S. vehicle fleet, test zone markup procedure, biofidelity and maintenance of test impactors, scoring method, and pass/fail assessment. The following sections provide details of certain aspects of the proposal for which comments were sought.

IV. Summary of General Comments on Proposed NCAP Updates

NHTSA received over 2,800 comments from vehicle manufacturers, safety advocates, trade groups, research organizations, and individuals in response to the May 2023 RFC notice. While many comments were not direct responses to the questions asked in the notice, they broadly expressed support for NHTSA's focus on pedestrian safety. Many commenters urged NHTSA to incorporate more VRU-focused safety initiatives beyond crashworthiness pedestrian protection into NCAP, including driver direct visibility evaluation and information pertaining to vehicle weight. Commenters also urged NHTSA to include safety measures for VRUs other than pedestrians, including bicyclists, wheelchair users, and people on scooters. Additionally, many commenters emphasized the importance of pedestrian crash avoidance systems such as PAEB and other ADAS technologies.

Many comments from private citizens and advocacy groups such as America Walks, AARP, Action Committee for Transit (ACT), Center for Auto Safety (CAS), National Safety Council (NSC), Advocates for Highway and Auto Safety (Advocates), and the National Association of City Transportation Officials (NACTO) shared similar sentiments for increasing stringency, updating the 5-star rating system and the Monroney label, implementing a matching Federal Motor Vehicle Safety Standard (FMVSS), and voicing dissatisfaction with the manufacturer self-reporting system. Advocacy groups recommended directing research to improve understanding of female injury tolerances and representative test devices, testing at increased impact speeds, and aligning test layout and

procedures to maximize the tested area of vehicles. In general, the advocacy groups and individual citizens who provided comments were supportive of NHTSA's decision to include a crashworthiness pedestrian protection program within NCAP.

Vehicle manufacturers and groups representing vehicle manufacturers, including the Alliance for Automotive Innovation (Auto Innovators), Automotive Safety Council (ASC), Ford Motor Company (Ford), General Motors (GM), American Honda Motor Company (Honda), Hyundai Motor Company (Hyundai), Rivian Automotive (Rivian), Tesla, and Volkswagen Group of America (VW), recommended harmonizing with Euro NCAP procedures to the greatest extent possible. These comments included such recommendations as the adoption of the advanced pedestrian legform impactor (aPLI) in the long term, test device qualification procedures, test zone layout, test procedures, documentation, point apportionment, and results reporting. Overall, the vehicle manufacturers that provided comments were supportive of NHTSA's decision to include a crashworthiness pedestrian protection program within NCAP.

The Agency has summarized the sections of the RFC, comments from the public, and the Agency's responses to those comments into the following categories: test zone and markup, test devices, test procedure, data acquisition and reporting, and other comments. These summaries, comments, and NHTSA's responses are discussed in the remainder of this notice.

V. RFC Comments and Agency Decision

A. Test Zone and Markup

1. RFC Summary

NHTSA requested comments on specific test zone details and markup procedures for the vehicles to be tested. The U.S. vehicle market differs from the European vehicle market; therefore, NHTSA raised questions concerning

some of these potential differences. As a response to design trends caused by the Euro NCAP test protocol, NHTSA also requested comments on how the bumper test width is defined. Before delving into specific comments, the Agency believes that outlining some key details regarding the test zone and markup is important. Further detail on bumper corner definition, WAD limit, vehicles with a lower bumper reference line (LBRL)²¹ greater than 500 mm, and artificial interference is provided in the following sections.

a. Bumper Corner Definition

For the lower legform impact tests, the FlexPLI is launched parallel to the travel direction of the vehicle. The intended impact points are spread laterally along the vehicle's bumper test zone. The bumper test zone extends across the front of the vehicle to either the bumper corners on each side or the full width of the bumper beam, whichever is larger.

There are currently two existing procedures for determining the bumper corners: (1) the 60-degree angle method specified in Euro NCAP and (2) the corner gauge method specified in European regulation UN ECE R.127, "Uniform provisions concerning the approval of motor vehicles with regard to their pedestrian safety performance" (UNECE R127)²² and Global Technical Regulation No. 9, "Pedestrian Safety" (GTR 9).²³ Euro NCAP uses a vertical plane at a 60-degree angle to the vehicle's centerline to mark the bumper corner (as shown in Figure 2). Euro NCAP then compares this width to that of the bumper beam, a load bearing structure underlying the fascia, then tests the larger of the two areas. In Europe, the use of the 60-degree angle

method has resulted in a design trend in which "touch points" are molded into the lower portion of the fascia to contact the 60-degree plane in a manner that could reduce the bumper test area. NHTSA found that in some vehicle designs, the bumper test area is reduced to as little as 40 percent of the vehicle width when using the 60-degree angle method. When the bumper test area is reduced in this manner, a smaller portion of the vehicle's front end is tested for pedestrian protection. From a safety perspective, a larger bumper test area is preferred as it allows the Agency to determine the crashworthiness pedestrian protection performance for more of the vehicle's front end.

²¹ The LBRL is defined as the geometric trace between the bumper and a straight edge at a 25-degree forward incline.

²² The United Nations Economic Commission for Europe, Regulation No. 127, "Motor Vehicles Pedestrian Safety Performance."

²³ <https://unece.org/transport/standards/transport/vehicle-regulations-wp29/global-technical-regulations-gtrs>.

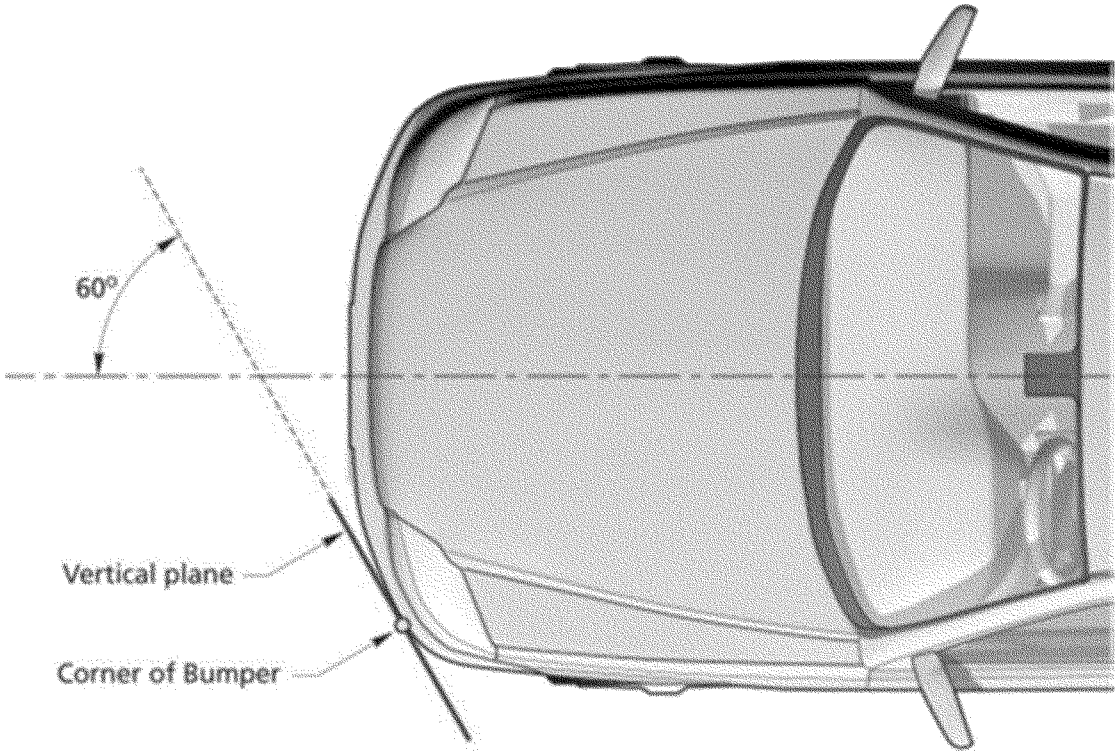


Figure 2: 60-Degree Angle Method Specified in Euro NCAP

In contrast, UNECE R127 and GTR 9 regulations use a corner gauge method, which employs a corner gauge device as shown in Figure 3. The corner gauge method identifies the corner of the

bumper by locating the outermost point of contact with the gauge when it is moved parallel to a vertical plane with an angle of 60 degrees to the vertical longitudinal center plane of the vehicle, as illustrated in Figure 4. UNECE R127's definition of the bumper test area also includes a specification to ensure that

the entire width of the stiff bumper beam is included in the test area. In the May 2023 RFC notice, NHTSA stated that it tentatively plans to use the corner gauge method and bumper beam width comparison procedure for the bumper corner definition.

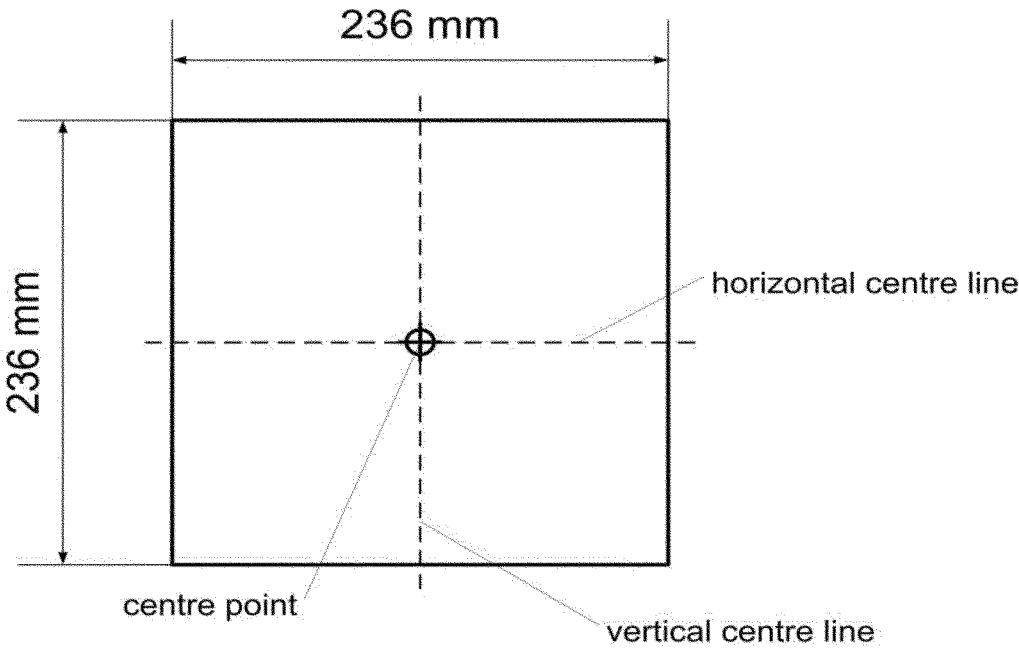
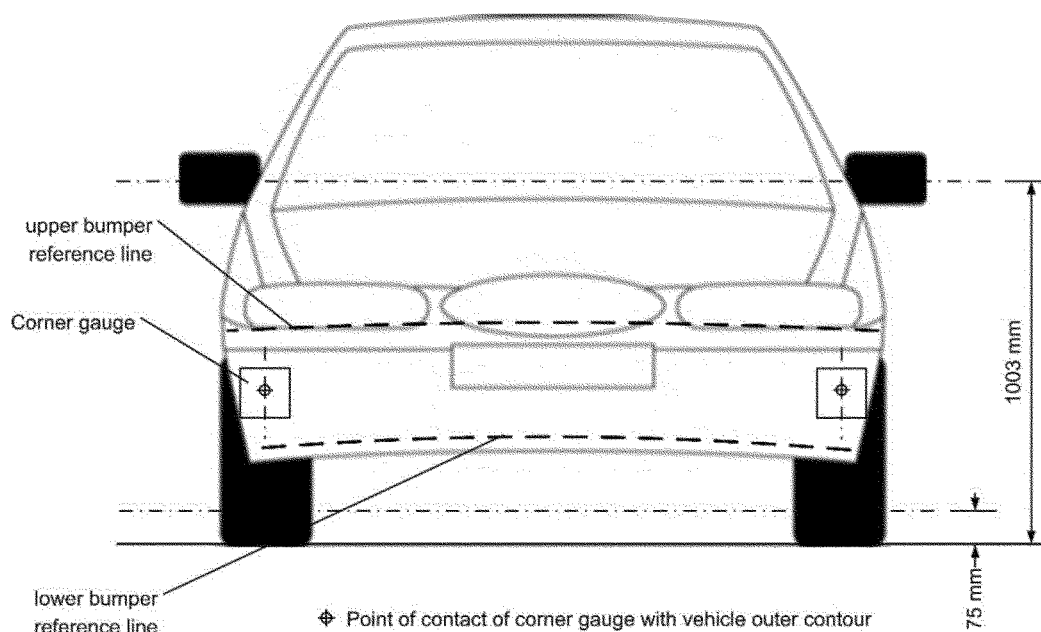


Figure 3: Bumper Corner Gauge²⁴Figure 4: Determination of Bumper Corner With Corner Gauge²⁵

As originally brought to NHTSA's attention by GM, trucks and other large vehicles with exposed metal bumpers may warrant additional consideration based on the bumper test zone determination procedure above. For vehicles with exposed bumpers, NHTSA requested comments on whether the full width of the exposed bumper should be tested, or if the same corner definition method as non-exposed bumpers should be used. These exposed bumpers are often stylized and may be swept back at the outboard edges. These characteristics would likely result in inaccurate measurements when impacted with the FlexPLI if the impact angle is greater than 60 degrees. For vehicles with non-exposed bumpers, NHTSA proposed using the corner gauge method and bumper beam width test procedure.

b. WAD Limit

As previously mentioned, the term "Wrap Around Distance" (WAD) is a

distance measurement made using a flexible tape measure along the front of the vehicle. One end of the tape is held at ground level directly below the bumper. The other end is wrapped around the front end of the vehicle and held taut and in contact with a point on the hood or windshield. The maximum WAD in Euro NCAP's Pedestrian Testing Protocol Version 8.5 for an adult male is 2100 mm. However, UNECE R127 Feb 2023 amendments include increasing the WAD limit from 2100 mm to 2500 mm. Additionally, these amendments include tests on the parts of the windshield that are within this limit. Euro NCAP's most recent version of its testing protocol, Version 9.1, has also increased the maximum WAD to 2500 mm. In the RFC, NHTSA requested comment on whether NCAP should also raise the WAD limit to account for pedestrians who may overshoot the vehicle when struck at a higher speed. This change would assess the vehicle's ability to provide protection to VRUs in a wider variety of crashes.

c. Vehicles With LBRL Greater Than 500 mm

The LBRL is the lower boundary of significant points of contact between a pedestrian leg and the bumper when a vehicle's front bumper makes contact with a pedestrian. The LBRL is determined with a 700 mm long straight edge held at a 25-degree angle from the vertical against the front of the vehicle, as illustrated in Figure 5. The FlexPLI has a poor kinematic response when testing a vehicle with an LBRL greater than 500 mm.²⁶ If a FlexPLI test is conducted on such a bumper, the legform's lack of an upper body structure could result in a condition where, upon impact, it is redirected groundward with very little tibia bending and knee displacement, thus leading to an artificially high test score. Such kinematics do not accurately represent a human-to-vehicle interaction.

²⁴ Reproduced from GTR 9 Amendment 2 Figure 5B.

²⁵ Reproduced from GTR 9 Amendment 2 Figure 5C.

²⁶ See "Rationale for limiting the lower legform test," paragraph 99 of GTR 9.

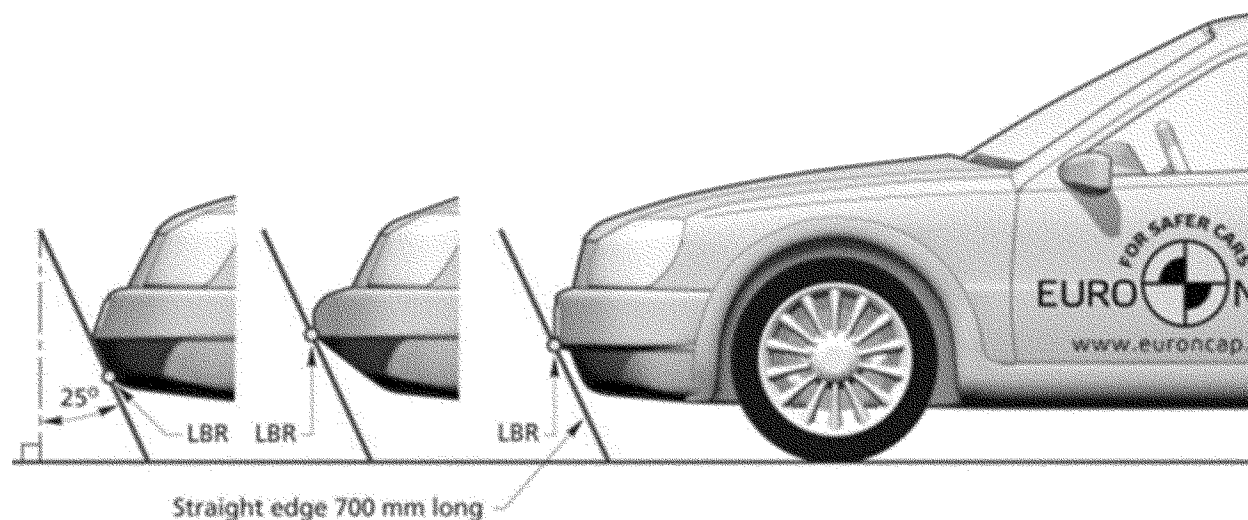


Figure 5: Marking the Lower Bumper Reference Line (LBRL)²⁷

Euro NCAP performs bumper impact tests on vehicles with an LBRL greater than 500 mm using the TRL upper legform. For vehicles with an LBRL of 425 mm to 500 mm, Euro NCAP gives the manufacturer the option of using either the TRL upper legform or the FlexPLI. However, for vehicles with an LBRL of 425 mm to 500 mm, NHTSA proposed to only use the FlexPLI.²⁸ Additionally, the Agency proposed not testing bumper locations where the LBRL is greater than 500 mm for lower

leg impacts, instead assigning a “default red, no points” score.²⁹

d. Artificial Interference in High-Bumper Vehicles

Euro NCAP employs an impact test along the bonnet (or hood) leading edge with the TRL upper legform impactor known as the Upper Legform to WAD775mm Test.³⁰ The WAD775 test, which is conducted at a WAD of 775 mm, simulates a pedestrian’s upper leg and hip wrapping around the front end of the vehicle in the transition area

between the bumper and the hood. Because the pedestrian’s hip wraps around the front end of the vehicle, the upper legform impactor is set up to strike the vehicle perpendicular to a line connecting the internal bumper reference line (IBRL)³¹ (shown in Figure 6) and a point representing WAD930 as shown in Figure 7. These tests are conducted at an impact velocity between 20 and 33 km/h (12 and 21 mph). Maximum points are awarded for forces below 5 kN and bending moments below 280 Nm. The test setup is shown in Figure 7. Vehicles with higher front ends tend to have lower impact angles (relative to horizontal) and higher impact speeds with more energy. Vehicles with lower front ends tend to have higher impact angles (relative to horizontal) and lower impact speeds with less energy.

²⁷ Copyright Euro NCAP 2018. Reproduced with permission from Euro NCAP Pedestrian Testing Protocol V8.5 Figure 13.

²⁸ NHTSA noted in May 2023 RFC that the option to test with either legform (as permitted by Euro NCAP) could lead to conflicting or misleading scores since the test parameters and test devices used to generate the scorings are not the same. The Agency believes that to provide consumers with comparative vehicle safety information, vehicles should be subjected to the same test devices, testing protocols, and evaluation methods.

²⁹ Note that some vehicles may have portions of the LBRL greater than 500 mm and some portions less than or equal to 500 mm. For those vehicles, the portions where the LBRL is less than or equal to 500 mm would still undergo testing, and the portions that have LBRL greater than 500 mm would receive the “default red, no points” score.

³⁰ See Euro NCAP Pedestrian Testing Protocol V8.5 Section 11, “Upper Legform to WAD775mm Tests” for instructions for carrying out the upper legform to WAD775 test. <https://cdn.euroncap.com/media/41769/euro-ncap-pedestrian-testing-protocol-v8.5.201811091256001913.pdf>.

³¹ The IBRL height is identified where a vertical plane contacts the bumper beam up to 10mm into the profile of the bumper beam.

Figure 6: Internal Bumper Reference Line³²

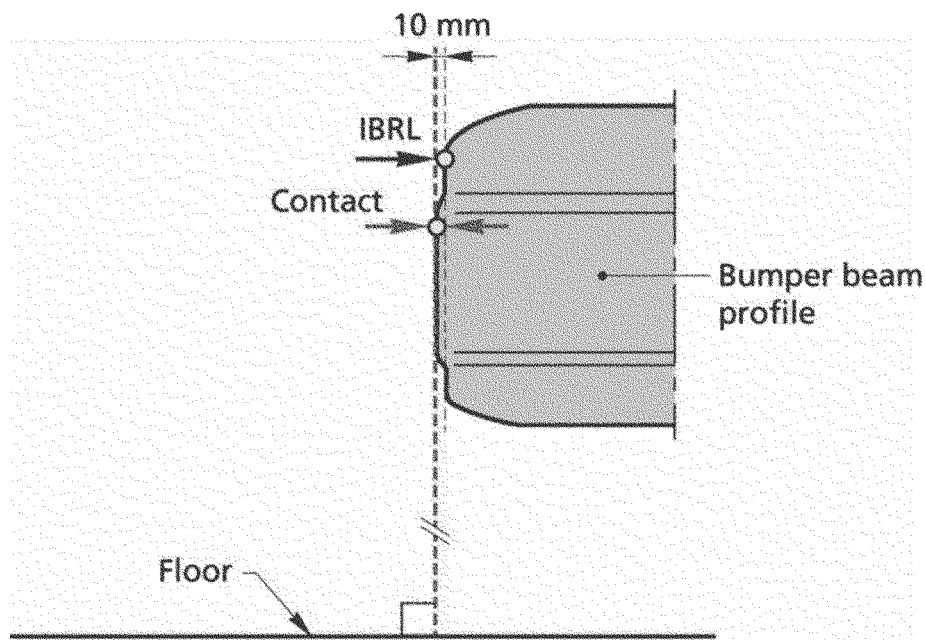
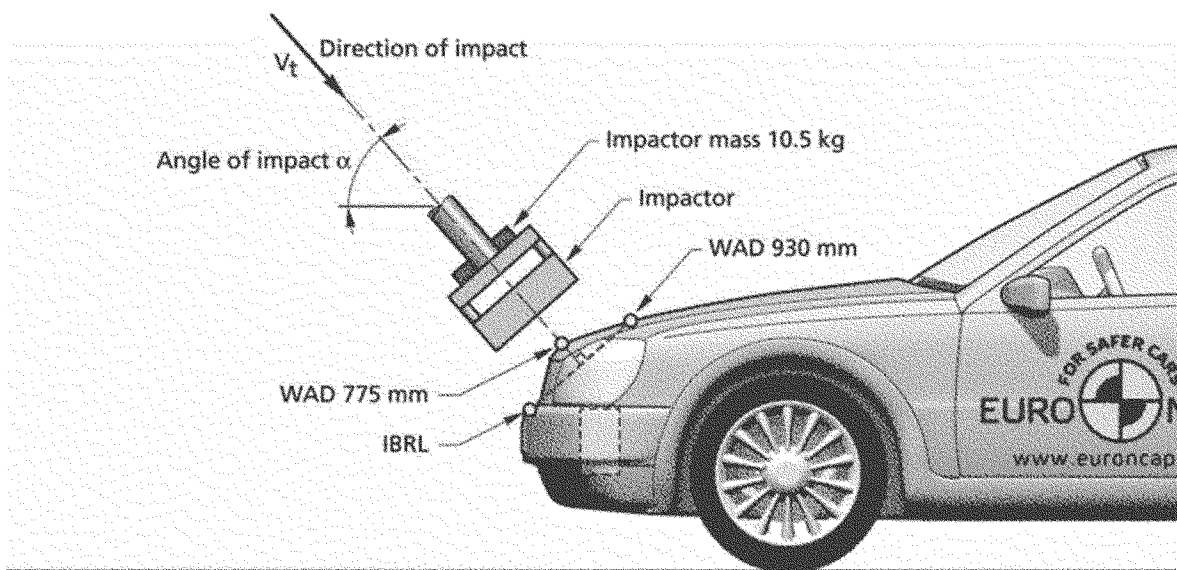


Figure 7: Upper Legform to WAD775 Test Setup³³



When testing a high-bumper vehicle, the WAD775 mark may appear on the grille of the vehicle, well below the bonnet leading edge. It could lead to a condition in which either the top or bottom edge of the TRL upper legform impactor would “catch” a protruding

vehicle component, such as the top edge of the bumper—as shown in Figure 8. When this condition occurs, the impactor may glance off the component in such a way that it can absorb a significant amount of impactor energy without registering a significant moment

or force in the instrument. NHTSA proposed repositioning the upper legform ± 50 mm away from the WAD775 target to avoid situations where artificial interference occurs.

³² Copyright Euro NCAP 2018. Reproduced with permission from Euro NCAP Pedestrian Testing Protocol V8.5 Figure 15.

³³ Copyright Euro NCAP 2018. Reproduced with permission from Euro NCAP Pedestrian Testing Protocol V8.5 Figure 29.

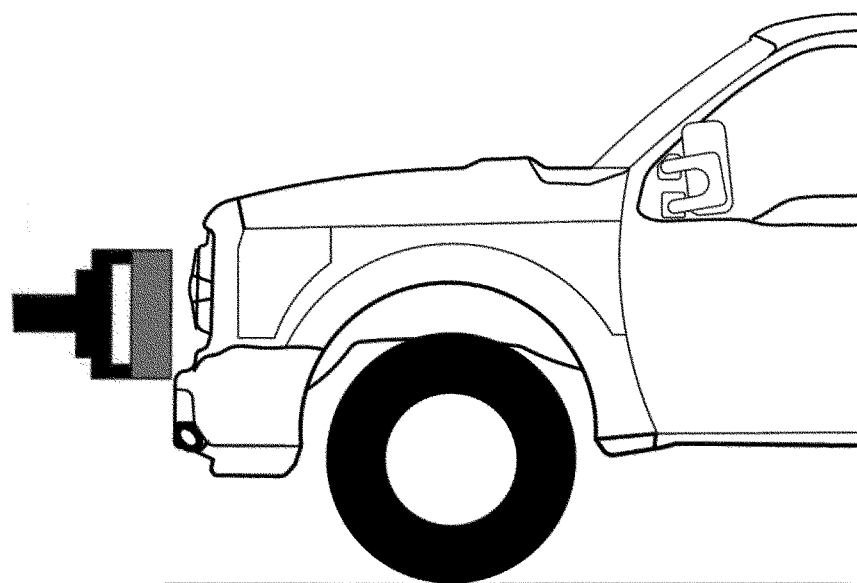


Figure 8: Example of Upper Legform to WAD775 Glancing Blow

2. Comments Received

a. Bumper Corner Definition

Humanetics, Honda, Tesla, Auto Innovators, Advocates, and individual members of the public supported the use of the corner gauge method for determining a vehicle bumper's corners. The ASC, Rivian, and Autoliv supported the Euro NCAP 60-degree angle method. The Center for Automotive Safety Research (CASR) noted that the corner gauge method and the Euro NCAP 60-degree angle method will usually result in the same location for the corner definition. Tesla reiterated the point that NHTSA made in the RFC, which is that the corner gauge method mitigates the effect of design trends of the lower portion of the fascia that could result in a significantly reduced bumper test area when using the Euro NCAP 60-degree angle method. Rivian stated that the Euro NCAP 60-degree angle method is the most effective method, and harmonization with other NCAPs is beneficial. Auto Innovators stated that the corner gauge method ensures pedestrians will be protected in a larger bumper test zone. Additionally, Auto Innovators supported NHTSA's combined proposal of using the corner gauge method and bumper beam width procedure as it enables the evaluation of a larger test zone and aligns with UNECE R127-02. Humanetics, Honda, Rivian, Consumer Reports, Tesla, and CASR also agreed that the combined approach of using the corner gauge method and bumper beam width procedure is logical.

When evaluating exposed bumpers, ASC, Honda, Autoliv, and Auto

Innovators supported using either the 60-degree angle method or the corner gauge method instead of testing the full bumper width. Auto Innovators stated that performing the lower leg impact test at the extreme width of any vehicle creates potential issues in terms of impactor response and durability and increases the possibility of glancing blows. Auto Innovators further stated the corner gauge method would be preferable to the 60-degree angle method for exposed bumpers. ACT, Rivian, CASR, and individual members of the public supported testing the full bumper width of exposed bumpers. ACT stated that pedestrians may be hit by any part of the bumper, and thus, the entire bumper should be evaluated. Multiple commenters stated that special considerations should not be given to exposed bumpers, and harmonization with the Euro NCAP should be prioritized.

b. WAD Limit

Regarding the WAD limit, many commenters supported an increase from the proposed 2100 mm to 2500 mm to harmonize with Euro NCAP and promote increased safety for other VRUs such as bicyclists whose heads may impact the bonnet/hood in a different location if struck. The ASC stated the increased WAD limit of 2500 mm would have the additional benefit of "providing protection at higher speeds when [the impacted individual] overshoots the bonnet and lower windshield areas." Conversely, several commenters, including Honda, Hyundai America Technical Center, Inc. (HATCI), and Auto Innovators, agreed with NHTSA's proposed WAD limit of 2100 mm. These commenters argued a

WAD limit of 2100 mm is reasonable and appropriate for the U.S. market, especially considering the complementary effects of PAEB, which has the effect of reducing vehicle speeds prior to impact with pedestrians. HATCI further explained that reducing vehicle speed prior to impact with a pedestrian results in a lower likelihood of the pedestrian striking the vehicle at higher WAD locations.

c. Vehicles With LBRL Greater Than 500 mm

Many advocacy groups, including AAA, AARP, ACT, CAS, and Consumer Reports, recommended not granting credit to vehicles with an LBRL greater than 500 mm, as the existing test procedure does not accurately gauge crashworthiness.

Vehicle manufacturers and the Insurance Institute for Highway Safety (IIHS) largely opposed the automatic zero score on vehicles with an LBRL greater than 500 mm, claiming it would disincentivize the development of pedestrian safety features altogether on vehicles with LBRL greater than 500 mm. Honda noted that it would be nearly impossible for vehicles with LBRL greater than 500 mm to earn an overall 60 percent score because that would require near maximum scores for the head tests (proposed in the RFC to be a 37.5 percent contribution) and upper leg tests (proposed in the RFC to be a 25 percent contribution). Honda stated that automakers would be disincentivized from providing pedestrian protection in any area for these vehicles since they would be unlikely to earn the overall minimum score (60 percent) for pedestrian protection credit.

Many automobile manufacturers including Auto Innovators, GM, Honda, and HATCI recommended testing with the aPLI, stating that the aPLI behaves in a more biofidelic manner than the FlexPLI for this test. Honda noted that adopting the aPLI legform would allow testing vehicles with LBRL greater than 500 mm and thereby eliminate the issue it raised about the proposal disincentivizing pedestrian protection features in these vehicles. CASR and GM recommended testing with the upper leg impactor to harmonize with Euro NCAP.

d. Artificial Interference in High-Bumper Vehicles

Regarding NHTSA's question about repositioning the upper legform ± 50 mm from the WAD775 target when artificial interference is possible, nearly all commenters expressed opposition due to a lack of repeatability or reproducibility of the procedure. Of the nine commenters that submitted a response to this question, seven were automakers or groups representing automakers. Ford further explained its stance that the allowance of this repositioning would introduce subjectivity when test laboratories define the impact points. This subjectivity would lead to discrepancies which would require additional testing to resolve conflicts, according to Ford. Honda agreed with adjusting the upper legform position, with the stipulation that "clear definitions of this situation must be included in the protocol." Otherwise, Honda agreed with the other commenters that there would be discrepancies and conflicts among test laboratories. Additionally, multiple commenters, including HATCI and GM, suggested NHTSA conduct further analysis to determine the existence and extent of this artificial interference.

Two commenters, CASR and Advocates, agreed with the concept of NHTSA's proposal. CASR stated that the Agency should adjust testing heights when artificial interference is present "to ensure that injurious locations are adequately assessed." Advocates expressed concern that automakers would intentionally incorporate features into their vehicle front end designs to cause artificial interference to inflate their crashworthiness pedestrian protection ratings.

3. Discussion and Agency Decision

a. Bumper Corner Definition

NHTSA has decided to use the corner gauge method (as used in GTR 9 and UNECE R127) as proposed in the RFC. The corner gauge method mitigates the

effect of design trends of the lower portion of the fascia that could result in a significantly reduced bumper test area when using the Euro NCAP 60-degree angle method. NHTSA agrees with commenters stating that the corner gauge method is more likely to result in a larger bumper test area. A larger bumper test area is preferable because it allows for evaluation of a greater portion of the vehicle for crashworthiness pedestrian protection.

Most comments concerning the general procedure for determining the bumper test zone agreed that the bumper width using the corner definition should be compared to the bumper beam width, and the larger of the two widths should be used as the bumper test zone. The hard bumper beam width will be compared to the bumper width using the corner gauge method, and the larger of the two widths will be used as the bumper test zone. This methodology aligns with Euro NCAP in that both bumper beam width and bumper fascia width will be taken into account when determining the bumper test zone, and most commenters agreed that harmonization is best when possible. The only difference between this method and Euro NCAP is that Euro NCAP uses the 60-degree angle method in conjunction with the bumper beam width procedure. However, as discussed above, NHTSA determined the corner gauge method is preferable to the 60-degree angle method. Therefore, NHTSA will use the corner gauge method in conjunction with the bumper beam width procedure to determine the bumper test zone as proposed in the RFC.

For vehicles with an exposed bumper, using the corner gauge method would always result in the full width of the bumper beam as the bumper test width. While pedestrians may be impacted by any part of the exposed bumper like some commenters stated, testing the curved edges using the current methods would likely not result in meaningful data that could be used to improve pedestrian safety. Therefore, in the case of a vehicle with an exposed metal bumper, NHTSA will use the corner gauge method to determine the corner location and bumper test width. This method provides a consistent approach with vehicles without an exposed bumper and prevents NHTSA and test laboratories from performing wasteful impact tests where the data may not be useful.

b. WAD Limit

NHTSA has decided to use a WAD limit of 2100 mm as originally proposed. As discussed below, NHTSA

acknowledges there are potential benefits to an increased WAD limit of 2500 mm, but ongoing research must be completed before implementing this increased WAD limit for NCAP.

While some commenters agreed with NHTSA's proposed WAD limit of 2100 mm, most requested that NHTSA increase the WAD limit to 2500 mm to harmonize with Euro NCAP and provide increased protection for other VRUs. NHTSA agrees with the commenters that a WAD limit of 2500 mm would likely benefit non-pedestrian VRUs, such as bicyclists, as their heads tend to be higher off the ground than pedestrians. NHTSA also agrees with ASC's comment that an increased WAD limit may provide improved protection for VRUs impacted at slightly higher speeds as their heads may overshoot the WAD2100 limit. However, as impact speeds increase, so does the likelihood that a pedestrian's head overshoots the vehicle's hood and windshield entirely, especially in vehicles with lower front ends. Conversely, as mentioned by multiple commenters, the increased adoption of PAEB is expected to reduce vehicle speeds prior to impact with pedestrians.³⁴ These reduced impact speeds will also reduce the likelihood of the pedestrian's head impacting the hood or windshield beyond the WAD2100 limit.

Vehicles in the U.S. market are often larger and equipped with higher bumpers than European vehicles. These differences result in unique challenges from a testing perspective. NHTSA is conducting research to determine unique impact scenarios for bicyclists with vehicles in the U.S. NHTSA will use the results of this research to develop or enhance existing test procedures to assess the performance of vehicle front end structures (including the windshield area) in mitigating injuries and fatalities in crashes with bicyclists. Therefore, NHTSA will move forward with the proposed WAD limit of 2100 mm at this time, but the Agency will consider increasing to a WAD limit of 2500 mm in the future once relevant test procedures are developed.

c. Vehicles With LBRL Greater Than 500 mm

NHTSA has decided to automatically issue a score of zero for any lower legform test points on a vehicle where the LBRL is greater than 500 mm. The Agency is not aware of any existing countermeasures that would improve

³⁴ See NHTSA's final rule adopting a new Federal Motor Vehicle Safety Standard to require automatic emergency braking (AEB), including pedestrian AEB (PAEB), systems on light vehicle. 89 FR 39686 (May 9, 2024).

the lower leg safety of vehicles with an LBRL greater than 500 mm when tested with the FlexPLI. It should be noted that test points where the LBRL is below 500 mm will still be tested using the FlexPLI, even if those above 500 mm on the same vehicle will not be tested.

Multiple commenters raised concerns that an automatic zero score would disincentivize manufacturers from providing pedestrian protection because it would be nearly impossible for them to achieve the 60 percent minimum passing score without any points for the lower leg impact tests. As explained in detail later in this notice, NHTSA is adjusting the scoring apportionment for head, lower leg, and upper leg impacts to better account for injury severity. This updated scoring apportionment results in a lower apportionment for lower leg impact tests (25 percent) and a higher apportionment for head impact tests (50 percent). The updated scoring would make it possible for vehicles with LBRL greater than 500 mm to obtain overall pedestrian protection credit (60 percent), even with an automatic zero score for the lower legform tests. Therefore, manufacturers of vehicles with LBRL greater than 500 mm may develop vehicle designs that improve pedestrian protection for the upper leg and head impacts to obtain pedestrian protection credit.

NHTSA is conducting research on the suitability of the aPLI for evaluating vehicle designs to mitigate pedestrian lower extremity injuries. The Agency will also research the use of aPLI for assessing lower extremity injuries on vehicles with LBRL greater than 500 mm. As noted in the NCAP roadmap,³⁵ NHTSA plans to consider testing with aPLI starting with model year 2030 vehicles.

d. Artificial Interference in High-Bumper Vehicles

NHTSA has decided not to allow test laboratories the option of repositioning the upper legform ± 50 mm from the WAD775 target when artificial interference is present, or to conduct multiple impacts within a ± 50 mm range from the WAD775 target. The concerns about repeatability and reproducibility raised by automakers are valid, and NHTSA agrees that an objective definition for artificial interference is necessary. However, as NHTSA determined while testing a 2015 Ford F-150,³⁶ when artificial

interference occurs, it results in artificially low impact values in the upper legform impactor. The Agency wants to ensure the results of these impact tests are accurate but needs both a clear definition of the problem and a repeatable, reproducible solution to account for this situation. NHTSA will continue to evaluate the causes and effects of artificial interference. After these evaluations, the Agency may decide to further define the condition and develop a repeatable and reproducible procedure to address artificial interference during the tests.

B. Test Devices

1. RFC Summary

NHTSA requested comments on test devices, their qualification schedule, and maintenance procedures that may affect the FlexPLI's performance. NHTSA also requested comments on the existence of female-specific test devices. Details regarding the test devices are grouped into four categories: female-specific test devices, upper legform humidity tolerance, FlexPLI qualification procedures and testing, and FlexPLI biofidelity.

a. Female-Specific Test Devices

The TRL upper legform and the FlexPLI are based on a 50th percentile average adult male in both mass and stature. These legforms are the most current anthropomorphic legforms available that have been thoroughly researched and reviewed by NHTSA. NHTSA requested information on whether other legforms that represent smaller adult females are available, the injury criteria and test procedures associated with them, and the safety need for such legforms.

b. Upper Legform Humidity Tolerance

NHTSA has previously investigated the repeatability and reproducibility of the TRL upper legform by performing qualification testing and vehicle impact testing.³⁷ During this testing, NHTSA found that the foams used in the upper legform are sensitive to changes in temperature and humidity. Therefore, NHTSA requested comment on potentially using a tighter humidity tolerance than other existing international standards to improve lab-to-lab consistency.

c. FlexPLI Qualification Procedures and Testing

Regarding the FlexPLI, UNECE R127 specifies two dynamic qualification tests—a Pendulum test and an Inverse Impact test, in addition to a series of quasi-static tests. In UNECE R127, the dynamic qualification tests are performed before and throughout a test series, while the quasi-static tests are performed on an annual basis. Euro NCAP only specifies the dynamic Inverse Impact test and the quasi-static tests. NHTSA requested information on the Pendulum and Inverse dynamic tests as well as the quasi-static tests and how often they should be performed.

d. FlexPLI Biofidelity

NHTSA proposed the FlexPLI as a biofidelic impactor but requested additional information on the FlexPLI's biofidelity. Previous comments that NHTSA has received suggested that the FlexPLI demonstrates reduced biofidelity in oblique loading conditions (e.g., where there is curvature in the vehicle profile).

2. Comments Received

a. Female-Specific Test Devices

NHTSA did not receive any comments identifying female-specific impactors. Humanetics, Honda, and GM specifically noted that such impactors do not currently exist. Autoliv stated that other factors such as gait cycle and knee position have greater effect on injury risk than the pedestrian's gender, stating "ideal representation of the at-risk population includes more than pedestrian gender or stature." Several commenters including Auto Innovators and Honda recommended using the aPLI in place of the FlexPLI, stating that the aPLI is more biofidelic. Advocacy groups including the NSC, AARP, and VERITY Now recommended developing additional pedestrian test devices to better represent the diversity of the human population, including smaller stature adults and older adults.

b. Upper Legform Humidity Tolerance

The commenters that discussed the humidity tolerance, including Auto Innovators, Honda, Rivian, VW, and Tesla, recommended harmonizing with Euro NCAP guidelines, which use the UNECE R127 guidelines of 10 to 70 percent humidity. CASR noted that it aims to certify between 10 and 55 percent humidity for its testing because it has "found issues meeting requirements at humidity levels above 55 percent." Humanetics also responded, stating it certifies its upper legform to the same 10 to 70 percent

³⁵ <https://www.nhtsa.gov/document/ncap-roadmap>.

³⁶ Suntay, B., & Stammen, J. (2019, May).

Technical evaluation of the TRL pedestrian upper legform (Report No. DOT HS 812 659). Washington,

DC: National Highway Traffic Safety Administration.

³⁷ <https://www.regulations.gov/document/NHTSA-2019-0112-0007>.

range used in UNECE R127 and Euro NCAP.

c. FlexPLI Qualification Procedures and Testing

Most commenters discussing FlexPLI qualification recommended using both the quasi-static test and inverse test at different frequencies. Humanetics and Honda recommended performing the quasi-static test after each disassembly or once annually, and the inverse test after every 30 vehicle impacts. Humanetics also recommended performing the pendulum test after every 10 vehicle impacts but noted that between the inverse test and the pendulum test, the inverse test is more important. Honda recommended performing the inverse test before each test series and after a maximum of 10 impacts. HATCI and GM recommended harmonizing with Euro NCAP, which performs the inverse test every 20 impacts (maximum) or every 12 months and static certification tests annually. UNECE R127 also includes the pendulum test (which Humanetics recommended).

d. FlexPLI Biofidelity

All commenters discussing FlexPLI biofidelity except for Honda commented that the FlexPLI is sufficiently biofidelic, though they also

recommended the aPLI over the FlexPLI. These commenters stated the benefits of the aPLI are increased biofidelity and/or harmonization with other NCAPs. Many commenters supported adopting the FlexPLI as a temporary measure and adopting the aPLI in the long term.

3. Discussion and Agency Decision

a. Female-Specific Test Devices

The TRL upper legform and the FlexPLI are the most current anthropomorphic legforms available that have been thoroughly researched and reviewed by NHTSA. No female-specific legform impactors were identified by any commenters. NHTSA will proceed as proposed with the TRL upper legform and the FlexPLI. As noted earlier, NHTSA is conducting research on the suitability of the aPLI for evaluating vehicle designs to mitigate pedestrian lower extremity injuries, with plans to introduce this device in NCAP tests in the future. The current aPLI is representative of a 50th percentile male lower extremity. NHTSA will consider similar devices representing a range of male and female pedestrian sizes in the future.

b. Upper Legform Humidity Tolerance

Most commenters supported a humidity range of 10 to 70 percent for

the TRL upper legform tests. NHTSA recognizes the importance of international harmonization when possible; therefore, NHTSA will proceed with a humidity range of 10 to 70 percent to harmonize with Euro NCAP. Nevertheless, NHTSA will monitor upper legform performance in cases where humidity levels are between 55 and 70 percent and will consider the possible need for a tighter humidity tolerance.

c. FlexPLI Qualification Procedure and Testing

After taking the received comments into account, NHTSA has decided to proceed with the test schedule outlined in Table 5, which prescribes the inverse impact test after every 20 impacts, the quasi-static tests once per year, and only requires the pendulum test if any lower performance limits are exceeded. This schedule aligns with Euro NCAP, except for the use of the pendulum test if any lower performance limits are exceeded.³⁸ NHTSA is choosing to use the pendulum test in these instances to accommodate labs that do not have a dedicated inverse testing fixture, since they would need to be reconfigured to perform the inverse impact test during vehicle testing.

TABLE 5—FLEXPLI QUALIFICATION TESTING SCHEDULE

Test mode	Frequency	Align with Euro NCAP?
Inverse Impact Test	After every 20 impacts	Yes.
Quasi-static Tests	Every 12 months	Yes.
Pendulum Test	If testing exceeds any lower performance limits	No.

d. FlexPLI Biofidelity

While many commenters noted the aPLI is more biofidelic than the FlexPLI, all commenters who did so also found the FlexPLI to be an acceptable interim solution while NHTSA works to implement the aPLI in a future action. As noted in NHTSA's NCAP roadmap,³⁹ the Agency plans to begin testing with the aPLI starting with model year 2030 vehicles, pending necessary research and analysis, as it is designed to provide more biofidelic upper leg injury measurements than the FlexPLI, which will be more important for assessing vehicles with taller front ends.

C. Test Procedure

1. RFC Summary

NHTSA requested comments on Euro NCAP's test procedures and documentation, including test speed, permitted models and simulation software, active hoods, and scoring calculation and points allocation. Comments regarding these test procedures are categorized into four groups: apportionment of scoring, test speeds, documentation, and active hood detection. A brief discussion providing more detail on each of these groups is discussed below.

a. Apportionment of Scoring

In the RFC, NHTSA proposed a scoring method that differed from the Euro NCAP scoring method regarding points apportionment. The proposed points apportionment, referred to as the $\frac{3}{8}$ th, $\frac{3}{8}$ th, $\frac{2}{8}$ th scoring method, included a maximum of 13.5 out of 36 points (37.5 percent) for head impacts, 13.5 out of 36 points (37.5 percent) for lower leg impacts, and 9 out of 36 points (25 percent) for upper leg impacts.⁴⁰ The proposed scoring method is based on the relative frequency of AIS 3+ injuries⁴¹ in the U.S. and the proportion of those pedestrian injuries across body regions.

³⁸ For Euro NCAP, the inverse impact test is used when any lower performance limits are exceeded.

³⁹ <https://www.nhtsa.gov/document/ncap-roadmap>.

⁴⁰ Euro NCAP Assessment Protocol v10.0.3 used a scoring distribution of 24 out of 36 points (66.7 percent) for head impacts, 6 out of 36 points (16.7 percent) for lower leg impacts, and 6 out of 36 points (16.7 percent) for upper leg impacts.

⁴¹ The Abbreviated Injury Scale (AIS) is a 6-point ranking system used for ranking the severity of injuries. AIS 3+ Injuries means injuries of severity level 3 (serious), 4 (severe), 5 (critical), and 6 (fatal) according to the Abbreviate Injury Scale. www.aam.org.

NHTSA requested comment on whether injury severity should be prioritized over injury frequency in this calculation, or whether any other changes should be considered to the proposed $\frac{3}{8}$ th, $\frac{3}{8}$ th, $\frac{2}{8}$ th scoring for head impacts, lower leg impacts, and upper leg impacts, respectively.

b. Test Speeds

The Euro NCAP test procedures are representative of a pedestrian crossing the street and being struck in the side by a vehicle traveling at 40 km/h (25 mph). NHTSA requested comments on whether U.S. NCAP should maintain the 40 km/h test speed to harmonize with Euro NCAP or consider other test speeds based on an analysis of crashes in the U.S. market.

c. Documentation

NHTSA proposed adopting the Euro NCAP crashworthiness pedestrian protection test devices, test procedures, and some (though not all) of the scoring methods. Between the December 2015 notice and the May 2023 RFC, there were several updates to Euro NCAP procedures. In the May 2023 RFC, NHTSA proposed adopting the following test procedures and versions:

- (1) Euro NCAP Pedestrian Testing Protocol, Version 8.5, October 2018.
- (2) Euro NCAP Assessment Protocol—Vulnerable Road User Protection, Part 1—Pedestrian Impact Assessment, Version 10.0.3, June 2020.
- (3) Euro NCAP Pedestrian Headform Point Selection, V2.1, October 2017.
- (4) Euro NCAP Film and Photo Protocol, Chapter 8—Pedestrian Subsystem Tests, V1.3, January 2020.
- (5) Euro NCAP Technical Bulletin TB 008, Windscreen Replacement for Pedestrian Testing, Version 1.0, September 2009.
- (6) Euro NCAP Technical Bulletin TB 019, Headform to Bonnet Leading Edge Tests, Version 1.0, June 2014.
- (7) Euro NCAP Technical Bulletin TB 024, Pedestrian Human Model Certification, V2.0, November 2019.

In the RFC, NHTSA requested comments on whether any changes or other considerations needed to be taken into account before adopting these documents. One notable change between this list of documents and the list of documents NHTSA proposed in 2015 is the replacement of Technical Bulletin (TB) 013 with TB 024 (item 7 above). Both of these documents discuss computer models used to validate active hoods for head-to-hood impact tests. NHTSA requested comment on TB 024 and its relevance to U.S. NCAP.

d. Active Hood Detection and Deployment

One mitigation strategy used to lower risk of pedestrian injury is the use of active hood technology. An active hood system is designed to lift the hood upwards when the vehicle detects an impact with a pedestrian. This action increases the distance between the hood and any rigid components that may be present in the engine bay or front trunk. To allow active hoods to be deployed during pedestrian testing, manufacturers must be able to prove that their active hood systems trigger on leg-to-bumper impact at multiple points along the vehicle's bumper. In its RFC, NHTSA proposed using the full vehicle bumper test zone for active hood detection testing.

To trigger the active hoods during testing, Euro NCAP currently uses the Pedestrian Detection Impactor 2 (PDI-2) legform. However, NHTSA noted that the Informal Working Group for Deployable Pedestrian Protection Systems (IWG-DPPS) was investigating the use of FlexPLI in place of the PDI-2. NHTSA requested comments on whether the PDI-2 legform or the FlexPLI should be used for the active hood detection testing.

2. Comments Received

a. Apportionment of Scoring

There was little support from commenters for NHTSA's proposed scoring apportionment of $\frac{3}{8}$ th, $\frac{3}{8}$ th, $\frac{2}{8}$ th for head, lower leg, and upper leg impacts, respectively. Most commenters, including ACT, Auto Innovators, GM, HATCI, Honda, Humanetics, and IIHS, recommended the Agency place additional emphasis on head impact performance to better reflect injury severity. IIHS referenced multiple studies which have shown that the head is the most commonly injured body region in seriously or fatally injured pedestrians in the U.S., United Kingdom, Germany, and Japan. Autoliv and Consumer Reports concurred with the proposed apportionment but recommended monitoring in case the Agency needs to adjust further, noting the distribution should be based on the risk for Abbreviated Injury Scale (AIS) 3+ injuries. However, HATCI commented that "focusing on AIS 3+ diminishes the large percentage of AIS 4+ and fatal injuries that may be affected by the headform test."

ASC proposed an apportionment that more closely modeled Euro NCAP's, stating: "Like Euro NCAP, ASC proposes that points should emphasize head protection as first priority" Similarly, Rivian recommended a

scoring apportionment to align with Euro NCAP more closely. ASC, Rivian, and public citizens all suggested a scoring apportionment of 50 percent for head impacts. Auto Innovators recommended an apportionment with even greater weighting for the head (61.1 percent). Auto Innovators' recommended apportionment applied the findings of the Department of Transportation's publication on the Value of a Statistical Life to the relative frequency of U.S. pedestrian injuries based on injury severity level.

In January 2023, Euro NCAP increased the percentage of points required to obtain a 5-star VRU safety rating from 60 percent to 70 percent of the maximum. NSC recommended that NHTSA should also increase the minimum passing score from the proposed 21,600 points (60 percent) to 25,200 points (70 percent) to align with the current Euro NCAP 5-star rating for VRU safety.

b. Test Speeds

All of the automakers and many other industry groups who commented, including Auto Innovators, ASC, Consumer Reports, Autoliv, and CASR, agreed that the proposed test impact speed of 40 km/h (25 mph) is reasonable and sufficient for U.S. NCAP. Most commenters emphasized that this speed allows for harmonization with Euro NCAP and other NCAPs globally, where pedestrian fatalities have decreased over time. GM, HATCI, VW, and Auto Innovators also mentioned that the complementary benefits of PAEB provide further justification that the impact test speeds do not need to be increased beyond 40 km/h (25 mph).

Honda noted that current test devices are only proven to be biofidelic up to 40 km/h (25 mph), and IIHS recommended NHTSA complete further research into updated test devices and methods before considering increased test speeds. Humanetics suggested NHTSA should perform additional research to determine how vehicle designs optimized for higher test speeds would perform at lower test speeds for pedestrian protection.

Other commenters, including advocacy groups and individual members of the public, stated that NHTSA should increase the test impact speeds for pedestrian protection. Salud America stated test speeds up to 35 mph (56 km/h) should be considered; an additional 20.2 percent of fatalities occur between 25 and 35 mph. Many advocacy groups and public citizens argued the test speeds should be increased to the highest levels possible. CAS stated the tests "should be

conducted at the highest speeds allowed by the technical limitations of test equipment.” In its comment, NACTO referenced a recent study that found, among other things, more than three quarters of the 60 most dangerous corridors for pedestrians in the U.S. have speed limits of 30 mph or higher.⁴² NACTO stated the test speeds should therefore be increased but did not indicate a suggested target speed.

c. Documentation

Most commenters supported NHTSA’s plan to use the documents and test procedures as outlined in the RFC, which included:

- (1) Euro NCAP Pedestrian Testing Protocol, Version 8.5, October 2018.
- (2) Euro NCAP Assessment Protocol—Vulnerable Road User Protection, Part 1—Pedestrian Impact Assessment, Version 10.0.3, June 2020.
- (3) Euro NCAP Pedestrian Headform Point Selection, V2.1, October 2017.
- (4) Euro NCAP Film and Photo Protocol, Chapter 8—Pedestrian Subsystem Tests, V1.3, January 2020.
- (5) Euro NCAP Technical Bulletin TB 008, Windscreen Replacement for Pedestrian Testing, Version 1.0, September 2009.
- (6) Euro NCAP Technical Bulletin TB 019, Headform to Bonnet Leading Edge Tests, Version 1.0, June 2014.
- (7) Euro NCAP Technical Bulletin TB 024, Pedestrian Human Model Certification, V2.0, November 2019.

Most automakers suggested NHTSA follow the discussions of Euro NCAP and implement any updates to these documents as they are released to maximize harmonization. Specifically, IIHS stated that “it seems illogical to choose an outdated set of protocols to assess future vehicles.” The updated documents that IIHS referenced are the Euro NCAP Pedestrian Testing Protocol and the Euro NCAP Assessment Protocol, which include updates such as the new lower leg impactor (aPLI) and increased WAD limit of 2500 mm. GM provided a specific recommendation concerning TB 019, requesting that it be incorporated into the overall testing procedure instead of remaining a standalone document.

Regarding TB 024, all commenters who responded were in favor of using its models and methods to calculate head impact times when evaluating active hoods. Many commenters also emphasized that doing so would harmonize with Euro NCAP. In VW’s opinion, “[t]he TB 024 method has proven its feasibility over the span of

time it has been in effect in Europe.” Autoliv encouraged NHTSA to follow the next steps being discussed for Euro NCAP updates, including looking at the full body motion of pedestrians. According to Autoliv, “higher velocity of the head at impact and assessing the neck and thorax injuries . . . cannot be assessed with spherical impactor testing.”

d. Active Hood Detection and Deployment

All commenters who provided input on the active hood detection area agreed that the detection area should correspond to the full bumper test width as defined for the lower leg impact tests.

Regarding the option of using the PDI-2 legform or the FlexPLI impactor, Honda, Rivian, Autoliv, and Tesla all agreed that the PDI-2 is the preferred testing device. Rivian specified that the PDI-2 has a lower mass, which allows for better detection of smaller stature adults and children. Auto Innovators stated that the manufacturer should have the option to choose which test device is more representative of the populations it intends to address. Auto Innovators also encouraged NHTSA to “consider the finding of the IWG—DPPS and conduct any additional research necessary to determine whether the PDI-2 is an accurate surrogate for smaller stature pedestrians, or whether there is a need to consider alternate options.” In contrast, VW stated “the FlexPLI would be the better choice of the two options,” but did not provide further justification.

3. Discussion and Agency Decision

a. Apportionment of Scoring

NHTSA has decided to increase the proportion of points for head impacts to align more closely with the Euro NCAP scoring apportionment. NHTSA agrees with commenters’ assertion that more emphasis should be placed on head impacts due to the higher severity of head injuries compared to lower leg and upper leg injuries. Several commenters offered suggestions for various scoring apportionments based on body region, but the general consensus among commenters was to increase the proportion of points for head impacts. As ASC included in their comment: “Like Euro NCAP, ASC proposes that points should emphasize head protection as first priority” However, it should be noted that Euro NCAP recently reduced the points allocated to head impact testing from 24 points (66.7 percent) in the Assessment Protocol—VRU v10.0.3 to 18 points (50 percent) in v11.3. While this revised

value is less than Euro NCAP’s previous apportionment, it remains higher than the apportionment NHTSA proposed in the RFC for head impacts (13.5 points, or 37.5 percent).

A higher proportion of points allocated to head impacts aligns with what the advocacy groups and consumers stated they expect to see from a consumer information program. Additionally, it aligns with requests from automakers by adjusting the apportionment based on injury severity while also bringing the scoring more in line with Euro NCAP.

Therefore, NHTSA has decided to adjust the scoring apportionment as follows: (1) the adult and child head impact test results will contribute 50 percent of the available points for a maximum component score of 18.000 points; (2) the upper leg impact test results will account for 25 percent of the available points for a maximum component score of 9.000 points; and (3) the lower leg impact test results will cover 25 percent of the available points for a maximum component score of 9.000 points (Table 6). This scoring apportionment roughly aligns with the Euro NCAP Assessment Protocol—VRU v11.3 scoring of 18 points for head impacts (50 percent), 9 points for knee/tibia impacts (25 percent), 4.5 points for femur impacts (12.5 percent), and 4.5 points for pelvis impacts (12.5 percent).⁴³

NHTSA has also decided to keep the proposed minimum score to achieve credit as 21.600 out of the available 36.000 points (60 percent). While Euro NCAP recently increased its threshold to 70 percent, it also simultaneously implemented other changes to its program that NHTSA did not propose. For example, Euro NCAP now uses the aPLI impactor in addition to the points allocation changes mentioned earlier. Thus, the two programs are not directly comparable in their current states. Additionally, as detailed in the NCAP roadmap, NHTSA plans to implement a new rating system beginning with MY 2028 vehicles. Pedestrian Protection credit acknowledged via a checkmark is anticipated to last for two model years (MYs 2026 and 2027) as a result of the new rating system. During this limited timeframe, if the minimum passing score is set too high, few vehicles may receive credit in the near term and vehicle manufacturers will not have sufficient time to make adjustments to

⁴³ Since NHTSA will be utilizing the FlexPLI instead of the aPLI, it will not be measuring impact values specifically for the pelvis. The TRL upper legform will be used to account for the same 9 points that Euro NCAP distributes between the femur and pelvis measurements.

⁴² <https://jtlr.org/index.php/jtlr/article/view/1825>.

meet the standard. This could result in the detrimental outcome of consumers losing the ability to successfully differentiate between vehicles as intended by the NCAP program. As such, a minimum score is appropriate at this initial stage of the crashworthiness pedestrian protection testing program. The Agency anticipates revisiting the apportionment of this scoring system as the NCAP VRU rating system develops.

TABLE 6—SCORING APPORTIONMENT SUMMARY

Body region	Apportionment (%)	Maximum possible points
Head	50	18.000
Upper Leg	25	9.000
Lower Leg	25	9.000
Total Points ...	.....	36.000

b. Test Speeds

Regarding test speeds, NHTSA has decided to use test impact speeds that simulate a pedestrian being struck in the side by a vehicle traveling at 40 km/h (25 mph) as proposed in the RFC. Most automakers supported harmonizing with Euro NCAP and maintaining 40 km/h (25 mph) impact test speeds, while most advocacy groups and the general public supported increasing the test speeds to higher levels. One justification provided by the advocacy groups for testing at higher speeds is that U.S. roads typically have higher speed limits, and people typically drive faster than the posted speed limits. Further, the advocacy groups noted that more fatalities occur at impact speeds greater than 40 km/h (25 mph). NHTSA agrees with the commenters that fatalities do typically occur at higher speeds (70 km/h (43.5 mph) on average), but the practicability of designing a vehicle front end to achieve a high score becomes increasingly difficult as the impact speed increases due to the energy dissipation required. The target impact speed of 40 km/h (25 mph) was selected in part because the majority of pedestrian collisions occur at this speed or less. Further, as NHTSA determined in the December 2015 RFC, test speeds above 40 km/h (25 mph) are not warranted due to the changing dynamics of a pedestrian-vehicle interaction as vehicle speeds increase. More specifically, increased impact speeds result in an increased likelihood of the pedestrian's head overshooting the vehicle's hood and windshield. No commenters provided any data or insight into possible solutions to this

inherent problem in terms of testing or scoring.

NHTSA also agrees with the commenters who expressed that the proliferation of PAEB would tend to decrease the impact speed of vehicles with pedestrians.⁴⁴ For vehicles equipped with a PAEB system traveling at speeds above 40 km/h (25 mph), an impact with a pedestrian may still occur as the vehicle slows down to speeds at or below 40 km/h (25 mph) if the PAEB system engages but is unable to fully stop the vehicle. Additionally, NHTSA agrees with commenters that harmonization between U.S. NCAP and other NCAPs globally is beneficial when possible. The Agency will therefore use test impact speeds to simulate a pedestrian being struck in the side by a vehicle traveling at 40 km/h (25 mph).

c. Documentation

NHTSA will maintain and update its own test procedures independently for U.S. NCAP. However, the Agency has decided to adopt the Euro NCAP crashworthiness pedestrian protection test devices and general test procedures as proposed in the RFC as a basis for its own protocols. Some of the documents have been updated to newer versions; NHTSA will use some, but not all, of the updated versions for U.S. NCAP. The documents that NHTSA will use for the crashworthiness pedestrian protection program are listed below.

(1) Euro NCAP Pedestrian Testing Protocol, Version 8.5, October 2018. NHTSA has decided not to use the updated Version 9.1 at this time. As discussed above, NHTSA will use a WAD limit of 2100 mm for U.S. NCAP. Additionally, the Agency will not use the aPLI for leg impact tests but will instead use the FlexPLI for lower leg impact tests.

(2) Euro NCAP Assessment Protocol—Vulnerable Road User Protection, Part 1—Pedestrian Impact Assessment, Version 10.0.3, June 2020. NHTSA has decided not to use the updated Version 11.4 at this time. As explained by the discussion above on the aPLI, NHTSA will use the FlexPLI to evaluate lower leg impacts.

(3) Euro NCAP Pedestrian Headform Point Selection. Due to the differences in scoring systems and data submission, NHTSA will create a similar scoring sheet specific to the crashworthiness pedestrian protection program implemented in U.S. NCAP.

⁴⁴ See NHTSA's final rule adopting a new Federal Motor Vehicle Safety Standard to require automatic emergency braking (AEB), including pedestrian AEB (PAEB), systems on light vehicle. 89 FR 39696 (May 9, 2024).

(4) Euro NCAP Film and Photo Protocol, Chapter 8—Pedestrian Subsystem Tests, V1.4, July 2023. This is the updated version compared to V1.3, which NHTSA had proposed in the RFC. The updates in V1.4 did not affect Chapter 8, so the procedure is the same as what NHTSA proposed in the RFC. Therefore, NHTSA will use V1.4.

(5) Euro NCAP Technical Bulletin TB 008, Windscreen Replacement for Pedestrian Testing, Version 1.0, September 2009. This is still the current version used by Euro NCAP, so NHTSA will use it as well.

(6) Euro NCAP Technical Bulletin TB 019, Headform to Bonnet Leading Edge Tests, Version 1.0, June 2014. This is still the current version used by Euro NCAP, so NHTSA will use it as well.

(7) Euro NCAP Technical Bulletin TB 024, Pedestrian Human Model Certification, V4.0, January 2024. NHTSA has analyzed the updates for v3.0 and v4.0 of TB 024 and determined the most recent version (v4.0) is acceptable for the U.S. NCAP.

NHTSA will continue to monitor Euro NCAP's updates to these test procedures. In response to GM's comment about embedding TB 019 into the Pedestrian Testing Protocol, NHTSA will organize all test protocols and documents into a single package, similar to those published for NCAP's other crashworthiness tests.

All commenters supported the use of the models and methods in TB 024 to calculate head impact times to evaluate vehicles with active hoods. Using TB 024 harmonizes with Euro NCAP and most commenters agreed these methods and models are currently the most widely accepted in the industry. Therefore, NHTSA has decided to apply the models and methods of TB 024 for evaluating vehicles with active hoods. Additionally, NHTSA analyzed the updates to TB 024 between v2.0, which was current at the time of the RFC, and v4.0, which is the most recent version. The Agency determined that the most recent version, v4.0, is acceptable for U.S. NCAP and will harmonize with Euro NCAP by adopting this version.

d. Active Hood Detection and Deployment

All commenters who provided input on the active hood detection area agreed with NHTSA's proposal to use the entire vehicle bumper test width as defined for the lower leg impact tests. Thus, the Agency will implement this plan as proposed.

NHTSA has decided to use the PDI-2 for pedestrian detection testing with active hoods. Almost all of the commenters agreed that the PDI-2 is the

preferred impactor for active hood detection. As noted by multiple commenters, there are pros and cons for both the PDI-2 and the FlexPLI when used for active hood detection. The PDI-2 has a lower mass than the FlexPLI, which means it is more difficult for a vehicle to detect contact. It also better represents a child or small stature adult, like Rivian stated in its comment.

NHTSA has followed the findings of the IWG-DPPS regarding research and comparisons between the PDI-2 and FlexPLI for active hood detection. The IWG-DPPS noted that the FlexPLI could represent a pedestrian surrogate that can be used for the sensing verification of a DPPS but can only represent a limited range of typical load cases.⁴⁵ In comparison, the PDI-2 is a more conservative impactor as it represents the hardest to detect (HTD) case for active hood detection. According to a summary table in the IWG-DPPS report, the PDI-2 would be the first choice as a pedestrian representative. However, the report also states that while the PDI-2's "very conservative and demanding requirements seem appropriate for consumer tests, it sometimes underestimates the loads that are emanated from a pedestrian onto a sensing system."⁴⁶ These conservative and demanding requirements make it a good choice as a pedestrian representative for NCAP as they lead to a more stringent test and higher level of safety. Taking this into account with the support from the commenters, NHTSA has decided to use the PDI-2 for active hood detection in its crashworthiness pedestrian protection program. Additionally, use of the PDI-2 for active hood detection harmonizes the U.S. NCAP procedure with Euro NCAP.

NHTSA will deploy an active hood in accordance with manufacturer instructions prior to launching the headform, including the irrevocable selection of the minimum and maximum period of time between device deployment and the impact of the headform to ensure full deployment at impact. Upon request, manufacturers are expected to provide information to NHTSA explaining the basic operational characteristics of their active hood sensor system.

D. Data Acquisition and Reporting

1. RFC Summary

NHTSA requested comments on data recording and presentation, such as self-reporting of impact test results by vehicle manufacturers, how those test results are used during verification testing, and publication of results. Comments regarding data acquisition and reporting are summarized into four categories: manufacturer-reported data, correction factors during verification testing, publication of results, and optional vehicle features that affect testing and scoring. A brief discussion providing more detail on each of these groups is discussed below.

a. Manufacturer-Reported Data

NHTSA proposed to initially operate its crashworthiness pedestrian protection program in a fully self-reported manner. Vehicle manufacturers would be expected to report all predicted head, upper leg, and lower leg impact test data to NCAP to receive crashworthiness pedestrian protection credit for their vehicles. This methodology aligns with NCAP's current crash avoidance program, in which manufacturers provide data to indicate whether each vehicle model passes various ADAS tests. Unlike Euro NCAP, where manufacturers may assign some head impact points on the hood as "blue points"⁴⁷ where the head impact performance measure is unpredictable, NHTSA's proposal did not permit assigning blue points on the hood and required the manufacturer to self-report with sufficient data that its vehicle meets the NCAP performance criteria to receive crashworthiness pedestrian protection credit. Further, Euro NCAP does not require automakers to submit any data for lower leg and upper leg impacts and only requires the automakers to submit HIC₁₅ or color data for all grid locations, excluding blue points. NHTSA requested comments on what kind and how much data should be collected from manufacturers in the verification process. Primarily, the Agency inquired whether simulated data should be allowed and how this data should be validated.

b. Correction Factors During Verification Testing

NHTSA proposed to use the manufacturer's supplied predicted head impact test data in conjunction with the data collected during the Agency's verification testing to calculate the head sub-score, similar to the process used by Euro NCAP. The resulting NCAP data would be compared to the manufacturer's predicted data to determine a correction factor to apply to the entire head impact test data set. NHTSA requested comment on the proposal to adjust submitted head impact test values by a correction factor calculated based on the actual test results.

c. Publication of Results

As the Agency is still considering the best approach to convey vehicle safety information on the Monroney label and developing a new rating system that will include several planned NCAP updates, NHTSA did not propose changes to the Monroney label. NHTSA requested comment on whether a checkmark on the NHTSA.gov website would be adequate for informing consumers of which vehicles achieve the minimum score in the pedestrian protection tests.

d. Optional Vehicle Features That Affect Testing and Scoring

Currently, NHTSA reports vehicle safety ratings on a per-model basis, with separate ratings for different drivetrains due to differences in rollover resistance. For the crash avoidance testing program, vehicles that are equipped with an ADAS technology as standard equipment are noted as such, as are vehicles that have the same technology as optional equipment. For the crashworthiness pedestrian protection program, NHTSA anticipates that trim lines or options that change the ride height of the vehicle, the clearance under the hood, or the shape of the headlights or bumper may have significant effects on the outcome of the crashworthiness pedestrian protection tests. NHTSA requested comment on how credit should be assigned in the event that multiple trim levels and options affect the outcome of the crashworthiness pedestrian protection tests.

2. Comments Received

a. Manufacturer-Reported Data

Vehicle manufacturers largely agreed that simulated test results should be acceptable with varying degrees of NHTSA oversight or physical testing for validation. Most of the commenters that supported simulated data, including

⁴⁵ Oliver Zander et al. 2023. "Development of a Standard for Deployable Pedestrian Protection Systems (DPPS) for Amendments to UN Global Technical Regulation No. 9 and UN Regulation No. 127." Paper Number 23-0144 of 27th ESV conference proceedings. 2023.

⁴⁶ Id.

⁴⁷ Blue points are those where pedestrian protection performance measure is unpredictable, as indicated by the test results provided by the manufacturer. In Euro NCAP, blue grid points are limited to the following structures: plastic scuttle, windscreen wiper arms and windscreen base, headlamp glazing, and break-away structures.

Humanetics, Honda, Rivian, and Autoliv, agreed that some level of physical test validation would also be necessary. Some commenters, such as GM and Auto Innovators, highlighted the fact that allowing automakers to self-report simulated data would provide a cost-effective method to get as much information to consumers as quickly as possible. Auto Innovators suggested the automakers should be able to self-report the results of either physical testing or Computer-Aided Engineering (CAE) modeling. Some commenters, including Hyundai, VW, and CASR, recommended harmonizing with Euro NCAP procedures, which undertake verification testing on all vehicles.

AAA, ACT, and individual members of the public recommended only accepting physical tests. AAA stated that “only physical test results can provide insight into how well a system actually protects pedestrians.”

Most respondents, including AAA, Autoliv, and Auto Innovators, recommended comprehensive test results should be available on an “as needed” basis. Honda recommended using the predicted grid color map from Euro NCAP while HATCI recommended the same, with additional details provided as necessary. CAS recommended requiring that manufacturers submit full test reports, including full data traces, photos, and videos.

b. Correction Factors During Verification Testing

Most commenters, including Autoliv, Honda, and Auto Innovators, agreed with NHTSA’s proposal for adjusting the manufacturer-provided head score by using a correction factor. Honda added that this approach “has also been demonstrated to be successful with other NCAPs.” GM specified its view that hardware data provided by an OEM which follows the “Assessment Protocol” process should be accepted by NHTSA without additional verification. However, GM added that “predicted” data, such as CAE data, could be subject to a verification test.

c. Publication of Results

Most commenters expressed support for adopting a 5-star system with several automakers and auto industry groups, including Auto Innovators, Honda, GM, HATCI, and Consumer Reports, supporting the proposed system as a sufficient temporary measure. Consumer Reports surmised that a comparative rating system would better allow consumers to make informed decisions. A large number of commenters, including Autoliv, NACTO,

WalkMedford, the National Association of Mutual Insurance Companies (NAMIC), ASC, CAS, NSC, National Transportation Safety Board (NTSB), and San Francisco Municipal Transportation Agency (SFMTA), recommended including the ratings on the Monroney label.

d. Optional Vehicle Features That Affect Testing and Scoring

There was not much agreement among commenters on how to account for vehicle options that may affect crashworthiness pedestrian protection. Auto Innovators, Honda, and HATCI recommended clarifying which trim levels were tested since differences in trim levels may result in different performance. Humanetics and ACT recommended optional features be independently assessed. When optional features cannot be independently assessed, AAA recommended assigning credit to the worst-performing model while Autoliv recommended assigning credit to the highest-selling model. CAS and Consumer Reports recommended assigning credit to the worst-case configuration.

3. Discussion and Agency Decision

a. Manufacturer-Reported Data

In the near term, the Agency has decided to move forward with its plan to accept self-reported data from vehicle manufacturers for its crashworthiness pedestrian protection program. NHTSA will accept self-reported data for head, upper leg, and lower leg crashworthiness pedestrian protection tests as initially proposed. This data may be in part derived from CAE/simulation data. As several commenters have mentioned, requiring physical test data for every impact point is overly burdensome for manufacturers. This burden is magnified when considering the various options and trim levels which may affect vehicle performance.

However, as Humanetics, Rivian, IIHS, and others suggested, physical testing of selected test points is necessary to validate CAE results. Thus, it is NHTSA’s expectation that vehicle manufacturers perform some level of physical impact testing on a production-level vehicle before submitting performance data that has been generated via simulation. This methodology aims to avoid imposing infeasible requirements while also maintaining program integrity. The Agency also hopes that these reasonable requirements will encourage manufacturer participation.

NHTSA acknowledges the apprehension voiced by NACTO and

others regarding uncertainty in self-reported data standards. While the use of NHTSA-generated data is ideal, the Agency’s limited resources do not currently allow for testing of all models that could receive credit as meeting NCAP’s criteria. Thus, self-reported data will be accepted to provide as much information to the consumer as possible. NHTSA will thoroughly review all data submitted.

Because of the lack of NHTSA-contracted laboratories currently available, the Agency does not find it practicable at this time to require their use for validation of simulated data. Thus, for this program stage, manufacturer-provided physical test data collected to validate any supplied simulation data may originate from either in-house or third-party test laboratories. It is important to note that all NHTSA-sponsored verification testing will be performed at a NHTSA-contracted laboratory under Agency supervision. NHTSA is considering a plan to require vehicle manufacturers to use NHTSA-contracted laboratories for all impact testing in the future. This requirement is currently enforced for NCAP’s optional testing program; under this provision, vehicle manufacturers fund desired testing, but NHTSA oversees test setup, test conduct, and data quality control.⁴⁸

NHTSA will require predicted head and leg response data values to provide credit for acceptable crashworthiness pedestrian protection performance. Specifically, NHTSA will require actual or predicted HIC₁₅ for each headform grid point, actual or predicted upper legform bending moment and force for each bumper impact location, and actual or predicted lower legform tibia bending moment and MCL and ACL/PCL elongations for each bumper impact location. Manufacturers will submit this information to NHTSA in a standardized format, to be detailed at a later date. This is an additional requirement beyond NHTSA’s original proposal, which only sought to receive predicted score “bands” for each head impact grid point and every upper and lower leg impact location. Although HATCI expressed concerns regarding the confidentiality of internal design processes, the Agency reasons that receiving more specific information will increase the transparency of self-reported data, thereby increasing the Agency’s confidence in the data received. The Agency hopes to alleviate the concerns of those who questioned the validity of self-reported, CAE-generated data. The predicted data

⁴⁸ 52 FR 31691.

received from manufacturers will be treated as confidential and individual self-reported values will not be released to the public, similar to how self-reported data is handled currently for crash avoidance NCAP. NHTSA will convert the data received to predicted score “color bands” and proceed with scoring self-reported data as proposed in the May 2023 RFC.

As noted earlier, vehicle manufacturers must provide evidence that a production-level vehicle has undergone physical impact testing. At this time, NHTSA will not require a specific number of impacts to verify simulated data submitted, but the manufacturer must identify which points received physical testing and which were predicted using a simulation. A test report detailing the findings of the vehicle manufacturer’s validation testing must be generated before submission of the aforementioned predicted test data to the Agency. Additionally, an identifying test report number must accompany the test data received for each vehicle model under consideration for credit. The comprehensive report, along with time-stamped supplementary videos, will be made available to the Agency for review upon submission of data for each vehicle model, if and when it is requested by NHTSA. The Agency may choose to implement more stringent physical impact requirements in the future to verify simulated data if it is deemed necessary.

b. Correction Factors During Verification Testing

NHTSA has decided to move forward with the proposed correction factor method. For the headform tests, NHTSA will perform physical tests at 10 head impact locations. The results of these tests will be compared to the results submitted by the vehicle manufacturers at the corresponding impact locations and a correction factor will be calculated from this comparison. This correction factor will be applied to all manufacturer-submitted head impact results for the vehicle model to calculate new results, which will then be used to determine the vehicle’s final head sub-score.

For the upper and lower legform tests, NHTSA will perform all necessary impact tests to characterize full bumper crashworthiness performance. Principles of symmetry and adjacency will be employed to efficiently cover the full bumper width unless the manufacturer supplies information detailing why this should not be assumed. This NHTSA-generated legform test data will replace the

manufacturer-submitted data in the vehicle’s scoring calculations.

c. Publication of Results

To expedite implementation, NHTSA will continue with the plan to identify vehicle models that meet crashworthiness pedestrian protection testing requirements (achieve 60 percent of all points possible) on the Agency’s website. This is intended to be a temporary system that will be replaced with a more detailed comparative rating system in the future. This comparative rating system will be implemented with the projected updates to the Monroney label as described in the NCAP roadmap.⁴⁹

d. Optional Vehicle Features That Affect Testing and Scoring

As part of its annual vehicle information collection activities, the Agency will request information regarding predicted performance differences between trim lines and any optional features offered.⁵⁰ NHTSA will supply this information to the public when it conveys performance results for each vehicle model. Several commenters supported this approach, including Honda and HATCI. Given the myriad of features and options available on today’s vehicle fleet, it is difficult for the Agency to determine which vehicle trims within a model will perform differently from others. NHTSA considered following Euro NCAP’s protocol, which is to receive data for only the most popular variant and apply this result to all variants within the model. However, this method may not be the most appropriate, as it could grant credit to vehicles that are considerably different in terms of crashworthiness pedestrian protection performance. As the initial crashworthiness pedestrian protection testing program moves forward, NHTSA will review test data to determine whether this is the most appropriate approach to provide information to the public.

E. Other Comments

1. Comments Received

Some topics were discussed by several commenters despite NHTSA’s not specifically requesting comments on them. The two most-discussed topics were (1) 49 CFR part 581, “Bumper Standard” (part 581)⁵¹ requirements

conflicting with crashworthiness pedestrian protection design, and (2) adoption of the aPLI as opposed to the FlexPLI for the lower leg impact tests.

a. Conflict With Part 581

NHTSA had previously received comments from manufacturers that incorporating lower leg bumper testing based on Euro NCAP would be difficult due to conflicts with the bumper damageability requirements outlined in 49 CFR part 581.

In response to the May 2023 RFC, Honda and HATCI expressed concern about part 581 damageability requirements competing against crashworthiness pedestrian protection designs. Auto Innovators recommended that NHTSA modify part 581 damageability requirements to better accommodate crashworthiness pedestrian protection designs. GM recommended more research into the feasibility of passing both part 581 and crashworthiness pedestrian protection requirements.

b. Adoption of the aPLI

Many commenters encouraged NHTSA to adopt the aPLI, the latest pedestrian crash testing tool representing a 50th percentile male leg. It features a Simplified Upper Body Part (SUBP) that simulates the upper body mass, allowing enhanced kinematics for assessing knee, upper leg, and lower leg injuries. The aPLI was approved for use by Euro NCAP in TB 029 published in July 2023 and many commenters recommended that NHTSA adopt the aPLI for U.S. NCAP to harmonize with Euro NCAP procedures. Commenters also noted that the aPLI can be used in tests where the FlexPLI may experience difficulty, such as on curved bumpers and vehicles with an LBRL greater than 500 mm.

2. Discussion and Agency Decision

a. Part 581 Issues

The Agency stated in the May 2023 RFC that it has examined potential conflicts between the part 581 requirements and pedestrian crashworthiness leg impact testing. NHTSA concluded that vehicles should be able to meet both part 581 requirements and receive a non-zero score in the Euro NCAP lower legform tests. As discussed in the May 2023 RFC, NHTSA has tested vehicles that meet the part 581 damageability requirements and receive non-zero

rear collisions. The purpose of this standard is to reduce physical damage to the front and rear ends of a passenger motor vehicle from low-speed collisions.

⁴⁹ <https://www.nhtsa.gov/document/ncap-roadmap>.

⁵⁰ NHTSA receives similar information in support of its crashworthiness and crash avoidance programs.

⁵¹ Part 581 establishes requirements for the impact resistance of vehicles in low-speed front and

scores on FlexPLI legform testing. The example provided in the RFC was a 2016 hatchback passenger car that NHTSA tested, which obtained a result of 4.41 out of 6.00 points (73.5 percent) for lower leg impact testing. As such, NHTSA does not believe the new pedestrian protection program will contradict the part 581 damageability requirements.

b. Adoption of the aPLI

While NHTSA concurs with commenters regarding the use of the latest testing tools, the Agency has not yet thoroughly evaluated the aPLI. Thus, NHTSA will adopt the FlexPLI as a temporary solution while it conducts the required analysis for the aPLI. The FlexPLI has historically been used in Euro NCAP testing and is adequately biofidelic. Given the urgent need for crashworthiness pedestrian protection testing, NHTSA’s immediate adoption of the FlexPLI in NCAP testing will prompt more rapid improvement in pedestrian protection than waiting to adopt the aPLI.⁵² Additionally, NHTSA anticipates that manufacturers and test facilities are familiar with the FlexPLI, which will smooth the adoption process.

VI. Procedure in Detail

A. Differences From Euro NCAP Tests and Assessment Protocols

As previously stated, NHTSA will use the Euro NCAP testing protocol as a basis from which to conduct its assessment on all selected vehicles, including pickup trucks and large SUVs. For the most part, the procedures of Euro NCAP Testing Protocol v8.5 are applicable to all vehicles eligible for

testing under U.S. NCAP (vehicles with a gross vehicle weight rating less than or equal to 4,536 kg, or 10,000 lb.). However, some adjustments to the Euro NCAP testing protocol are needed to align with the self-reporting aspect of U.S. NCAP, to better reflect pedestrian protection provided by the vehicle’s front end, and to improve test practices. These noteworthy changes are outlined in the following subsections.

1. Use of FlexPLI

While Euro NCAP has replaced the FlexPLI with the aPLI for its lower leg impact tests in its most recent testing protocol (v9.1), NHTSA will use the FlexPLI for U.S. NCAP testing while it completes further analysis on the aPLI. As discussed previously, the Agency will perform its own testing, research, and evaluations prior to making a decision to adopt the aPLI. To prevent a delay of the crashworthiness pedestrian protection program, NHTSA will use the FlexPLI for lower leg impacts.

At the time of the May 2023 RFC, Euro NCAP was using its VRU Testing Protocol v8.5, which specified that manufacturers could choose whether to use the FlexPLI or the TRL upper legform for vehicles with an LBRL greater than or equal to 425 mm and less than or equal to 500 mm. Euro NCAP has since updated its VRU Testing Protocol to v9.1, which no longer allows manufacturers this option due to the adoption of the aPLI. NHTSA will not allow manufacturers the option to choose the TRL upper legform for vehicles with an LBRL greater than or equal to 425 mm and less than or equal to 500 mm. Instead, the FlexPLI will be

used for all vehicles with an LBRL less than or equal to 500 mm.

2. No FlexPLI Bumper Testing When LBRL Is Greater Than 500 mm

For vehicles that have an LBRL value of greater than 500 mm, NHTSA will assign a “default red, no points” score to the particular point under assessment (e.g., some bumper points may be above 500 mm and not tested while others may be equal to or below 500 mm and tested). The FlexPLI has a poor kinematic response when used to impact bumpers with an LBRL greater than 500 mm. Additionally, NHTSA is not aware of any existing countermeasures that would improve the lower leg safety of vehicles with an LBRL greater than 500 mm when tested with the FlexPLI.

3. FlexPLI Qualification Procedure and Testing

As mentioned previously, differences exist between NHTSA’s adopted FlexPLI qualification procedure/schedule and those of other entities. UNECE R127 specifies two dynamic qualification tests—a pendulum test and an inverse impact test, in addition to a series of quasi-static tests. In UNECE R127, the dynamic qualification tests are performed before and throughout a test series, while the quasi-static tests are performed on an annual basis. Euro NCAP only specifies the dynamic inverse impact test and the quasi-static tests. As shown in Table 7 below, NHTSA prescribes the inverse impact test after every 20 impacts, the quasi-static tests once per year, and only requires the pendulum test if any lower performance limits are exceeded.

TABLE 7—FLEXPLI QUALIFICATION TESTING SCHEDULE

Test mode	Frequency	Align with Euro NCAP?
Inverse Impact Test	After every 20 impacts	Yes.
Quasi-static Tests	Every 12 months	Yes.
Pendulum Test	If testing exceeds any lower performance limits	No.

4. Bumper Corner Definition

In the Euro NCAP test protocol, the width of the lower legform test area is defined by the point of contact of a 60-degree plane and the forward-most point on the vehicle front-end. This method is referred to as the “60-degree angle method.” Alternatively, the UNECE R127 and GTR 9 regulations use the “corner gauge method.” This

method identifies the corner of the bumper by locating the outermost point of contact of the gauge when it is moved parallel to a vertical plane with an angle of 60 degrees to the vertical longitudinal center plane of the vehicle. Both methods additionally specify that the outer limits of the bumper test zone are either defined by the bumper corners using the 60-degree angle/corner gauge

method or the outermost ends of the bumper beam, whichever is larger. As described in detail previously, NHTSA will use the corner gauge method instead of the 60-degree angle method for NCAP testing. NHTSA will also include the stipulation that if the bumper beam width differs from the width defined by the corners using the corner gauge method, the larger of the areas will be used.

⁵² As indicated in NHTSA’s NCAP roadmap (<https://www.nhtsa.gov/document/ncap-roadmap>),

the Agency plans to use the aPLI for NCAP starting with MY 2030 vehicles.

5. Active Hood Detection

For vehicles with active hoods, the Agency will require manufacturers to demonstrate that their system activates when there is a leg-to-bumper impact both at the vehicle centerline and as far outboard as the outboard end of the bumper test zone. This is the same requirement as in the Euro NCAP test procedure. However, NHTSA will use the corner gauge method discussed above when determining the outboard end of the bumper test zone. Like Euro NCAP, NHTSA will also use the PDI-2 impactor for the purpose of deploying the active hood.

6. WAD Limit

When marking up the vehicle to be tested, Euro NCAP currently specifies that the WADs should be marked at 100 mm intervals from 1000 mm to at least 2500 mm. This 2500 mm limit was an increase from 2100 mm when Euro NCAP introduced the VRU Test Protocol v9.0.3 in May 2023, replacing the Pedestrian Test Protocol v8.5. As explained in detail previously, NHTSA will use the WAD limit of 2100 mm for its NCAP crashworthiness pedestrian protection program, but it will consider increasing the limit to 2500 mm in the future.

7. Self-Reporting System

In Euro NCAP, manufacturers typically self-report predicted head impact test data of their vehicles before Euro NCAP conducts its impact testing on those vehicles. However, upper leg and lower leg impact test data are not provided by the manufacturer. Instead, these data are gathered from the testing conducted by the Euro NCAP test facilities. U.S. NCAP will operate its

program in a fully self-reported manner, with verification testing performed on a selection of vehicles to ensure accuracy—similar to the Agency's crash avoidance test program.⁵³ Vehicle manufacturers will report all head, upper leg, and lower leg impact test data to NCAP to receive crashworthiness pedestrian protection credit for their vehicles. As mentioned earlier, NHTSA will accept simulated data, but it must be validated by physical testing on a production-level vehicle.

Specifically, NHTSA will require actual or predicted HIC₁₅ for each headform grid point, actual or predicted upper legform bending moment and force for each bumper impact location, and actual or predicted lower legform tibia bending moment and MCL and ACL/PCL elongations for each bumper impact location. Manufacturers will submit this information to NHTSA in a NHTSA-specified standardized format and will include a unique test report number identifying the vehicle model's results. This test report, along with time-stamped supplementary videos, will be made available to the Agency for review upon submission of data for each vehicle model upon NHTSA's request.

NHTSA will not allow the inclusion of "blue points," which are allowed by Euro NCAP. Due to the unpredictable nature of these grid points, the manufacturer does not include blue points in computing the overall score for the head impact testing assessment submitted to Euro NCAP. Euro NCAP always tests the identified blue points (in addition to selecting grid points) and includes the head impact assessment at these blue points in computing the overall head impact score. For U.S. NCAP, for a manufacturer to self-report

that its vehicle meets the NCAP performance criteria and receives crashworthiness pedestrian protection credit, the manufacturer must have sufficient data to support a predicted point/color value for every head grid point and every upper and lower leg impact test point.

8. NCAP Scoring Apportionment

Euro NCAP recently revised the apportionment of points for scoring the leg and head impacts. Out of a possible 36.0 points, 18.0 points are allocated to head injury data, 9.0 points for lower leg injury data, 4.5 points for upper leg injury data, and 4.5 points for pelvis injury data. NHTSA proposed in the RFC a scoring apportionment that aligned with the relative frequency of AIS 3+ injuries to the body regions in the U.S. Out of a possible 36.0 points, 13.5 were allocated to head impacts, 13.5 points for lower leg impacts, and 9.0 points for upper leg impacts. As previously mentioned in the Comments and Discussion and Agency Decision sections, NHTSA has decided to adjust the scoring apportionment to provide more emphasis on head impacts, which are more likely to be fatal than leg injuries, while still maintaining the value of the legform tests. This adjustment will also help align with Euro NCAP's current scoring apportionment. The apportionment for U.S. NCAP is as follows: out of a possible 36.000 points, 18.000 points are allocated to head impacts, 9.000 points are allocated for lower leg impacts, and 9.000 points are allocated for upper leg impacts. A comparison of each scoring method is shown below in Table 8.

TABLE 8—SCORING APPORTIONMENT METHODS

Body region	Points apportionment (out of 36.0 possible points)			
	Euro NCAP (2018)	U.S. NCAP RFC (2023)	Euro NCAP (2023)	U.S. NCAP (2024)
Head	24.0 pts (66.67%)	13.5 pts (37.5%)	18.0 pts (50%)	18.000 pts (50%).
Pelvis .....	.....	.....	4.5 pts (12.5%).	.....
Upper Leg	6.0 pts (16.67%)	9.0 pts (25%)	4.5 pts (12.5%)	9.000 pts (25%).
Lower Leg	6.0 pts (16.67%)	13.5 pts (37.5%)	9.0 pts (25%)	9.000 pts (25%).

9. Credit Publication Process

In Euro NCAP, the vehicle's VRU sub-score is included in the vehicle's overall safety rating. At this time, NHTSA will not integrate the crashworthiness pedestrian protection score into its

existing comparative rating system. To expedite implementation of this program, NHTSA will identify vehicle models that meet the crashworthiness pedestrian protection testing requirements (earning at least 21.600

out of 36.000 possible points, or 60 percent) on NHTSA's website.

B. Injury Limits and Scoring Process

The injury limits and scoring process for NHTSA's crashworthiness pedestrian protection impact tests will

⁵³ NHTSA is in the process of renewing its existing approved information collection (OMB-

2127-0629) to include collecting self-reported data from the vehicle manufacturers for this new

crashworthiness pedestrian protection testing program.

be largely the same as those in Euro NCAP, as outlined in the Euro NCAP Assessment Protocol—VRU Protection, Part 1—Pedestrian Impact Assessment, Version 10.0.3, June 2020. For U.S. NCAP, each group of component tests (*i.e.*, headform tests, upper legform tests, lower leg tests) will first be scored individually; these component scores will then be summed to determine a crashworthiness pedestrian protection score for each vehicle. The exact number of impact points will vary depending on the geometry of a vehicle. For instance, there may be 200 head impact points on the hood, windshield,

and A-pillars; 15 upper leg impact points on the forward edge of the vehicle’s front-end; and 15 lower leg impact points on the vehicle’s bumper area. Each impact point for each test device will be scored between 0 and 1 point depending on the resulting injury values from the impact test. Each group of component tests (headform tests, upper leg tests, and lower leg tests) will generate its own sub-score as described below. The sum of each of the three sub-scores will result in the final pedestrian protection score, as defined in the following formula: Pedestrian Protection

Score = Head SubScore + Upper Leg SubScore + FlexPLI SubScore.

1. Headform Tests

Each of the head impact locations on a vehicle will contribute equally to the component level sub-score for the head tests. Each impact location will receive a score between 0 and 1 based on the HIC₁₅ value output from the headform impact test. Different ranges of HIC₁₅ values will correspond to different colors and point values based on the Euro NCAP assessment protocol, summarized in Table 9.

TABLE 9—HEADFORM SCORING

Color	HIC minimum	HIC maximum	Points
Green .....	.....	<650	1.000
Yellow	650	<1,000	0.750
Orange	1,000	<1,350	0.500
Brown	1,350	<1,700	0.250
Red	1,700	.....	0.000

The head impact sub-score will be calculated according to the following formula: Head SubScore = Apportionment of Head Impacts * (Sum of All Head Impact Points)/(Total Number of Head Impact Points).

2. Upper Legform Tests

Each of the upper legform impact locations will contribute equally to the component level sub-score for the upper legform impacts. Each impact location can receive up to 1.00 point on a linear sliding scale between the upper and lower injury limits. This is different

from the headform scoring method, where injury values will be put in discrete scoring bands. The worst-performing injury metric (one of three moments—upper, middle, or lower; or sum of forces) will be used to determine the score using the criteria shown in Table 10.

TABLE 10—UPPER LEGFORM SCORING

Component	Minimum injury	Maximum injury	Maximum points
Bending Moment (Nm)	285	350	1.000
Sum of Forces (N)	5000	6000	

The upper legform scoring is shown graphically in Figure 9 and Figure 10.

Injury values closer to the minimum injury values earn more points and

injury values closer to the maximum injury values earn fewer points.

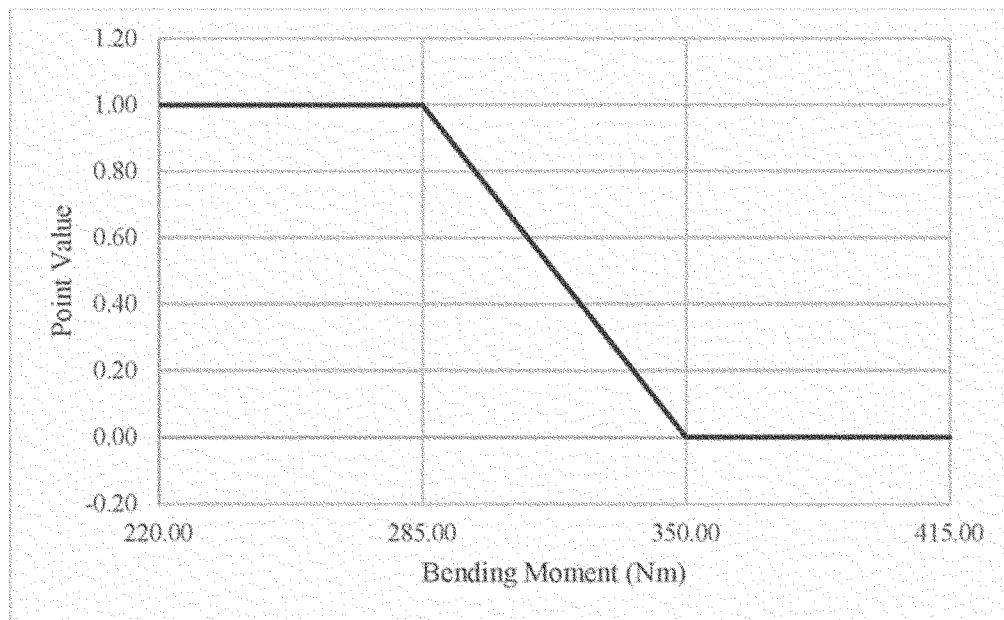


Figure 9: Upper Legform Bending Moment Scoring

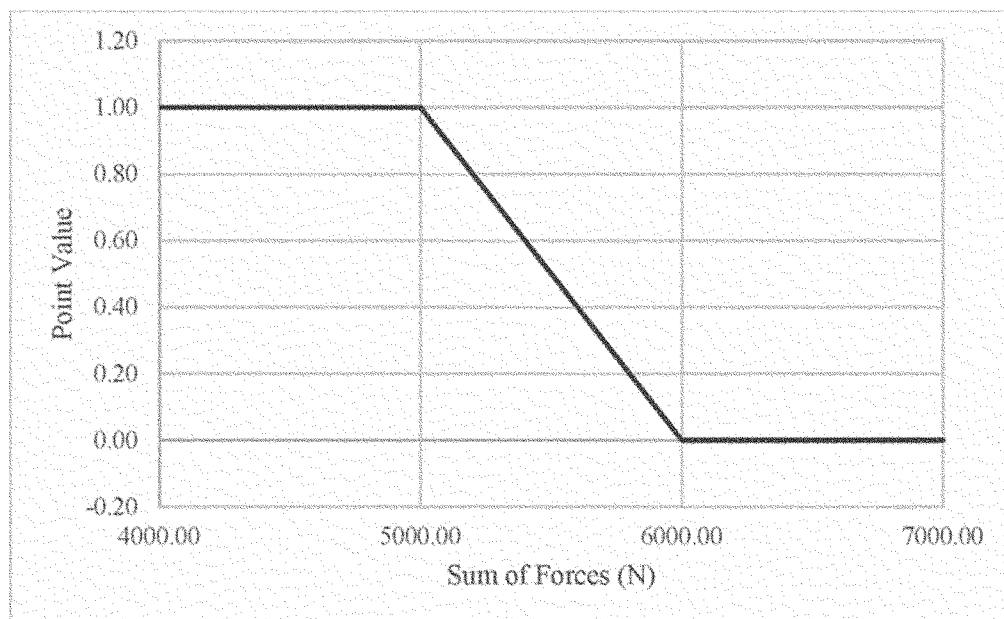


Figure 10: Upper Legform Sum of Forces Scoring

The upper legform impact sub-score will be calculated according to the following formula: Upper Leg SubScore = Apportionment of Upper Leg Impacts * (Sum of All Upper Leg Impact Points) / (Total Number of Upper Leg Impact Points).

3. Lower Legform Tests

Similarly, each of the FlexPLI impact locations on a vehicle will contribute equally to the component level sub-score for the lower legform tests. Each impact location can receive up to 0.500 points from the tibia moments and up to 0.500 points from the ligament elongations, as shown in Table 11. The

tibia score will be determined from the worst of the four tibia measurements—T1, T2, T3, or T4. The ligament elongation will be scored from the MCL as long as neither the ACL nor PCL exceeds the 10 mm elongation limit. If either the ACL or PCL exceed this limit, the overall ligament elongation score will be 0.00.

TABLE 11—FLEXPLI SCORING

Component	Minimum injury	Maximum injury	Maximum points
Tibia Bending (Nm)	282	340	0.500
MCL Elongation (mm)	19	22	0.500
ACL/PCL Elongation (mm)		10	

Similar to the upper legform scoring, the Euro NCAP assessment protocol awards points based on a linear sliding scale between the upper and lower

injury limits using the criteria in Figure 11 and Figure 12. NHTSA will be using this same linear sliding scale for the U.S. NCAP. Again, this is different from

the headform scoring method, where injury values will be put in discrete scoring bands.

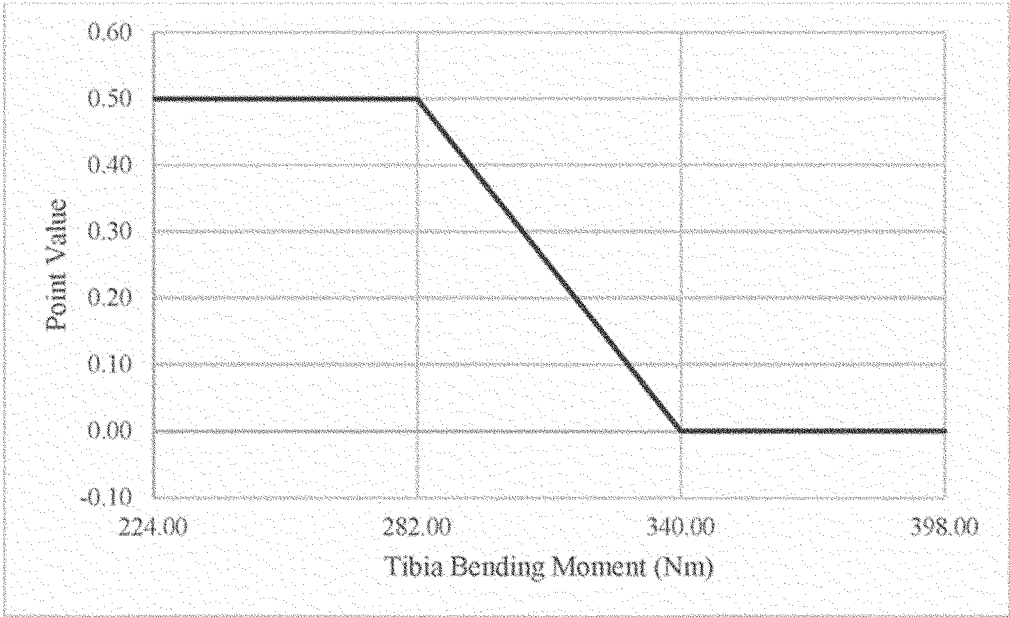


Figure 11: FlexPLI Tibia Bending Moment Scoring

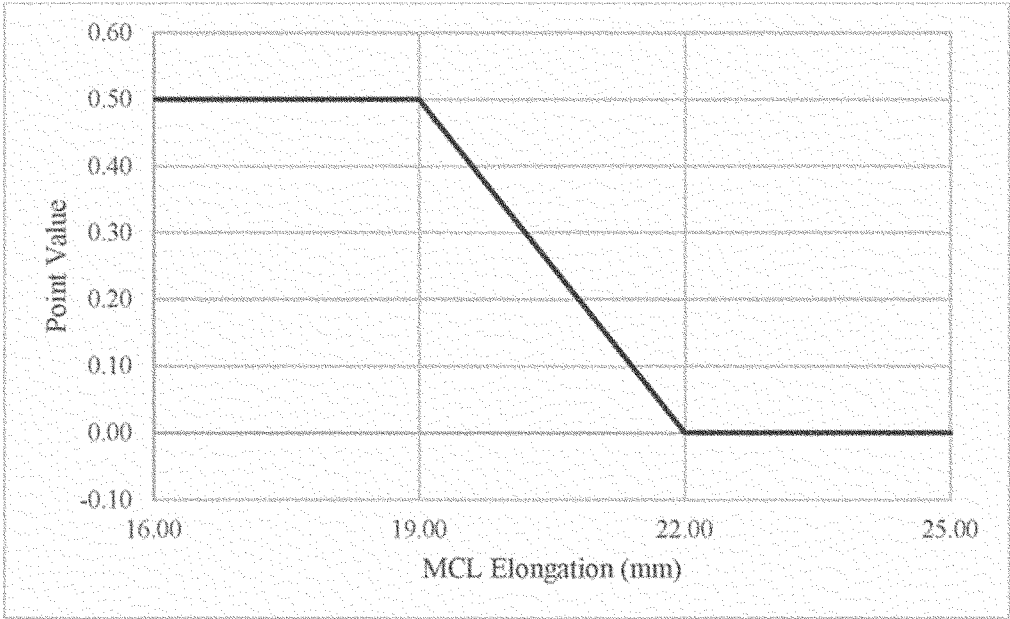


Figure 12: FlexPLI MCL Elongation Scoring

The FlexPLI impact sub-score will be calculated according to the following formula: FlexPLI SubScore = $\frac{\text{Apportionment of FlexPLI Impacts} * (\text{Sum of All FlexPLI Impact Points})}{(\text{Total Number of FlexPLI Impact Points})}$.

C. NCAP Proposal for Awarding Credit

As stated earlier in this notice, NHTSA is implementing the crashworthiness pedestrian protection testing program initially by assigning credit to vehicles that meet NCAP performance test requirements. Initially, instead of rating a vehicle's crashworthiness pedestrian protection on a scale of 1 to 5 stars, NHTSA will assign credit to vehicles that meet a certain minimum scoring threshold for crashworthiness pedestrian protection. Consumers will be able to compare crashworthiness pedestrian protection by identifying vehicles that NHTSA has designated as meeting this minimum level of pedestrian safety. Furthermore, this approach not only allows early adopters to participate in the program, but it also provides sufficient time for manufacturers to redesign their vehicles to improve pedestrian crashworthiness safety.

For a vehicle to be recognized by NHTSA as meeting the performance requirements for crashworthiness

pedestrian protection, it must score at least 21.600 out of 36.000 points (or 60 percent) combined for the head, upper leg, and lower leg impact tests when tested and scored in accordance with the standards outlined in the previous sections of this notice and the modified apportionment scoring.

As NHTSA is still developing a new rating system that will include several planned NCAP updates, NHTSA is not implementing changes to the Monroney label or overall vehicle rating system at this time. Therefore, NHTSA will inform consumers of vehicles that receive crashworthiness pedestrian protection credit through its website, <http://www.NHTSA.gov>. This approach is similar to the current crash avoidance testing program in NCAP. Currently, ADAS technologies are identified through the use of checkmarks on the Agency's website.

D. NCAP Verification Testing

NHTSA will implement a verification testing process for the crashworthiness pedestrian protection that is similar to the crash avoidance testing program in NCAP. As mentioned previously in this notice, the manufacturer will be required to submit actual or predicted data for every head impact grid point and every upper and lower leg impact test location. NHTSA will review this information for accuracy and completeness and award credit if the submitted data meet the minimum

criteria outlined previously. For each new model year, NHTSA selects and acquires vehicles for testing under NCAP. Consistent with the processes used in the crash avoidance testing program, NHTSA will select and acquire new model year vehicles for verification testing of their crashworthiness pedestrian protection performance. NHTSA will only select vehicles with test data submitted by the manufacturers and approved by the Agency as meeting the minimum performance criteria for crashworthiness pedestrian protection.

For the upper leg and FlexPLI impact testing, NHTSA will conduct its own tests and use this data instead of the manufacturer's provided data for the sub-scores. For the head impact testing, NHTSA will select 10 impact locations and conduct its own tests, using this data to calculate a correction factor. NHTSA's head impact data will be compared to the manufacturer's provided data at the corresponding impact locations. Consistent with Euro NCAP's test procedure, each color band will have a 10 percent tolerance when comparing NHTSA's color band/test values to the manufacturer's color band/test values (Table 12). For example, if a manufacturer submits a grid point HIC₁₅ falling in the yellow color band but NHTSA's verification test finds HIC₁₅ to be 1,200, NHTSA will instead classify this grid point as orange.

TABLE 12—ACCEPTABLE HIC RANGE FOR VERIFICATION TESTING

Predicted color band	HIC ₁₅ range	Acceptable HIC ₁₅ range
Green	HIC ₁₅ <650	HIC ₁₅ <722.22
Yellow	650 ≤ HIC ₁₅ <1,000	590.91 ≤ HIC ₁₅ <1,111.11
Orange	1,000 ≤ HIC ₁₅ <1,350	909.09 ≤ HIC ₁₅ <1,500
Brown	1,350 ≤ HIC ₁₅ <1,700	1,227.27 ≤ HIC ₁₅ <1,888.89
Red	1,700 ≤ HIC ₁₅	1,545.45 ≤ HIC ₁₅

The correction factor is then calculated per the following equation: Correction Factor = $\frac{(\text{Sum of Actual Test Scores})}{(\text{Sum of Predicted Test Scores})}$.

This correction factor is then applied to the manufacturer's provided data to calculate the corrected head impact sub-score per the following equation: Corrected Head SubScore = (Head SubScore – Default Green – Default Red) * Correction Factor + Default Green + Default Red.

A detailed example of the head impact verification test scoring is provided in Appendix C.

VII. Conclusion

NHTSA will implement the crashworthiness pedestrian protection

test devices, test procedures, and scoring methods as discussed above beginning with model year 2026 vehicles. For that model year, NHTSA will assess crashworthiness pedestrian protection for vehicles by calculating a score based on head, upper leg, and lower leg impact data voluntarily submitted by manufacturers. The procedures and scoring methods are based on the Euro NCAP documents listed below.

- (1) Euro NCAP Pedestrian Testing Protocol, Version 8.5, October 2018.
- (2) Euro NCAP Assessment Protocol—Vulnerable Road User Protection, Part 1—Pedestrian Impact Assessment, Version 10.0.3, June 2020.

- (3) Euro NCAP Pedestrian Headform Point Selection, V2.1, October 2017. Note: Due to the differences in scoring systems and data submission, NHTSA will create a similar scoring sheet specific to the crashworthiness pedestrian protection program implemented in U.S. NCAP.
- (4) Euro NCAP Film and Photo Protocol, Chapter 8—Pedestrian Subsystem Tests, V1.4, July 2023.
- (5) Euro NCAP Technical Bulletin TB 008, Windscreen Replacement for Pedestrian Testing, Version 1.0, September 2009.
- (6) Euro NCAP Technical Bulletin TB 019, Headform to Bonnet Leading Edge Tests, Version 1.0, June 2014.

(7) Euro NCAP Technical Bulletin TB 024, Pedestrian Human Model Certification, V4.0, January 2024.

NHTSA will identify new model year vehicles that meet a minimum safety threshold of crashworthiness pedestrian protection on the Agency's website. This minimum safety threshold is a total score of 21.600/36.000 points (60 percent) or greater, where a maximum of 18.000/36.000 points (50 percent) are possible for head impacts, 9.000/36.000 points (25 percent) are possible for lower leg impacts, and 9.000/36.000 points (25 percent) are possible for upper leg impacts. The impact tests simulate a 6-year-old child and an average-size adult male being struck in the side by a vehicle traveling at 40 km/h (25 mph). The area of assessment for the vehicle is limited to all points forward of the WAD2100 mm line. At this time, NHTSA is allowing vehicle manufacturers to self-report their test results for these impact tests to provide this information to consumers as soon as possible. Manufacturer-submitted data will be randomly verified by NHTSA through impact testing performed on select models. These changes will fulfill the mandate set forth in the BIL to amend NCAP to provide the public with important safety information regarding the protection of VRUs.

VIII. Economic Analysis

The changes to NCAP in this final decision notice would ultimately enable a rating system that improves consumer awareness of crashworthiness pedestrian protection systems and the improvements to safety that stem from those systems. These changes may also encourage manufacturers to accelerate the adoption of these systems. The accelerated adoption of pedestrian protection systems would drive any economic and societal impacts that result from these changes and are thus the focus of this discussion of economic analysis. Hence, the Agency has considered the potential economic effects of the inclusion of pedestrian protection systems in NCAP and the potential benefit of eventually developing a new rating system that would include this information.

Crashworthiness pedestrian protection systems are unique because the safety improvements are attributable to improved VRU protection, as opposed to improvements in protection for vehicle occupants that the other crashworthiness components in NCAP provide. Their effectiveness is the reduction of VRU injury and prevention of VRU fatalities when a crash between

a motor vehicle and pedestrian occurs. This effectiveness is typically measured by using a combination of real-world statistical data, laboratory testing, and Agency expertise.

Crashes between pedestrians and motor vehicles present significant safety issues, and NHTSA is particularly concerned about the steady rise in pedestrian fatalities over the last several years. The data from countries that prioritize crashworthiness pedestrian protection systems, via both regulation and other consumer information programs, indicate that these systems are effective in reducing pedestrian injuries and fatalities. BAST in Germany found a correlation between Euro NCAP pedestrian protection scores and pedestrian injuries and fatalities.⁵⁴ The Swedish Transport Administration also found that vehicles that score better in the Euro NCAP pedestrian crashworthiness tests tended to reduce injury in actual crashes.⁵⁵ Although these studies have been limited to certain geographic areas, which may not represent the entire U.S. fleet, they do illustrate how these systems can provide safety benefits. Thus, although the Agency does not have sufficient data to determine the monetized safety impacts resulting from these systems in a way similar to that frequently done for mandated technologies, when compared to the future without this update to NCAP, NHTSA expects that these changes would likely have substantial positive safety effects by promoting earlier and more widespread deployment of crashworthiness pedestrian protection systems.

NCAP also helps address the issue of asymmetric information (*i.e.*, when one party in a transaction is in possession of more information than the other), which can be considered a market failure. Regarding consumer information, the introduction of a potential new component to the NCAP rating system is anticipated to provide consumers additional vehicle safety information regarding the safety of VRUs. This information will help them make more informed purchasing decisions by presenting the relative safety benefits of systems designed to protect not only vehicle occupants but also persons outside the vehicle. While NHTSA

knows that consumers value information about the protection of vehicle occupants when making purchasing decisions, the Agency believes that most consumers are also interested in protecting people who share their roads. Hence, there is a real if unquantifiable value to consumers and to society as a whole for the Agency to provide accurate and comparable vehicle safety information about protecting all lives. At this time, the Agency does not have sufficient data, such as unit cost and information on how soon the full adoption of pedestrian protections systems would be reached, to predict the net increase in cost to consumers with a high degree of certainty.

IX. Appendices

Appendix A: Questions From RFC

[1] NHTSA seeks comment on the topic of female leg safety. Are there data showing that vehicle front end designs that perform well in the FlexPLI and upper legform impact tests would not afford protection to female pedestrians? Are there any legforms representing female or small stature pedestrians? Are there female specific data and associated 5th percentile female specific injury criteria for use with a 5th percentile female legform impactor?

[2] NHTSA seeks comment on what an acceptable humidity tolerance should be for the qualification tests of the upper legform impactor and the associated vehicle test with the upper legform.

[3] NHTSA is requesting comment on the FlexPLI qualification procedures—specifically which procedures (dynamic and quasi-static) should be used for qualification, and how often they should be conducted?

[4] An Agency study of Abbreviated Injury Scale (AIS) 3+ pedestrian injuries in the U.S. showed that the apportionment of points in NCAP for crashworthiness pedestrian protection should be 3/8th for head impact test results (37.5 percent), 3/8th for lower leg impact test results (37.5 percent), and 2/8th for upper leg impact test (25 percent). NHTSA seeks comment on whether injury severity or frequency would be this the most appropriate basis for point allocation apportionment.

[5] As concluded in the Agency's FlexPLI research report, NHTSA believes the FlexPLI legform is biofidelic and seeks comment from the public on whether biofidelity concerns with the FlexPLI still remain at this time.

[6] NHTSA is seeking comment on what procedure it should use for

⁵⁴ Pastor, C., "Correlation between pedestrian injury severity in real-life crashes and Euro NCAP pedestrian test results," The 23rd International Technical Conference on the Enhanced Safety of Vehicles, Paper No. 13-0308, 2013.

⁵⁵ Standroth, J. et al. (2014), "Correlation between Euro NCAP pedestrian test results and injury severity in injury crashes with pedestrians and bicyclists in Sweden," Stapp Car Crash Journal, Vol. 58 (November 2014), pp. 213-231.

marking the test zone on bumpers. In other words, should the procedure harmonize with the Euro NCAP 60-degree angle method or should it follow the GTR 9 and UNECE R127 corner gauge method?

[7] GM suggested that if a vehicle has an exposed bumper, the bumper test zone should use the 60-degree angle method instead of testing the full bumper width to eliminate testing at the extreme edge of what may be a curved bumper. NHTSA requests comment on this concern as well, as it is similar to the previous question for bumper test zones.

[8] Given the pedestrian death and injury crisis on U.S. roadways NHTSA is seeking comment on test speeds. Should test speeds for either of the head or leg tests be increased in an attempt to provide better protection to pedestrians in vehicle to pedestrian crashes? Should the area of assessment be increased beyond the WAD limit of 2100 mm currently proposed to account for pedestrian heads overshooting the hood and impacting the windshield or the roof of the vehicle?

[9] NHTSA requests comment on the seven Euro NCAP documents proposed in section IV. F. (Euro NCAP Pedestrian Testing Protocol Version 8.5, Euro NCAP Assessment Protocol—Vulnerable Road User Protection Part 1—Pedestrian Impact Assessment Version 10.0.3, Euro NCAP Pedestrian Headform Point Selection V2.1, Euro NCAP Film and Photo Protocol Chapter 8—Pedestrian Subsystem Tests V1.3, Euro NCAP Technical Bulletin TB 008 Windscreen Replacement for Pedestrian Testing Version 1.0, Euro NCAP Technical Bulletin TB 019 Headform to Bonnet Leading Edge Tests Version 1.0, and Euro NCAP Technical Bulletin TB 024 Pedestrian Human Model Certification

V2.0)—do any elements of these documents need modification for the U.S. NCAP?

[10] NHTSA requests comment on TB 024 and its relevance to the U.S. NCAP. Should the models and methods in TB 024 or some other method be used to calculate head impact times to evaluate vehicles with active hoods?

[11] NHTSA seeks comment on what level of detail should be required for self-reported data. Should manufacturers be allowed to submit predicted head and leg response data, or only actual physical test results? Should reporting consist of just the results for each test location, or should full data traces or a comprehensive test report including photographs and videos be required?

[12] NHTSA requests comment on whether vehicles with an LBRL greater than 500 mm should be eligible to receive crashworthiness pedestrian protection credit because they will automatically receive a zero score for the FlexPLI bumper tests.

[13] NHTSA requests comment on the proposal to reposition the upper legform ± 50 mm from the WAD775 target when artificial interference is present or to conduct multiple impacts within ± 50 mm from the WAD775 target and use the worst-case result when artificial interference is present.

[14] NHTSA tentatively plans to use the corner gauge and bumper beam width procedure for corner definition for this NCAP proposal and requests comment on this change.

[15] NHTSA seeks comments on whether there is benefit in requiring both the Pendulum and Inverse Impact dynamic qualification tests in addition to the quasi-static tests. Also, what should the qualification test schedule be for the FlexPLI be?

[16] NHTSA seeks comment on what the required detection area should be for vehicles with active hoods.

Additionally, which device should be used for assuring the system activates properly, the Flex-PLI or the PDI2?

[17] NHTSA proposes utilizing a modified $\frac{3}{8}$, $\frac{3}{8}$, $\frac{2}{8}$ scoring apportionment for the head impacts, Flex PLI impacts, and upper leg impacts respectively for NCAP and requests comment on this proposal.

[18] NHTSA seeks comment on whether [a checkmark on NHTSA.gov] is an appropriate way to identify vehicles that meet the Agency's minimum criteria for crashworthiness pedestrian protection, or if some other notation or identifying means is more appropriate.

[19] NHTSA seeks comment on what options or features might exist within the same vehicle model that would affect the vehicle's performance of crashworthiness pedestrian protection. NHTSA also seeks comment on whether the Agency should assign credit to vehicles based on the worst-performing configuration for a specific vehicle model, or if vehicle models with optional equipment that affect the crashworthiness pedestrian protection credit should be noted as such.

[20] NHTSA seeks comment on the proposal to conduct verification testing as part of the crashworthiness pedestrian protection program by adjusting the head score using a conversion factor determined from laboratory tests and replacing manufacturer supplied FlexPLI and upper leg scores with NHTSA scores from laboratory tests.

Appendix B: Supplementary Tables

TABLE B1—SUMMARY OF DIFFERENCES BETWEEN EURO NCAP ASSESSMENT PROTOCOLS AND U.S. NCAP PROCEDURES

Subject	Euro NCAP ⁵⁶	U.S. NCAP
Vehicle with LBRL between 425 mm and 500 mm (inclusive).	Manufacturer can choose to use either FlexPLI or TRL Upper Legform for the bumper test.	Only FlexPLI will be used for the legform to bumper test.
Vehicle with LBRL >500 mm	TRL Upper Legform is used instead of FlexPLI	Default red, no points for FlexPLI sub-score.
Bumper Corner Definition	60-degree angle method is used to define bumper corners.	Corner gauge method is used to define bumper corners.
Blue Points for Head Impact Locations.	Allowed	Not allowed, manufacturers must submit predicted or tested head impact results for all points.
FlexPLI Qualification Tests and Schedule.	Inverse test: After every 20 impacts (maximum) and once every 12 months, or if legform exceeds lower performance limits Quasi-static tests: Once per year.	Inverse test: After every 20 impacts Quasi-static tests: Once per year Pendulum test: If testing exceeds any lower performance limits.
Point Apportionment	24/36 pts (66.67%) for head 6/36 pts (16.67%) for upper leg 6/36 pts (16.67%) for lower leg	18.000/36.000 pts (50%) for head. 9.000/36.000 pts (25%) for upper leg. 9.000/36.000 pts (25%) for lower leg.

⁵⁶ The Euro NCAP protocols and version used for this comparison are the Pedestrian Test Protocol v8.5 and the Assessment Protocol—VRU v10.0.3.

TABLE B1—SUMMARY OF DIFFERENCES BETWEEN EURO NCAP ASSESSMENT PROTOCOLS AND U.S. NCAP PROCEDURES—Continued

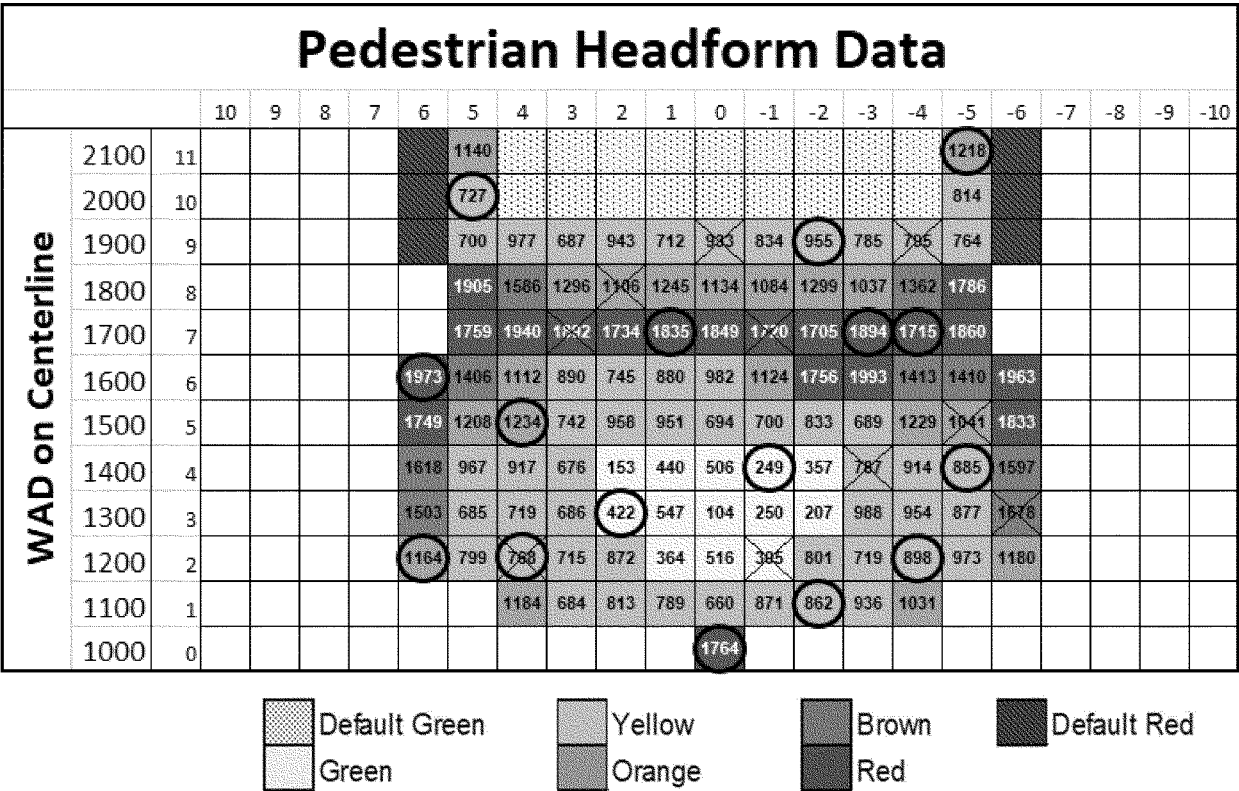
Subject	Euro NCAP ⁵⁶	U.S. NCAP
Results Reporting	Euro NCAP Five-Star Rating System	Checkmark (or similar) on NHTSA website.

Appendix C: Vehicle Scoring and Verification Testing Example—Passenger Car

In the hypothetical example of a verification test, the vehicle is assumed to have met NHTSA’s minimum requirements for pedestrian protection credit and verification testing; the manufacturer reported to NHTSA that its vehicle met the minimum requirements (*i.e.*, at least 60 percent or 21.600 out of 36.000 points); the manufacturer provided predicted and/or actual test data in a standardized format; NHTSA reviewed this data for accuracy

and completeness; and NHTSA selected this vehicle for verification testing. Figure C1 and Table C1 are examples of the level of detail of head impact data a manufacturer would provide to NHTSA to receive credit for meeting NHTSA’s pedestrian protection criteria under NCAP.⁵⁷ Figure C1 shows the grid points along the various WAD lines eligible for testing based on vehicle geometry and the manufacturer’s actual or predicted HIC₁₅ for each location. Each grid point also contains an indication of whether the data provided is simulated data or physical test data. Points that were physically tested by the

manufacturer are designated as a circled cell. Points with predicted head impact scores are not circled. Similar to the Euro NCAP test procedures, some points are considered “default red” and “default green” based on their location on the vehicle.⁵⁸ The rest of the eligible grid points are filled with actual or predicted HIC data from the manufacturer. Table C1 shows the tabulated data from Figure C1 and the manufacturer’s predicted score (81.000 out of a possible 136.000) for the head. Figure C1 also denotes with an “X” which grid points were chosen for verification testing by NHTSA.

BrownDefault Red

⁵⁷Note that the figures below are examples only; the requested submission format may change.

⁵⁸Euro NCAP stipulates that test points located on the A-pillars are default red, and test points located in the central portion of the windshield glazing away from edges or underlying components are default green.

Figure C1: Example of Manufacturer's
Predicted Head Impact Data

TABLE C1—EXAMPLE OF SCORING OF MANUFACTURER'S PREDICTED HEAD IMPACT DATA

Manufacturer prediction	HIC min.	HIC max.	Point value	Number points	Predicted score
Default Green	n/a	n/a	1.000	18	18.000
Green .....	.....	<650	1.000	13	13.000
Yellow	650	<1,000	0.750	51	38.250
Orange	1,000	<1,350	0.500	19	9.500
Brown	1,350	<1,700	0.250	9	2.250
Red	1,700	.....	0.000	20	0.000
Default Red	n/a	n/a	0.000	6	0.000
Sum of all points excluding default points to be used for correction factor				112	63.000
Predicted headform score				136	81.000

Table C2 includes both the manufacturer's actual or predicted data for each grid point undergoing testing as well as NHTSA's verification test result in the form of the HIC₁₅ and resulting scoring band. In this example, 7 of the 10 test points resulted in the same scoring band as the prediction, 2 test points resulted in a lower scoring band than the prediction, and 1 test point resulted in a higher scoring band than the prediction. One test location of particular interest in this example is test

location (4, -3). The resulting HIC₁₅ at this test location was 1,046.87, outside the boundaries for the predicted yellow color band, but still within the acceptable HIC₁₅ range for verification testing as described in Table 12. The manufacturer predicted that the 10 test points under consideration would contribute a score of 5.250—as shown in Table C2. However, verification testing determined that these 10 test points scored 4.500 instead of 5.250. Thus, the difference between the manufacturer's

predicted values and those tested resulted in a correction factor of 0.857 (three significant digits) based on the correction factor equation: Correction Factor = (Sum of Actual Test Scores) / (Sum of Predicted Test Scores). Table C2 below shows the actual test scores and predicted scores used for the calculation.

Table C2—Example of Verification
Testing Results and Correction Factor

VERIFICATION TESTING			
Test Point Location	Manufacturer Prediction	Test Value (HIC)	Tested Score
9,-4	0.75	1445.14	0.250
2,4	0.75	821.91	0.750
2,-1	1.00	612.55	1.000
9,0	0.75	829.58	0.750
4,-3	0.75	1046.87	0.750
7,-1	0.00	3974.53	0.000
8,2	0.50	925.06	0.500
5,-5	0.50	2030.53	0.000
3,-6	0.25	1202.70	0.500
7,3	0.00	4810.86	0.000
Total	5.250		4.500
Correction factor		0.857	



Green

Yellow



Orange

Brown



Red

Table C3 calculates the resulting Final Pedestrian Headform Score for this hypothetical vehicle. The correction factor determined above is applied to all grid points that are not default green

grid points. Thus, instead of those points contributing a predicted score of 63.000 points, they only contribute a score of 53.991 points. The 18 default green points still contribute a score of

18.000 (shown in Table C1 and Table C3), giving the vehicle a score of 71.991, or, when scaled for the scoring allocation, a score of 9.528 out of 18.000 points.

Table C3. Example of Headform Score with Correction Factor Applied

112	Predicted (excluding Default Green)	63.000 x 0.857 = 53.991	
6	Default Red		0.000
18	Default Green		18.000
136	Total Grid Points	Vehicle Score	71.991
Maximum Pedestrian Headform Score (As shown in Table 6 or 50% allocation of 36.000 points)			18.000
FINAL PEDESTRIAN HEADFORM SCORE			71.991 / 136 * 18.000 = 9.528

For the upper legform score, Table C5 below shows the upper legform verification testing results of the hypothetical vehicle. Note that the manufacturer will have submitted upper, center, and lower bending moments and upper and lower forces for each required impact location along the bumper (also accounting for symmetry and adjacency). These results indicate that the vehicle has achieved the minimum crashworthiness pedestrian protection score of 60 percent (21.600 out of 36.000 total points). Similar to the data provided for the headform impacts, the manufacturer will have provided information showing which locations received physical testing and which locations did not. However, unlike those for the headform impacts, NHTSA's

verification results for the upper legform will replace those provided by the manufacturer.
Due to vehicle geometry, a total of 13 points were eligible for testing, and it was decided that testing would be at test location U 0. Additional tests were conducted at locations U +2, U -4, and U -6. Using symmetry and adjacency, all 13 test locations received scores.
Test locations were scored according to Table C4, as illustrated below. Test location U 0 received a score of 0.000 because all the bending moments and the sum of forces exceeded the maximum injury limits. Test location U +2 also received a score of 0.000. Although some of the bending moments (upper and lower) were below the maximum injury limit, the upper

legform test uses the worst performing injury metric for the test location's score. Both the center bending moment and the sum of forces exceeded the maximum injury limit. Thus, this test location received a score of 0.000. Had test location U +2 been scored based on the upper bending moment, it would have received a score of 0.475; and similarly, had it been scored based on the lower bending moment, it would have received a score of 0.356. Injury values above the minimum injury but below the maximum injury are scored on a sliding scale between 0.000 and 1.000 points for the upper legform. On the other hand, test locations U -4 and U -6 each received scores of 1.000 because all injury criteria were below the minimum injury limit.

TABLE C4—UPPER LEGFORM SCORING

Component	Min. injury	Max. injury	Max. point value
Bending Moment (Nm)	285	350	1.000
Sum of forces (N)	5000	6000	

Using symmetry, test location U -2 receives a score of 0.000 because that is what test location U +2 received. Test locations U +4 and U +6 receive scores of 1.000 because of tests conducted at U -4 and U -6. Using adjacency, test locations U +1, U -1, U +3, and U -3 all receive scores of 0.000 because they are adjacent to a test location that received a score of 0.000. Likewise, test

locations U +5 and U -5 each receive a score of 1.000, being adjacent to two locations each scoring 1.000. In some cases, a manufacturer may provide data explaining why its vehicle should not be subject to symmetry or adjacency.
Table C6 shows the scoring for the hypothetical upper legform test. Overall, the vehicle received a score of 6.000 out

of a possible 13.000 for the upper legform test. When scaled for the 25 percent points allocation (9.000 out of 36.000 points), the upper legform can receive a maximum score of 9.000 points. This testing results in a final upper legform score of 4.154 out of 9.000 points.

BILLING CODE 4910-59-P

Table C5. Example of Upper Legform Test Results

Pedestrian Upper Legform		Bending Moment (Nm)				Forces (kN)			
		Upper		Center		Lower		Sum	
1st Point to Test: U 0		Value	Points	Value	Points	Value	Points	Value	Points
U +6	Symmetry								1.000
U +5	Adjacent								1.000
U +4	Symmetry								1.000
U +3	Adjacent								0.000
U +2	Tested	319.15	0.475	374.28	0.000	326.87	0.356	2.83	2.86
U +1	Adjacent							5.66	0.340
U 0	Tested	376.95	0.000	459.15	0.000	417.88	0.000	3.01	3.48
U -1	Adjacent							6.49	0.000
U -2	Symmetry								0.000
U -3	Adjacent								0.000
U -4	Tested	147.83	1.000	160.73	1.000	147.22	1.000	1.86	3.25
U -5	Adjacent							4.82	1.000
U -6	Tested	165.33	1.000	200.61	1.000	186.05	1.000	1.51	2.58
								4.09	1.000

Green

Yellow

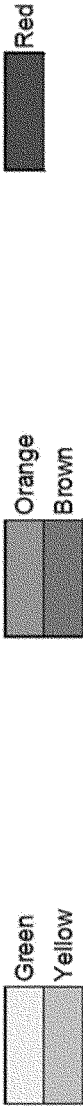
Orange

Brown

Red

TABLE C6—EXAMPLE OF UPPER LEGFORM SCORE

Test Location	U+6	U+5	U+4	U+3	U+2	U+1	U0	U-1	U-2	U-3	U-4	U-5	U-6
Points	1.000	1.000	1.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	1.000	1.000	1.000
Total Number of Test Points													
13													
Total Vehicle Score													
6.000													
Maximum Pedestrian Upper Legform Score													
9.000													
(9 of 36 points - shown in Table 5)													
FINAL PEDESTRIAN UPPER LEGFORM SCORE													
(6.000 / 13) * 9.000 = 4.154													



BILLING CODE 4910-59-C

Finally, Table C8 below shows the lower legform FlexPLI verification

testing results of the hypothetical vehicle. Detailed data, to include the four tibia bending moments and ACL,

MCL, and PCL elongations, has been received to show that this vehicle meets the 60 percent (21.600 out of 36.000

total points) pedestrian protection requirement. The lower legform data gathered by NHTSA will replace the data provided by the manufacturer. For this vehicle, all points along the LBRL are less than 500 mm, so all test locations are tested. If there were portions of the LBRL that were greater than 500 mm, those locations would not be tested and would be given a “default red, no points” score. Like the upper legform WAD775 tests, this vehicle’s geometry requires 13 locations to be

scored for the bumper testing. In this test series, testing began at location L +1 and additional tests were carried out at locations L –3 and L –5.

Test locations were scored according to Table C7 as illustrated below. Testing conducted at location L +1 yielded a score of 0.932 (0.500 + 0.432). The tibia bending moments were all below the minimum injury limit, awarding full points for that component. The MCL elongation fell between the minimum injury limit and maximum injury limit,

awarding partial points. For FlexPLI injury values above the minimum injury threshold and below the maximum injury threshold, points are awarded between 0.000 and 0.500 on a linear sliding scale. Neither the ACL nor PCL exceeded the limit. Thus, this test location received a score of 0.932. Tests conducted at locations L –3 and L –5 yielded full points as none of the values exceeded the minimum injury limits, nor were the ACL nor PCL limits exceeded.

TABLE C7—FLEXPLI SCORING

Component	Min. injury	Max. injury	Max. point value
Tibia bending (Nm)	282	340	0.500
MCL elongation (mm)	19	22	0.500
ACL/PCL elongation (mm) .....	.....	10	.....

Using the same symmetry concepts discussed above, test locations L –1, L +3, and L +5 inherited the scores from the opposite side. Using adjacency, test locations L 0, L +2, and L –2 each inherited a score of 0.932 because that was the lowest score of the two adjacent

test locations. Test locations L +4, L –4, L +6, and L –6 each inherited a perfect score of 1.000 because both adjacent test locations had scores of 1.000.

The resulting lower legform score for this vehicle is shown below in Table C9 and was 12.660 out of a maximum

13.000, or 8.765 out of a maximum 9 when using the 50 percent, 25 percent, 25 percent scoring allocation.

BILLING CODE 4910–59–P

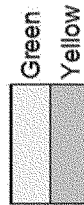
TABLE C8—EXAMPLE OF LOWER LEGFORM TEST RESULTS

Pedestrian Lower Legform		Tibia Bending Moment (Nm)				ACL/PCL (mm)			MCL		Total
		T1	T2	T3	T4	Points	ACL Value	PCL Value	PASS/FAIL	Value		Points
1st Point to Test: L +1											Points
L +6	Adjacent										1.000
L +5	Symmetry										1.000
L +4	Adjacent										1.000
L +3	Symmetry										1.000
L +2	Adjacent										0.932
L +1	Tested	210.37	168.77	127.35	68.42	0.500	5.66	5.38	PASS	19.41	0.432
L 0	Adjacent										0.932
L -1	Symmetry										0.932
L -2	Adjacent										0.932
L -3	Tested	166.44	153.62	153.23	77.63	0.500	4.39	2.97	PASS	12.22	0.500
L -4	Adjacent										1.000
L -5	Tested	114.34	137.06	113.75	65.64	0.500	2.78	5.56	PASS	10.47	0.500
L -6	Adjacent										1.000



TABLE C9—EXAMPLE OF LOWER LEGFORM SCORE

Test Location	L+6	L+5	L+4	L+3	L+2	L+1	L0	L-1	L-2	L-3	L-4	L-5	L-6
Points	1.000	1.000	1.000	0.932	0.932	0.932	0.932	0.932	0.932	1.000	1.000	1.000	1.000
Total Number of Test Points	13												
Total Vehicle Score	12.660												
Maximum Pedestrian Upper Legform Score	9.000												
FINAL PEDESTRIAN UPPER LEGFORM SCORE	(12.660 / 13) * 9.000 = 8.765												



hypothetical vehicle had reduced component level scores in each of the three categories, but still maintained a

total score above 21.600 (60 percent). Therefore, this vehicle would continue

to receive pedestrian protection credit on <http://www.NHTSA.gov>.

TABLE C10—EXAMPLE OF OVERALL PEDESTRIAN PROTECTION SCORE

	Actual score	Maximum score	Percentage
Headform Test	9.528	18.000	52.9%
Upper Legform Test	4.154	9.000	46.2%
Lower Legform Test	8.765	9.000	97.4%
Total	22.447	36.000	62.3%
Received Pedestrian Protection Credit?			Yes

Issued in Washington, DC, under authority delegated in 49 CFR 1.95 and 501.
Adam Raviv,
Chief Counsel.
[FR Doc. 2024–27446 Filed 11–22–24; 8:45 am]
BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY
Office of Foreign Assets Control
Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.
ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC’s Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC’s determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. Additionally, OFAC is publishing updates to the identifying information of one or more persons currently included on the SDN List.

DATES: This action takes effect on the date listed in **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: OFAC: Bradley T. Smith, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Compliance, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional

information concerning OFAC sanctions programs are available on OFAC’s website. (<https://www.treasury.gov/ofac>).

Notice of OFAC Actions

A. On July 25, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. LOPEZ AMBROSIO, Whiskey Hans, Guatemala; DOB 03 Nov 1999; POB Malacatan, Guatemala; nationality Guatemala; citizen Guatemala; Gender Male (individual) [TCO] (Linked To: LOPEZ HUMAN SMUGGLING ORGANIZATION). Designated pursuant to section 1(a)(ii)(C) of Executive Order 13581 of July 24, 2011, “Blocking Property of Transnational Criminal Organizations,” 76 FR 44757 (July 27, 2011), as amended by Executive Order 13863 of March 15, 2019, “Taking Additional Steps to Address the National Emergency With Respect to Significant Transnational Criminal Organizations,” 84 FR 10255 (March 19, 2019) (E.O. 13581, as amended), for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the LOPEZ HUMAN SMUGGLING ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

2. LOPEZ ESCOBAR, Ronaldo Galindo (a.k.a. “Tio Roni”), San Francisco Nueva Reforma, Malacatan, Guatemala; DOB 14 Sep 1977; POB Guatemala; nationality Guatemala; citizen Guatemala; Gender Male; Passport 000510054 (Guatemala) (individual) [TCO] (Linked To: LOPEZ HUMAN SMUGGLING ORGANIZATION). Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the LOPEZ HUMAN SMUGGLING ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

3. HERNANDEZ VANEGAS, Karen Stefany, Guatemala; DOB 12 Mar 2002; POB Livingston Izabal, Guatemala; nationality Guatemala; citizen Guatemala; Gender Female (individual) [TCO] (Linked To:

LOPEZ HUMAN SMUGGLING ORGANIZATION). Designated pursuant to section 1(a)(ii)(C) of E.O. 13581, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the LOPEZ HUMAN SMUGGLING ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13581, as amended.

Entity

1. LOPEZ HUMAN SMUGGLING ORGANIZATION, Mexico; Guatemala; Target Type Criminal Organization [TCO]. Designated pursuant to section 1(a)(ii)(A) of E.O. 13581, as amended, for being a foreign person that constitutes a significant transnational criminal organization.

Dated: July 25, 2024.

Lisa M. Palluconi,
Deputy Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

Editorial Note: This document was received for publication by the Office of the Federal Register on November 19, 2024.

[FR Doc. 2024–27462 Filed 11–22–24; 8:45 am]
BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY
Internal Revenue Service
Publication of the Tier 2 Tax Rates

AGENCY: Internal Revenue Service (IRS), Treasury.
ACTION: Notice.

SUMMARY: Publication of the tier 2 tax rates for calendar year 2025 as required by section 3241(d) of the Internal Revenue Code. Tier 2 taxes on railroad employees, employers, and employee representatives are one source of funding for benefits under the Railroad Retirement Act.

DATES: The tier 2 tax rates for calendar year 2025 apply to compensation paid in calendar year 2025.

FOR FURTHER INFORMATION CONTACT: Kathleen Edmondson, CC:EEE:EOET:ET1, Internal Revenue

Service, 1111 Constitution Avenue NW, Washington, DC 20224, telephone number (202) 317-6798 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Tier 2 Tax Rates: The tier 2 tax rate for 2025 under section 3201(b) on employees is 4.9 percent of compensation. The tier 2 tax rate for 2025 under section 3221(b) on employers is 13.1 percent of compensation. The tier 2 tax rate for 2025 under section 3211(b) on employee representatives is 13.1 percent of compensation.

Authority: 26 U.S.C. 3241.

Rachel Levy,

Associate Chief Counsel (Employee Benefits, Exempt Organizations and Employment Taxes).

[FR Doc. 2024-27487 Filed 11-22-24; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0503]

Agency Information Collection Activity Under OMB Review: Veterans Mortgage Life Insurance Change of Address Statement

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of

1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by December 26, 2024.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: www.reginfo.gov/public/do/PRAMain, select “Currently under Review—Open for Public Comments”, then search the list for the information collection by Title or “OMB Control No. 2900-0503.”

FOR FURTHER INFORMATION CONTACT: VA PRA information: Maribel Aponte, (202) 461-8900, vacopaperworkreduact@va.gov.

SUPPLEMENTARY INFORMATION:

Title: Veterans Mortgage Life Insurance Change of Address Statement (VA Form 29-0563).

OMB Control Number: 2900-0503
<https://www.reginfo.gov/public/do/PRASearch>.

Type of Review: Extension of a currently approved collection.

Abstract: The Veterans Mortgage Life Insurance Change of Address Statement solicits information needed to inquire

about a veteran’s continued ownership of the property issued under Veterans Mortgage Life Insurance when an address change for the veteran is received. The information obtained is used in determining whether continued Veterans Mortgage Life Insurance coverage is applicable since the law granting this insurance provides that coverage terminates if the veteran no longer owns the property. The information requested is required by law, 38 U.S.C. 2106. This form expired due to high volume of work and staffing changes.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 89 FR 73192, September 9, 2024.

Affected Public: Individuals or Households.

Estimated Annual Burden: 8 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 100.

Authority: 44 U.S.C. 3501 *et seq.*

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024-27551 Filed 11-22-24; 8:45 am]

BILLING CODE 8320-01-P



FEDERAL REGISTER

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Part II

Department of Homeland Security

Coast Guard

46 CFR Parts 10, 11, 12, et al.

Electronic Submission of Mariner Course Completion Data; Final Rule

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****46 CFR Parts 10, 11, 12, 13, 15, 16, 30, 35, and 39**

[Docket No. USCG–2021–0097]

RIN 1625–AC75

Electronic Submission of Mariner Course Completion Data**AGENCY:** Coast Guard, DHS.**ACTION:** Final rule.

SUMMARY: The Coast Guard is requiring Coast Guard-approved training providers to electronically submit student course completion data to the Coast Guard within 5 business days of completion. The National Maritime Center will use this information to validate mariner course completion as part of an application for a Merchant Mariner Credential. In addition, the Coast Guard is replacing gendered titles for certain officer and rating endorsements in keeping with Coast Guard policy of using gender-neutral language whenever possible. We expect these changes to improve the Coast Guard's verification process of mariner credential applications and to appropriately conform terms that should be gender neutral.

DATES: This final rule is effective January 17, 2025. Reporting requirements in 46 CFR 10.403(a)(7) need not be complied with until November 25, 2026. The incorporation by reference of certain material listed in the rule was approved by the Director of the Federal Register as of July 6, 2016.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to www.regulations.gov, type USCG–2021–0097 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email Mr. Brian T. Eichelberger, Office of Merchant Mariner Credentialing, Coast Guard; telephone 202–372–1450, email Brian.T.Eichelberger@uscg.mil.

SUPPLEMENTARY INFORMATION:**Table of Contents for Preamble**

- I. Abbreviations
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I. Abbreviations

- BLS Bureau of Labor Statistics
- CFR Code of Federal Regulations
- CSV Comma-Separated values
- DHS Department of Homeland Security
- FR Federal Register
- GS General Schedule
- ICR Information collection request
- IT Information technology
- MMC Merchant Mariner Credential
- MMLD Merchant Mariner Licensing and Documentation
- MRN Mariner reference number
- MTAD Mariner Training and Assessment Data
- NMC National Maritime Center
- NPRM Notice of proposed rulemaking
- OMB Office of Management and Budget
- PII Personally identifiable information
- PDF Portable document format
- QSS Quality Standard System
- RA Regulatory analysis
- SME Subject matter expert
- SSN Social security number
- STCW International Convention on Standards of Training, Certification, and Watchkeeping, 1978, as amended
- § Section
- U.S.C. United States Code

II. Basis and Purpose, Background and Regulatory History

The legal basis of this rulemaking is Title 46 of the United States Code (U.S.C.), Sections 7101(b) and 7301(b), which authorize the Secretary of the department in which the Coast Guard is operating to prescribe regulations relating to issuing Merchant Mariner Credentials (MMCs) with officer and rating endorsements. The Secretary of the Department of Homeland Security (DHS) has delegated the rulemaking authority under 46 U.S.C. 7101(b) and 7301(b) to the Coast Guard through 46 U.S.C. 2104 and DHS Delegation No. 00170.1, Revision No. 01.4, paragraph (II)(92)(e). Additionally, 14 U.S.C. 102(3) grants the Coast Guard broad authority to issue and enforce regulations to promote safety of life and property on waters subject to the jurisdiction of the United States, which includes establishing the experience, professional qualifications, and processes required for issuing credentials.

The Coast Guard issues MMCs to mariners who have met the regulatory requirements for individual endorsement(s), as described in title 46

of the Code of Federal Regulations (CFR), parts 10, 11, 12, and 13. Professional requirements for an MMC endorsement generally include sea service, completion of Coast Guard-approved training, and having a met a standard of competence through practical demonstration and completion of a written examination. The general standards for Coast Guard-approved courses and programs are found in 46 CFR 10.403. Coast Guard-approved training providers are required to maintain physical or electronic records of all students who took a course for at least 5 years after the completion of the course.

Starting November 25, 2026, this final rule will require Coast Guard-approved training providers to submit students' course completion data electronically to the Coast Guard within 5 business days of the course ending. This action lessens the probability of issuing MMCs to mariners who have not met the professional requirements for their endorsements and improves the efficiency of the credentialing process. In addition, this final rule replaces gendered titles for certain officer and rating endorsements to align with the Coast Guard's policy of using gender-neutral language whenever feasible, capitalizes the endorsements for uniformity, removes some references to an obsolete Coast Guard document, and makes editorial changes such as replacing “shall” with “must” and “his or her” with “their”.

The Coast Guard published a notice of proposed rulemaking (NPRM) on May 5, 2023 (88 FR 29013), explaining the MMC application process and proposing these changes—minus the delay in implementing reporting requirements. In response, we received three comments and subsequently made changes to the regulatory text based on the comments.

III. Discussion of Comments and Changes

Of the three comments received by the Coast Guard, one commenter strongly supported the rule, particularly the gender-neutral language measures. The remaining two commenters had recommendations for the Coast Guard to consider.

One of the commenters, hereafter “Commenter 1”, recommended that the submission period for Coast Guard-approved training providers to submit students' course completion data to the Coast Guard should be 10 business days instead of the 5-day period that was included in the proposed rule.

The Coast Guard has elected to retain the 5-day submission period. Our reason

for this decision is that the majority of mariners will take a course and then apply for an endorsement immediately after completing the course. Requiring Coast Guard-approved training providers to submit the data within a 5-day period ensures that the course completion data will be uploaded to the mariner's file within the Merchant Mariner Licensing and Documentation (MMLD)¹ database promptly, and the application process will not be delayed.

Commenter 1 also urged the Coast Guard to limit the data submission requirement to students who have passed the course.

The Coast Guard agrees with this suggestion and notes that, as proposed in the NPRM, the requirement to submit course completion data is limited to "each student who successfully completes an approved course or program."

Commenter 1 further recommended that hard-copy certificates issued to students should be optional and allow for electronic or portable document format (PDF) certificates. Another commenter, hereafter "Commenter 2", recommended that the Coast Guard no longer support the issuance of hard-copy course completion certificates.

The Coast Guard does not require approved training providers to issue hard copies of certificates to students who complete the course. Coast Guard-approved training providers, however, may continue to issue certificates as they have historically done for students who complete the course or program. That is, Coast Guard-approved training providers can issue the certificates to students via email, PDF, or hard copy. Coast Guard-approved training providers should continue to issue course completion certificates to students so they can submit them with their application for an MMC, in order to validate the certificates with the course completion data submitted electronically by the training provider.

Commenter 1 recommended that the submission of the course completion data should allow for comma-separated values (CSV) files for easy upload, and also allow for direct system entry.

The existing Homeport system currently supports this file type. It is a role-based environment that brings together Coast Guard personnel, members of the maritime community, and other designated individuals, allowing them to share information, and for records to be submitted by either

single entry via webform or by multiple entries at once using a CSV file.

Commenter 1 recommended a 2-year phased in approach, where a 2-year period should be given to Coast Guard-approved training providers to implement these new requirements. The commenter also suggested that the phase-in periods should be based on course approval or expiration dates.

The Coast Guard agrees with this recommendation and has edited the preamble and regulatory text consistent with this recommendation.

The Coast Guard, however, declines to adopt the recommendation that the phase-in period should be based on course approval or expiration dates. Although course approvals are valid for 5 years, not all courses or programs are approved for the same 5-year calendar period. The Coast Guard's intention is to bring all training course providers into compliance at the same time. Coast Guard-approved training providers will have until 2 years after the effective date of this rule to come into compliance with the new requirements.

Commenter 1 also stated that the Coast Guard needs a faster, more user-friendly system for uploading course completion data. The Coast Guard agrees, and has long-term plans for developing a more secure, agile, and user-friendly system in the future. For now, providers comply with the requirements of this rule by submitting data through Homeport.

Commenter 2 urged the Coast Guard to revise the Code of Federal Regulations (CFR) to eliminate any use of gendered pronouns from the proposed text. In addition, this commenter provided a list of sections within parts 30, 31, 32, and 35 where "his or her" remains in use.

The Coast Guard agrees with the recommendation to eliminate the use of gendered pronouns from the proposed text and has made edits accordingly. The Coast Guard appreciates the information listing additional instance where "his or her" remains in use and will evaluate whether to amend these parts when we draft our annual technical amendments.

Commenter 2 also suggested that Coast Guard-approved training providers should include a mariner's social security number (SSN) on their course completion certificate.

The Coast Guard does not accept this recommendation. Mariners provide their SSNs as required on the Application for Merchant Mariner Credential (Form CG-719B), and they are issued a mariner reference number (MRN) after they apply for their original MMC. The MRN is used by the Coast

Guard to identify the mariner in all future credentialing transactions, and all records are matched to the MRN rather than the SSN.

Commenter 2 believes that the proposed language in 46 CFR 10.403, paragraph (a)(7), could be revised to make it clear that Coast Guard-approved training providers must submit the information listed in subparagraphs (i) through (iv).

The Coast Guard agrees with the comment and has made editorial changes to the text to make that clear.

Commenter 2 also suggested that the Coast Guard update 46 CFR 10.402(b)(8) by requiring the same information listed in 46 CFR 10.403(a)(7)(i) through (iv) be included on the sample course completion certificates that Coast Guard-approved training providers submit to the Coast Guard for approval of a specific course or program.

As the NPRM did not discuss changes course and proposal approval requirements, these changes are outside the scope of this rulemaking.

IV. Discussion of the Rule

This rule amends 46 CFR 10.403 to require Coast Guard-approved training providers to submit course completion data electronically to the National Maritime Center (NMC) for each student who successfully completes a Coast Guard-approved course or program. Under this rule this data must be submitted electronically within 5 business days of the completion of any Coast Guard-approved course or program. Coast Guard-approved training providers will submit this data through Homeport to comply with this requirement until the Coast Guard announces the availability of a new method of compliance.²

Mariners submitting course completion data to the Coast Guard as part of their MMC application, and Coast Guard-approved training providers submitting course completion data electronically to the Coast Guard, must attest, under criminal penalty, that the records are accurate to the best of their knowledge and that no false entries or statements were made. See 18 U.S.C. 1001. The NMC will use this information to confirm that the applicant has completed the training required for the requested MMC endorsement. Requiring all Coast Guard-approved training providers to submit this data electronically improves the efficiency of the credentialing process and allows for the validation of course

¹ <https://www.dhs.gov/publication/dhsuscgpia-015-merchant-mariner-licensing-and-documentation-system> (last accessed January 18, 2024).

² Homeport is the Coast Guard's enterprise internet portal for the maritime community and can be accessed at <https://homeport.uscg.mil/>.

completion data ensuring the mariner meets the requirements for issuance of an endorsement. Under the process utilized prior to implementation of this rule, when a mariner submits an application, NMC personnel evaluate what is submitted and input the information into the mariner's training record within the MMLD database. If the course has not been electronically submitted by the training provider, then the evaluator has to enter the course completion information into the MMLD database manually. Under the process as implemented by this rule, NMC evaluators can use the data submitted electronically by training providers to verify quickly that the information submitted by the training provider is identical to the information submitted by the mariner with their application.

Providing 5 business days to submit course completion data ensures that a mariner's application will not be delayed due to the NMC waiting for training providers to submit the course completion data. By reducing delays in issuing an MMC, this final rule can help avoid loss of employment for a mariner, which supports NMC's mission to issue credentials to fully qualified mariners in the most effective and efficient manner possible.

Although the Coast Guard will electronically receive course completion data under this final rule, Coast Guard-approved training providers should continue to issue course completion certificates to their students, as mariners will still be responsible for including their course completion certificates as supporting documentation with their MMC application package (46 CFR 10.209(d)). This allows Coast Guard evaluators to validate the information submitted by the mariner with their MMC application against information submitted electronically by the training provider.

Under this final rule, training providers are required to submit the name of the training provider, the training provider's Coast Guard-issued provider code, the title of the Coast Guard-approved course or program, the Coast Guard-issued course code, the dates the training provider held the course, and the name of the approved instructor. This information allows the Coast Guard to validate that the course is one that has been approved by the Coast Guard and conducted by an approved instructor, and to verify the dates the course was held. The electronic submission also requires the student's full name as it appears on their MMC or other valid Government-issued identification, and their Coast Guard-issued MRN, or their date of birth

and place of birth if they do not have an MRN.

The Coast Guard is currently in the process of developing a replacement for the MMLD database with a more secure, agile, and user-friendly system that provides better service to the maritime industry. Since the new system has yet to be developed, the best way for training providers to comply with the requirements is to electronically submit course completion data through Homeport. The Coast Guard realizes that Homeport does not have all the data fields listed that are required for this rule. Until Homeport or other means of electronic submission is updated, training providers will need to input only data currently required in Homeport for submittal of course completion. Some of the data required by this rule to be submitted electronically, including course instructor name and date of birth (if a mariner currently does not have a reference number) cannot currently be inputted into Homeport. In the event a new system is developed and becomes fully operational, it will be announced through publication of a **Federal Register** notice.

The Coast Guard understands that immediate compliance upon publication of the final rule may not be feasible for many training providers submitting mariner course completion data. For that reason, we have amended 46 CFR 10.403 from what we proposed in the NPRM so that the requirements in paragraph (a)(7) need not be met until November 25, 2026. This gives training providers 2 years from this rule's effective date to come into compliance with the new requirements. To be prepared for enforcement, training providers should request accounts for Homeport at least 90 days prior to the enforcement date of this rule. Guidance for requesting accounts to Homeport can be found on the NMC's website at www.dco.uscg.mil/Portals/9/NMC/pdfs/training/how_to_obtain_a_homeport_account.pdf?.

This rule also amends 46 CFR parts 10, 11, 12, 13, 15, 16, 30, 35, and 39 to ensure the titles of certain officer and rating endorsements are gender neutral. In this initiative, the Coast Guard is amending the following endorsement titles as described in table 1:

TABLE 1—NOMENCLATURE CHANGES TO 46 CFR PARTS 10, 11 12, 13, 15, 16, 30, 35, AND 39

Prior to this rule	As amended by this rule
Apprentice mate (steersman).	Apprentice Mate of Towing Vessels.

TABLE 1—NOMENCLATURE CHANGES TO 46 CFR PARTS 10, 11 12, 13, 15, 16, 30, 35, AND 39—Continued

Prior to this rule	As amended by this rule
Crewman	Crewmember.
Fireman	Boiler Technician.
Hospital corpsman	Medical Technician.
Lifeboatman	Lifeboat Operator, Lifeboat Operator-Limited.
Pumpman	Pump Technician.
Seaman	Seafarer, Able Seafarer-Unlimited, Able Seafarer-Limited, Able Seafarer-Special, Able Seafarer-Offshore Supply Vessel, Able Seafarer-Sail, Able Seafarer-Fishing Industry.
Tankerman	Tank Vessel-PIC, Tank Barge-PIC, Restricted Tank Vessel-PIC, Restricted Tank Barge-PIC, Tank Vessel-Assistant, Tank Vessel-Engineer.

Upon the effective date of this rule, the Coast Guard will issue endorsements using the endorsement titles as implemented by this rule. Mariners do not have to apply to have the endorsement titles changed on their MMCs. The endorsement titles will be updated at the next credential transaction when an application is submitted to the Coast Guard.

With this final rule, the Coast Guard is changing the title of the Able Seaman endorsement to Able Seafarer. To differentiate in 46 CFR 10.231(c)(6)(ii) between the already established International Convention on Standards of Training, Certification, and Watchkeeping, 1978, as amended (STCW) endorsements of Able Seafarer-Deck and Able Seafarer-Engine and the Able Seafarer endorsement, the endorsement will be referred to as national Able Seafarer.

In some provisions of 46 CFR part 12, the legacy titles of endorsements will not be changed to the new endorsement titles. Specifically, §§ 12.501(b)(2) 12.607(b), 12.613(c), and 12.615(c) reference endorsements that would have been held before 2017 with the legacy name.

Finally, the Coast Guard is removing the expired grandfathering provisions in 46 CFR 13.603(e), 13.605(e), 13.607(e), 13.609(b), and 13.611(b). These provisions provided a method for mariners who held valid national tankerman endorsements issued before March 24, 2014, to qualify for original STCW tanker cargo operations endorsements. Any national tankerman endorsements issued before March 24, 2014, would have expired as of March 23, 2019; therefore, the grandfathering

provisions have expired. Mariners who wish to obtain original STCW tanker cargo endorsements must meet the requirements of the applicable section.

In addition to these changes, the Coast Guard is making a number of technical amendments to improve the clarity of the regulations. These changes include capitalizing certain terminology, making additional changes to gendered language, and edits for clarity. Because of these changes, our regulatory text in this final rule is significantly longer than the text in the NPRM. We have added redlines illustrating the changes to parts 13 and 15, and subpart B of part 16 to the docket where indicated under the **ADDRESSES** portion of the preamble.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and

Executive orders related to rulemaking. Below we summarize our analyses based on these statutes or Executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) as amended by Executive Order 14094 (Modernizing Regulatory Review), and 13563 (Improving Regulation and Regulatory Review) 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 (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying costs and benefits, reducing

costs, harmonizing rules, and promoting flexibility.

Executive Order 13610 (Identifying and Reducing Regulatory Burdens) promotes the goals of Executive Order 13563. Executive Order 13610 aims to modernize the regulatory systems and to reduce unjustified regulatory burdens and costs on the public.

The Office of Management and Budget (OMB) has not designated this final rule a significant regulatory action under section 3(f) of Executive Order 12866, as amended by Executive Order 14094. Accordingly, OMB has not reviewed this rule.

The changes from the NPRM, as published in the **Federal Register** on May 5, 2023, to this final rule are detailed in table 2.

TABLE 2—CHANGES FROM THE NPRM TO THE FINAL RULE

Description	NPRM	Final rule	Resulting change in regulatory analysis
Wage data for training providers and Coast Guard personnel.	Wages were calculated for 2020	Wages are calculated for 2022, with new data sources for Federal employee wages.	Figures have been updated with more recent data from the Bureau of Labor Statistics (BLS) and the OMB.
Cost savings for automatic verification of mariner course completion data.	The use of Homeport allows for verification of course completion information submitted by mariners and course completion information submitted by training providers. This was not included as a cost savings.	Identification of improved efficiency means that verification is quantified.	Cost savings is now included in the rule and has produced a net savings to the Federal Government.
Period of analysis	Cost estimate was derived from the years 2010–2020.	This period was updated to more recent years (2013–2022).	The period of analysis shifted to 2013–2022, using the most recently available data under a 10-year window of time.
Phase-in period	The rule was to become effective following publication in the Federal Register .	After responding to public comments, the rule now includes a 2-year phase-in period during which training providers can prepare by establishing Homeport accounts and familiarizing themselves with the new requirements.	The reporting requirements in 46 CFR 10.403(a)(7) need not be complied with until 2 years after the rule is published in the Federal Register . This phase-in period is accounted for in the cost analysis.

Table 3 shows the summary of the estimated impacts of this final rule. A regulatory analysis follows.

TABLE 3—SUMMARY OF THE IMPACTS OF THE FINAL RULE

Category	Summary
Affected Population	Approximately 327 Coast Guard-approved training providers.
Cost to Industry over 10 Years (2022 dollars, 7% discount rate).	\$933,588.
Cost to Government over 10 Years (2022 dollars, 7% discount rate).	A cost savings of \$142,393.
Unquantified Benefits	The final rule will improve efficiency and accuracy during the MMC evaluation process by the NMC and help ensure that mariner credentials are not issued to mariners who have not met the required qualifications.

Affected Population

As discussed in Section II. Basis and Purpose, and Regulatory History, the NMC must determine that a mariner meets the requirements for an endorsement on their MMC prior to

issuance of that endorsement. Currently, the NMC makes this determination by reviewing course completion certificates submitted with an MMC application. As discussed previously, the NMC's current course completion verification process is cumbersome and time-consuming.

This final rule seeks to address this issue by mandating that training providers electronically submit their course completion data to the NMC, which Coast Guard personnel will match to the mariner's MMLD profile.

Starting in 2010, the NMC launched a pilot program to collect course completion records via Homeport. Table 4 provides a 10-year historic overview of Coast Guard-approved training providers, the annual count of training providers submitting records via Homeport, and the number of records the NMC processed each year.

TABLE 4—NUMBER OF APPROVED TRAINING PROVIDERS AND COURSE COMPLETION RECORDS SUBMITTED TO THE NMC, 2013–2022

Year	Approved training providers	Training providers using Homeport	Student course completion submissions		
			Via mariner applications	Via Homeport	Total (Homeport plus mariner application submissions)
2013	330	36	49,577	12,110	61,687
2014	329	43	57,119	13,051	70,170
2015	340	43	51,890	19,491	71,381
2016	343	44	57,207	20,248	77,455
2017	338	49	47,074	25,125	72,199
2018	340	41	45,812	21,031	66,843
2019	322	33	49,435	12,834	62,269
2020	318	26	39,866	8,208	48,074
2021	322	24	46,194	9,049	55,243
2022	289	28	48,395	13,456	61,851
Average *	327	.....	49,257	15,460	64,717

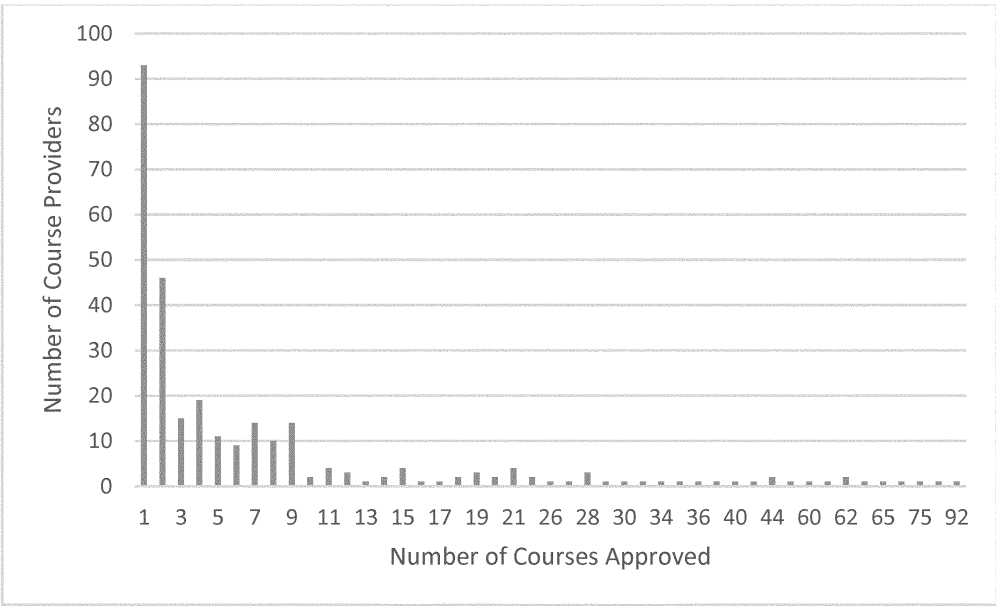
* Averages rounded to the nearest whole number. Averages for “Training Providers using Homeport” are not calculated, as this rule will require all training providers to use Homeport.

The affected population for this final rule includes training providers approved by the NMC who offer training courses for MMC endorsements. From 2013 to 2022, the NMC reports that the number of Coast Guard-approved training providers ranged from a low of 289 to a high of 343, for an average of 327. The number of Coast Guard-approved courses offered by training providers can vary greatly each year, depending on demand for the course,

instructor availability, and other factors. There were 2,515 approved courses offered in 2022. Figure 1 shows the distribution of the number of Coast Guard-approved training providers and the number of courses they have Coast Guard approval for in a given year. According to NMC data, there are 93 training providers that offer only 1 course and 154 training providers (47 percent of all training providers) that offer up to 3 courses (see

figure 1). The NMC does not track how many times a training provider offers each of their approved courses; for example, it is possible that a training provider with only 1 Coast Guard-approved course offers that course multiple times in a year. The analysis for this final rule focuses on the number of course completion records submitted, rather than the number of courses offered, in order to best account for the frequency in course offerings.

Figure 1: Distribution of Coast Guard-Approved Courses Offered by Training Providers, 2022



Cost to Industry

The cost to industry for this rule is comprised of two separate components: the cost to training providers for the time spent registering for a Homeport account, and the recurring cost to training providers for submitting course completion records. To find the total cost to industry, these costs are calculated individually and then combined under a 10-year timeline.

We find the initial cost of the rule by multiplying the number of training providers who must register for a Homeport account by the time it takes to register the account by the hourly wages of those who will register. According to an NMC subject matter expert (SME) familiar with Homeport, it takes a training provider approximately 20 minutes to establish a Homeport account. Given that Homeport accounts will be mandatory for the entire affected population, the cost of the rule is estimated to include all 327 training providers, even those who have already registered a Homeport account. These training providers must all be registered by the end of the 2-year phase-in period.

According to data from the NMC, there are currently 32 training providers who have registered accounts in Homeport, which means an additional 295 must be registered by the end of the

2-year phase-in period. For this analysis, we assume that half the remaining providers will register during the first year of the implementation period and half will register during the second year. That is, 147 training providers will register in the first year (along with the 32 training providers already registered), and the remaining 148 training providers will register in the second year.

After the training providers have all established their Homeport accounts, we expect any new training providers will register as they are approved by the NMC. We can anticipate these future training providers by examining the fluctuations in training providers from 2013 to 2022. Instances in which the population of training providers declined can be ignored (there is no cost to training providers for leaving the field), and the anticipated yearly number of new training providers can be found by finding the 10-year historic average for years when the count of training providers increased. As calculated from table 4, there have been 18 new Homeport accounts created over the 10-year period of the analysis. Rounding to the nearest whole number, the 10-year average for new training providers is two (2) training providers per year.

When calculating hourly wages, the Coast Guard must account not only for the hourly wages of personnel, but also for the additional costs the employer must pay to employ that individual, such as payroll taxes, Social Security, and insurance. These additional costs, when added to wages, are considered the “total compensation” of that job. To find the total compensation of training providers, the Coast Guard researched the wages and total compensation for the education industry as a whole, as provided by the BLS, and divided the total cost of employment by wages in order to find their ratio. This number is considered the “load factor” that, when multiplied by wages, produces the total cost of employing a training provider.

The loaded mean hourly wage rate of submitters is approximately \$51.06 for 2022, derived from an unloaded mean hourly wage rate of \$33.59³ for Training and Development Specialists and a load factor of 1.52.⁴

Multiplying these factors with the wages of personnel who will be responsible for registering the account, we find that the cost to industry for registering Homeport accounts over 10 years will be total of \$5,838, as detailed in table 5.

TABLE 5—THE COST TO TRAINING PROVIDERS TO ESTABLISH A HOMEPORT ACCOUNT
[2022 Dollars]

Year	Number of training providers	Time to complete (hours)	Hourly loaded wage	Total cost
1	179	.33	\$51.06	\$3,047
2	148	.33	51.06	2,519
3	2	.33	51.06	34
4	2	.33	51.06	34
5	2	.33	51.06	34
6	2	.33	51.06	34
7	2	.33	51.06	34
8	2	.33	51.06	34
9	2	.33	51.06	34
10	2	.33	51.06	34
Total .....	.....	.....	.....	5,838

Note: Figures may not sum due to rounding.

The other cost to industry for the rule is for training providers to submit course completion data through Homeport. This is calculated on a 10-year timeline. Training providers can decide between two methods for uploading course completion data into

Homeport: they can upload with a direct entry system through a Hyper Text Markup Language (HTML) form, or they can use a CSV file, which can upload multiple records at once.

As discussed in table 4, the NMC provided the 10-year historical data for

the number of student course completion records that training providers submitted. From 2013 to 2022, there were approximately 327 training providers responsible for generating an average of 64,717 course completion records per year. We found

³ The 2022 mean hourly wage rate of \$33.59 is for Training and Development Specialists. <https://www.bls.gov/oes/2022/may/oes131151.htm> (last accessed January 18, 2024).

⁴ Bureau of Labor Statistics, *Employer Costs For Employee Compensation—March 2022*. “Table 2, Employer Costs for Employee Compensation for civilian workers by occupational and industry group.” https://www.bls.gov/news.release/archives/ecec_06162022.pdf (last accessed January 18, 2024).

We calculated the load factor by dividing total compensation for education services (\$57.27) by wages and salaries for education services (\$37.69). ($57.27/37.69 = \text{a load factor of } 1.52$).

the cost to training providers to submit the record electronically to the NMC by multiplying the average annual number of course completion records submitted by the time it takes to submit records and then by the hourly wages of those who will submit records.

To estimate the time cost for submitting records electronically, we surveyed training providers currently using Homeport. Under the Paperwork Reduction Act (44 U.S.C. 3501–3520), we are limited in how many training providers we could solicit for information. We contacted eight providers and received four complete responses back, three of which quantified the time required to submit data through Homeport. The two key questions asked as part of the survey were:

- Excluding time already spent on issuance of conventional paper course

completion certificates, what is the minimum additional amount of time you estimate it takes to enter data into Homeport for each course?

- What is the maximum additional amount of time you estimate it takes to enter data into Homeport for each course?

Using the survey responses, we estimate a range for the time to submit each student course completion record to be approximately 0.0114 hours (0.68 minutes) on the lower end, and 0.0688 hours (4.13 minutes) on the higher end, for an average of .04 hours (2.4 minutes) per submission. We will use the average submission time for our subsequent cost calculations.

Based on the 10-year average calculated from table 4, we estimate that training providers will submit 64,717 course completion records electronically annually. Multiplying the average number of annual records by the

average time to upload a record and then by the loaded wage for a training provider (64,717 records × 0.04 hrs. × \$51.06) gives us an annual total cost to training providers of approximately \$132,178. Dividing the annual total costs by the number of training providers gives us an annual per-training provider cost of uploading course completion records of approximately \$404 (\$132,178/327).

We estimate the 10-year total costs to training providers by combining the Homeport account creation costs and the recurring course completion record submission costs. Table 6 presents the undiscounted total costs of this rule as well as the 3 percent and 7 percent discounted costs. The annualized total costs to training providers, discounted at 3 percent and 7 percent, are estimated to be \$132,829 and \$132,922, respectively.

TABLE 6—TOTAL COSTS TO TRAINING PROVIDERS
[2022 Dollars]

Year	Homeport account creation	Course completion record submission	Total cost	3% discount	7% discount
1	\$3,047	\$132,178	\$135,225	\$131,286	\$126,378
2	2,519	132,178	134,697	126,965	117,650
3	34	132,178	132,212	120,993	107,924
4	34	132,178	132,212	117,469	100,864
5	34	132,178	132,212	114,047	94,265
6	34	132,178	132,212	110,726	88,098
7	34	132,178	132,212	107,500	82,335
8	34	132,178	132,212	104,369	76,949
9	34	132,178	132,212	101,330	71,915
10	34	132,178	132,212	98,378	67,210
Totals	5,838	1,321,780	1,327,618	1,133,063	933,588
Annualized .....	.....	.....	.....	132,829	132,922

Note: Figures may not sum due to rounding

Cost to the Federal Government

The cost to the Federal Government for this final rule is comprised of the cost for Coast Guard personnel to verify new training provider accounts created on Homeport, the cost for Coast Guard personnel to manually match course completion data to mariner accounts when personally identifiable information is not available, and the cost savings from NMC evaluators not having to manually enter mariner course completion data directly into MMLD. The total cost to the Federal Government is found by combining these costs and cost savings within a 10-year period.

In order for a training provider to be able to electronically submit course completion data through Homeport, they must first establish a user account by registering on the site. User accounts must be verified by Coast Guard

personnel at the NMC before they are ready for use. According to an NMC SME familiar with Homeport, it takes a General Schedule (GS)–07 civilian employee approximately 20 minutes to verify a Homeport user account. The estimate for the number of training providers over a 10-year period are taken from table 5.

The cost of verifying training provider accounts on Homeport is found by multiplying the wages of Coast Guard personnel who verify new Homeport accounts by the amount of time they spend performing that task.

We calculated wages for civilian Federal employees by taking the wages for a Federal employee in their locality, with their grade, at step 5 (which is considered an average). As of January 2022 in the national capital region, this is \$27.50 per hour for GS–07

employees.⁵ To account for the total cost of the position, wages are multiplied by a load factor, which is found by taking the total compensation for Federal employees (\$64.80) and dividing by average wages for Federal employees (\$38.30).⁶ The calculation creates a load factor of 1.69, and, when multiplied by the hourly wage, the total

⁵ General Schedule pay scale for Federal employees. https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/DCB_h.pdf (last accessed January 18, 2024).

⁶ Congressional Budget Office, *Comparing the Compensation of Federal and Private-Sector Employees, 2011 to 2015* (April 2017), www.cbo.gov/publication/52637 (last accessed January 18, 2024).

“Federal and Private-Sector Total Compensation, by Workers’ Educational Attainment”: Federal Government, All Levels of Education. Page 16.

“Federal and Private-Sector Wages, by Workers’ Educational Attainment.” Federal Government, All Levels of Education. Page 11.

wages for a GS-07 employee becomes \$46.48 per hour.

The 10-year cost of Homeport account verification is \$5,314, as detailed in table 7.

TABLE 7—COST TO GOVERNMENT OF VERIFYING HOMEPORT USER ACCOUNTS
[2022 Dollars]

Year	Number of training providers	Time to verify new homeport account—hours (20 min.)	Hourly GS-07 wages	Total cost
1	179	.33	\$46.48	\$2,773
2	148	.33	46.48	2,293
3	2	.33	46.48	31
4	2	.33	46.48	31
5	2	.33	46.48	31
6	2	.33	46.48	31
7	2	.33	46.48	31
8	2	.33	46.48	31
9	2	.33	46.48	31
10	2	.33	46.48	31
Total .....	.....	.....	.....	\$5,314

Note: Figures may not sum due to rounding.

The second part of the cost to Government is found by multiplying the wages of Coast Guard personnel who will manually match the course completion information with existing mariner records by the time they spend performing that task. This is considered a recurring cost for the Coast Guard and is calculated over a 10-year period.

The course completion data that the training provider submits through Homeport is added to a database known as Mariner Training and Assessment Data (MTAD) and is automatically matched to the mariner's profile in the MMLD using the individual's MRN. If a mariner does not have an MRN, the course data appears in the MMLD as an unmatched entry because it does not match to an existing MRN. This situation prompts manual review by personnel at NMC.

However, records may also not match due to a misspelling or other errors in data entry. If neither an SSN nor an MRN are provided, the certificate would remain unmatched to a mariner's record in the MMLD until it can be matched manually. The need for manual review to match records in the MMLD represents a cost to the Coast Guard.

For the period 2012 to 2022, 15,460 of the 64,717 course completion records

submitted required manual matching. Using these data, Coast Guard estimates that approximately 24 percent (15,460 ÷ 64,717) of records must be manually matched. According to a Coast Guard SME from the NMC, manually matching records in the MMLD requires 3 hours per week at the GS-7 level and 0.5 hours per week at the GS-13 level, for the current 24 percent of course completion records entered into the MMLD. This number will be projected at an additional 76 percent to account for the remaining Coast Guard-approved training providers who will begin submitting course completion data to the NMC under this rule. The projected total cost to the Coast Guard is 12.5 hours per week at the GS-7 level:

$((3/24) \times 100 = 12.5 \text{ hours per week,}^7 \text{ rounded; } 12.5 \times 52 \text{ weeks per year} = 650 \text{ hours per year}),$

The projected total cost to the Coast Guard is 2.1 hours per week at the GS-13 level:

$((.5/24) \times 100 = 2.1 \text{ hours per week, rounded; } 2.1 \times 52 \text{ week per year} = 109 \text{ hours per year}).$

There is a total annual burden of 759 hours—650 hours for a GS-7 and 109 hours for a GS-13. Total wages for GS-07 employees are \$46.48 per hour, and

total wages for GS-13 are \$98.04 per hour. :

(GS-07 Step 5: $27.50 \times 1.69 = 46.48 \text{ per hour}$)

(GS-13 Step 5: $58.01 \times 1.69 = 98.04 \text{ per hour}$)

To find the cost of the final rule to the Federal Government over a 10-year period, we first multiply the wages of personnel by the hours they work verifying course completion data in a given year. GS-07 personnel work for 650 hours at the rate of \$46.48 per hour, totaling to \$30,212. GS-13 personnel work for 109 hours at the rate of \$98.04 per hour, totaling to \$10,686. Combining these figures, the final rule will cost the Federal Government \$40,898 annually.

If we divide this amount by the total 759 hours of verification, we find the weighted average wage of manually matching mariner records is \$53.88 per hour. The first 2 years are adjusted for the phase-in period, as calculated in table 5:

(Year 1: $179/327 = .55$, and $759 \times 55\% = 417$)

(Year 2: $148/327 = .45$, and $759 \times 45\% = 342$)

The details of this cost, and the discounted cost at 3 percent and 7 percent, are provided in table 8.

⁷ The current figure of 3 hours only accounts for 24% of the record matching that will occur due to the rule. To find how much time is needed, we

divide the time already being used (3 hours) by the percentage of the job that is already being completed (24) to find the required hours as a single

percentage of the total job. Then we multiply by 100 to find the total time required for the job, which gives us 12.5 hours per week.

TABLE 8—ESTIMATED COSTS OF MATCHING RECORDS TO FEDERAL GOVERNMENT
[2022 Dollars]

Year	Total time (hours)	Weighted average wage	Total annual	3% discount	7% discount
1	417	53.88	22,468	21,814	\$20,998
2	342	53.88	18,427	17,369	16,095
3	759	53.88	40,895	37,425	33,382
4	759	53.88	40,895	36,335	31,199
5	759	53.88	40,895	35,276	29,158
6	759	53.88	40,895	34,249	27,250
7	759	53.88	40,895	33,251	25,467
8	759	53.88	40,895	32,283	23,801
9	759	53.88	40,895	31,343	22,244
10	759	53.88	40,895	30,430	20,789
Total .....	.....	.....	368,055	309,774	250,383
Annualized .....	.....	.....	.....	36,315	35,649

Note: Figures may not sum due to rounding.

The cost for matching records in the MMLD is \$368,055 over a period of 10 years. The total cost, discounted at 7 percent, is \$250,383 over a 10-year period.

This final cost factor of the rule to the Federal Government will be cost savings from automating the process for inputting mariner course completion data in MMLD as part of the evaluation of an MMC application. Course completion data submitted electronically by training providers will be matched to the MRN in MTAD and ultimately recorded in the mariner’s training profile in MMLD, rather than evaluators manually inputting the course completion information directly into the MMLD.

An NMC SME estimated that electronic submission will save the Coast Guard 1 minute per record when submitted through Homeport, resulting in cost savings for the Federal Government. There are 64,717 records submitted annually, resulting in a savings of 64,717 minutes per year, or 1,079 hours. The manual entry of mariner course completion data is completed through a pool of 32 Coast Guard evaluators at NMC, 13 of whom are GS–07 employees and 19 of whom are GS–09. Manual entry of mariner course completion data is divided evenly among the pool, meaning the evaluators all spend an equal amount of time on entering course completion data, so that GS–07 employees perform

41 percent of the manual entry, and GS–09 employees perform 59 percent of the manual entry. The loaded wages for these personnel are \$46.48 for GS–07s and \$56.85 for GS–09s.⁸

The total cost savings for this rule is derived by multiplying the amount of time saved by the wages of Coast Guard personnel who had previously done the manual entry of mariner course completion data. This calculation must account for different wages of the personnel based on their GS step, and the percentage of the manual entry performed by the individuals. The total cost savings is \$56,586 per year, or \$565,860 over a 10-year period, as outlined in table 9.

TABLE 9—ANNUAL COST SAVINGS OF ELECTRONIC SUBMISSION TO THE GOVERNMENT
[2022 Dollars]

Time manually entering course completion data	Evaluators	Percentage of time by GS step manually entering course completion data (%)	Total hours	Wages	Total cost savings
A		B	A * B	C	A * B * C
1,079 hrs.	GS–07 GS–09	41 59	442 637	46.48/hr. 56.85/hr.	20,544 36,041
Total .....	.....	.....	1,079	.....	56,586

Note: Figures may not sum due to rounding.

Net Cost to the Federal Government

The net cost of this final rule to the Federal Government is found by adding

all three cost factors: the cost of verifying new Homeport accounts, the cost of manually matching submitted

records to a mariner’s profile in MMLD, and the cost savings that result from eliminating the need to manually enter

⁸ See methodology outlined above for calculated loaded wages for Federal employees.

mariner course completion data. These combined factors result in an overall cost savings for the Federal Government

of \$192,491 over 10 years, and a total of \$142,393 over 10 years when

discounted at 7 percent. The results are outlined in table 10.

TABLE 10—TOTAL COST TO THE FEDERAL GOVERNMENT
[2022 Dollars]

Year	Verifying homeport accounts	Matching records	Cost savings from elimi- nation of man- ual entry of course completion data	Total	3% Discount	7% Discount
	A	B	C	(A + B) – C		
1	\$2,773	\$22,468	\$56,586	(\$32,910)	(\$31,951)	(\$30,757)
2	2,293	18,427	56,586	(34,301)	(32,332)	(29,960)
3	31	40,895	56,586	(15,660)	(14,331)	(12,783)
4	31	40,895	56,586	(15,660)	(13,914)	(11,947)
5	31	40,895	56,586	(15,660)	(13,508)	(11,165)
6	31	40,895	56,586	(15,660)	(13,115)	(10,435)
7	31	40,895	56,586	(15,660)	(12,733)	(9,752)
8	31	40,895	56,586	(15,660)	(12,362)	(9,114)
9	31	40,895	56,586	(15,660)	(12,002)	(8,518)
10	31	40,895	56,586	(15,660)	(11,653)	(7,961)
Total	5,314	368,055	565,860	(192,491)	(167,901)	(142,393)
Annualized					(19,683)	(20,273)

Note: Figures may not sum due to rounding.

Net Total Cost of the Final Rule

The net cost of the final rule is found by taking the cost to training providers

and subtracting the cost savings to the Federal Government. Table 11 shows

the net cost of the final rule combining the results from table 6 and table 10.

TABLE 11—NET COSTS OF THE FINAL RULE:
[2022 Dollars]

Year	Cost to training providers	Cost to govt.	Total net cost	3% discount	7% discount
1	\$135,225	(\$32,910)	\$102,315	\$99,335	\$95,621
2	134,697	(34,301)	100,396	94,633	87,690
3	132,212	(15,660)	116,552	106,662	95,141
4	132,212	(15,660)	116,552	103,555	88,917
5	132,212	(15,660)	116,552	100,539	83,100
6	132,212	(15,660)	116,552	97,610	77,664
7	132,212	(15,660)	116,552	94,767	72,583
8	132,212	(15,660)	116,552	92,007	67,834
9	132,212	(15,660)	116,552	89,327	63,397
10	132,212	(15,660)	116,552	86,726	59,249
Total	1,327,618	(192,491)	1,135,127	965,161	791,196
Annualized				113,146	112,648

Note: Figures may not sum due to rounding.

The estimated total cost of the final rule over a 10-year period is approximately \$1.135 million. The annualized total cost of the final rule, when discounted at 3 and 7 percent, is \$113,146 and \$112,648, respectively.

Benefits

The benefit of the rule will be to improve efficiency and accuracy during the evaluation of MMC applications by streamlining the process for verifying mariner course completions and eliminating the need for manual entry of course information in MMLD. Currently, mariner course completion data can be verified by having Coast Guard

personnel call the training provider to confirm that the mariner's reported course completion information matches the records of the provider, and then reconcile any discrepancies. Under this final rule, both the mariner and the training provider will submit their course completion data to the Coast Guard: the mariner submits course completion data with their application for an MMC, and the training provider submits course completion data through Homeport. NMC evaluators then verify that the data submitted by the mariner matches the data submitted by the training providers. If any discrepancies are found, an investigation may be

initiated to determine the nature of the discrepancy and whether the mariner has met the requirements to be issued the credential.

Alternatives Considered

1. *No action.* We rejected this alternative because the Coast Guard has a responsibility to improve the credentialing process for training providers and mariners, and to minimize operating costs wherever possible. These responsibilities will be better served under this final rule than under the current process.

2. *Coast Guard-provided serial numbers for training certificates.* Under

this alternative, the Coast Guard would provide training providers with a list of serial numbers to use on the course completion certificates they issue to students. We rejected this alternative because, to implement it, the Coast Guard would need to develop an electronic system to track certificate serial numbers. Prior attempts at adding new capabilities to the MMLD have been unsuccessful. Implementing this alternative would require additional human resources to develop and manage a secondary system to track certificate numbers and increase application evaluation times due to the need to access multiple databases to verify data. None of these requirements are feasible in the immediate near term.

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this final rule will have significant economic impact on a substantial number of small entities. 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 impact of this final rule on each training provider varies by how many Coast Guard-approved courses a training provider offers in any given year, and how many student records a training provider submits to the Coast Guard. Larger training providers that offer many courses, and thus manage more student records, have a larger burden from the final rule, but they also have larger revenues. Conversely, smaller training providers that manage fewer student records have a smaller burden under this final rule but may have less revenue to mitigate the burden. To assess the potential burden on small entities, we took a random sample of the total population of Coast Guard-

approved training providers and multiplied the cost per course by the number of courses each training provider offered in a year.

Of the 327 training providers impacted by this final rule, we took a random sample of 173 companies (training providers) to achieve a 95-percent confidence interval. We found 147 of the companies in the random sample that had known revenues or employee information. Of these, 100 had both measures, while 47 had only known employee information. The sample represented 59 different North American Industry Classification System codes, including schools, professional training centers, and specific trades reflecting the range of courses required to qualify for an MMC and associated endorsements.

Out of the sample of 173 companies (training providers), we found 166 small entities overall that could potentially be affected by this final rule.⁹ Among the sample of 173 companies, we found that 74 are small entities based on a revenue size standard, and 11 are small entities based on an employee size standard. There was insufficient information to determine the size of 81 companies, so we assumed that they are also small entities. Overall, we found 166 small entities that could potentially be affected by this final rule. Table 12 presents the number of small entities based on employee size standard, revenue size standard, or other information.

TABLE 12—NUMBER OF SMALL ENTITIES

Category	Number
Small entities by revenue standard	74
Small entities by employee standard	11
Entities assumed to be small with insufficient information	81

TABLE 12—NUMBER OF SMALL ENTITIES—Continued

Category	Number
Total small entities	166
Number of entities in sample	173

The annual impact of this final rule on each entity will be proportional to the number of courses offered. Here, we use the number of courses rather than the number of students, because the number of Coast Guard-approved courses is known, but the number of students per training provider is not. To estimate the impact, we multiply the number of Coast Guard-approved courses offered by the estimated time burden per course in hours, and then multiply by the loaded hourly wage rate of the submitters.

According to an SME at the NMC, we estimate training provider class sizes to be 20 students per course. We can estimate the per-course time burden by multiplying the class size by the time it takes to submit a student course completion record. Using the survey response range for the time to submit each student’s course completion record of 0.0114 hours (0.68 minutes) on the lower end, and 0.0688 hours (4.13 minutes) on the higher end, we estimate an hourly range per course to be between 0.228 and 1.376 hours, for an average of .802 hours.

If a training provider offered two Coast Guard-approved courses, for example, their burden would be approximately \$81.90 (2 courses × .802 hours × \$51.06). For a rule to create an impact of more than 1 percent of revenues, an entity would need to have annual revenues less than or equal to \$8,190 ((2 × .802 × 51.06) × 100).

The mode of courses offered by small entities is one: most small entities only offer one course. The mean of courses offered by small entities is 9.22.

TABLE 13—NUMBER OF COURSES AND COST OF RULE BY SMALL ENTITIES

Number of courses	Number of small entities	Percentage of small entities	Cost of rule
1	49	29%	\$41
2	17	10	82
3	13	8	123
4	16	10	164
5	11	7	205
6	3	2	246
7	6	4	287
8	4	2	328
9	9	5	369

⁹ The definitions for small entities were based on the July 2022 SBA Small Business Size Standards,

[https://www.sba.gov/sites/default/files/2022-07/](https://www.sba.gov/sites/default/files/2022-07/Table%20of%20Size%20Standards_)
[Table%20of%20Size%20Standards_](https://www.sba.gov/sites/default/files/2022-07/Table%20of%20Size%20Standards_)

Effective%20July%2014%202022_Final-508.pdf, (accessed Jan. 18th, 2024.)

TABLE 13—NUMBER OF COURSES AND COST OF RULE BY SMALL ENTITIES—Continued

Number of courses	Number of small entities	Percentage of small entities	Cost of rule
10	6	4	410
11	2	1	450
12	5	3	491
13	1	1	532
14	2	1	573
16	1	1	655
18	2	1	737
19	1	1	778
20	3	2	819
>20 *	16	10	1,359

Note: Percentages may not sum to 100% due to rounding.

* Estimates for the “over 20 courses” category uses a mean of 32 courses, derived from a sample of ten small entities after removing six large outliers.

Table 14 shows the number of small entities with a greater than 1 percent impact on their annual revenues as the percentage of the total population of small entities that we found through our analysis. Of the 166 small entities for which we found revenue data from a survey provided to a random sample of

mariner training providers, over the 10-year period of analysis, on the lower end, one small entity experienced an impact of greater than 1 percent of its total annual revenues, and on the higher end, five small entities experienced an impact of greater than 1 percent of its total annual revenues. Therefore, an

average of three small entities are expected to experience an impact of greater than 1 percent of its total annual revenues, which is not a substantial number of small entities out of a total population of 327 training providers that offer at least 1 course.

TABLE 14—ESTIMATED INITIAL AND ANNUAL IMPACT OF THE FINAL RULE ON SMALL ENTITIES

Category	Lower estimate	Higher estimate	Average estimate
Number of small entities where impact is greater than 1% of revenues	1	5	3
Percentage of small entities where impact is greater than 1% of revenues	0.60%	3.01%	1.8%

Table 15 shows the number of small entities affected by the final rule as a

percentage of the small entities’ total annual revenues.

TABLE 15—ESTIMATED INITIAL AND ANNUAL PERCENTAGE REVENUE IMPACT OF THE FINAL RULE ON SMALL ENTITIES

Category	Lower estimate	Higher estimate	Average estimate
Impact <1% of revenues	91	87	89
Impact 1 to 2% of revenues	0	2	1
Impact 2 to 3% of revenues	1	1	1
Impact 3 to 4% of revenues	0	1	.5
Impact greater than 4% of revenues	0	1	.5
Total	92	92	92

Hence, for small entities that will receive an impact on their revenues of 1 percent or more, we find that 1 percent of the small entities will be impacted using the lower estimate, 5 percent of small entities will be impacted using the higher estimate, and 3 percent of small entities will be impacted on average (low estimate: $1 \div 92 = .01$, or 1%; high estimate: $5 \div 92 = .05$, or 5%; average estimate: $3 \div 92 = .03$, or 3%).

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic

impact on a substantial number of small entities.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we offer to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. 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.

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).

D. Collection of Information

This rule calls for a revision to a collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. As defined in 5 CFR 1320.3(c), “collection of information” comprises reporting, recordkeeping, monitoring, posting, labeling, and other similar actions. The title and description of the information collections, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

The Paperwork Reduction Act of 1995 requires the Coast Guard to consider the impact of paperwork and other information collection burdens imposed on the public. According to the 1995 amendments to the Paperwork Reduction Act, an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement, unless it displays a currently valid OMB control number.

This action contains amendments to the existing information collection requirements previously approved under OMB Control Number 1625–0028. This information collection request (ICR) governs all the information collected for training provider approvals, including information required to evaluate and approve the initial course, review of these materials by the NMC, and ongoing recordkeeping requirements for each student taking a course. This final rule increases the hour burden of recordkeeping for each Coast Guard-approved course but does not increase the number of responses (number of Coast Guard-approved courses).

The hour burden of the ICR represents the total annual burden per Coast Guard-approved course, assuming that each Coast Guard-approved course is offered 12 times per year with 20 students in each class. The current hour burden is 40 hours for each Coast Guard-approved course, or 0.1667 hours for each student record. Since the regulatory analysis for this rule used a range for the estimated burden, we use the higher end of the range to provide a conservative estimate of the increase in recordkeeping burden. This rule increases the hour burden per student record by 0.0688, from 0.1667 to 0.2355 hours. This creates a total increase of about 16.51 hours per course, from 40.01 hours per course (0.1667×20

students $\times$ 12 courses) to about 56.52 hours for each course (0.2355×20 students $\times$ 12 courses).

The title and description of the information collection, a description of those who must collect the information, and an estimate of the total annual burden, follow. The estimates cover the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection. The current OMB-approved number of responses is 2,757.

Title: Course Approval and Records for Merchant Mariner Training Schools.

OMB Control Number: 1625–0028.

Summary of the Collection of Information: This ICR governs all of the information collected for training providers, including approvals (information required to evaluate and approve the course and any information regarding the STCW Quality Standard System (QSS) manual) and ongoing recordkeeping requirements.

Need for Information: Title 46 of the CFR, section 10.402, specifies the information that must be submitted for the Coast Guard to evaluate and approve each course. The Coast Guard is obligated under the STCW Convention to validate the training completed by mariners and to ensure that the approved training is monitored under a QSS.

Proposed Use of Information: Personnel from NMC review the submitted information to ensure training courses and programs meet minimum standards for Coast Guard approval. The recordkeeping requirements help the Coast Guard monitor the performance of schools with Coast Guard-approved courses.

Description of the Respondents: Training providers approved to provide maritime courses or programs.

Number of Respondents: The OMB-approved number of respondents for this collection of information remains at 326.

Frequency of Response: Training providers submit student records every year based on the courses offered and the number of students completing those courses.

Burden of Response: The total burden per response is 56.52 hours per course, which will increase from the previously approved number of 40.01 hours per course.

Estimate of Annual Hour Burden: The final rule increases the estimated annual burden by 51,429 hours (16.51 hours per course multiplied by 3,115 total courses). This will increase the burden from 146,109 hours to 197,538 hours.

As required by 44 U.S.C. 3507(d), we will submit a copy of this final rule to OMB for its review of the collection of information.

You are not required to respond to a collection of information unless it displays a currently valid control number from OMB. OMB has not yet completed its review of this collection. Before the Coast Guard may enforce new collection of information requirements introduced by this rule, OMB will need to approve the Coast Guard’s request to collect this information. We will publish a **Federal Register** notice once OMB takes action on our request.

E. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a 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. We have analyzed this final rule under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows.

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered in 46 U.S.C. 7101 and 7301 (personnel qualifications of officers and ratings serving on board merchant vessels) and any other category in which Congress intended the Coast Guard to be the sole source of a vessel’s obligations, are within the field foreclosed from regulation by the States. See the Supreme Court’s decision in *United States v. Locke*, 529 U.S. 89, 120 S.Ct. 1135 (2000), which found that the States are foreclosed from regulating tanker vessels. See also *Ray v. Atlantic Richfield Co.*, 435 U.S. 151, 157, 98 S.Ct., 988 (1978), which found that State regulation is preempted where “the scheme of federal regulation may be so pervasive as to make reasonable the inference that Congress left no room for the States to supplement it [or where] the Act of Congress may touch a field in which the federal interest is so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject.” (Citations omitted). Because this final rule involves the credentialing of merchant mariner officers and ratings under 46 U.S.C. 7101 and 7301 respectively, it relates to personnel qualifications for vessels subject to a pervasive scheme of Federal regulation and is therefore foreclosed from

regulation by the States. Because the States may not regulate within these categories, this final rule is consistent with the fundamental federalism principles and preemption requirements in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this rule will have implications for federalism under Executive Order 13132, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

F. Unfunded Mandates

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. Although this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

G. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform) to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This rule does not have Tribal implications under Executive Order

13175 (Consultation and Coordination with Indian Tribal Governments), because it will 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.

K. Energy Effects

We have analyzed this rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (That is, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this final rule under DHS Management 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 *et seq.*), and have made a determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. 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. This final rule will be categorically excluded under paragraphs L54 and L56

of Appendix A, table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. Paragraph L54 pertains to regulations that are editorial or procedural. Paragraph L56 pertains to regulations concerning training, qualifying, licensing, and disciplining maritime personnel.

This final rule involves establishing a new procedure for issuing MMCs to mariners who have met the regulatory requirements for the individual endorsements as described in 46 CFR parts 11 and 12. Under this new procedure, Coast Guard-approved training providers will be required to electronically submit student course completion data to the Coast Guard within 5 business days of a course ending. The NMC will use this information to validate mariner course completion certificates submitted as part of an application for an MMC.

List of Subjects

46 CFR Part 10

Incorporation by reference, Penalties, Personally identifiable information, Reporting and recordkeeping requirements, Seafarers.

46 CFR Part 11

Incorporation by reference, Penalties, Reporting and recordkeeping requirements, Schools, Seafarers.

46 CFR Part 12

Incorporation by reference, Penalties, Reporting and recordkeeping requirements, Schools, Seafarers.

46 CFR Part 13

Incorporation by reference, Cargo vessels, Reporting and recordkeeping requirements, Seafarers.

46 CFR Part 15

Incorporation by reference, Reporting and recordkeeping requirements, Seafarers, Vessels.

46 CFR Part 16

Drug testing, Marine safety, Reporting and recordkeeping requirements, Safety, Transportation.

46 CFR Part 30

Cargo vessels, Foreign relations, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements, Seafarers.

46 CFR Part 35

Cargo vessels, Incorporation by reference, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seafarers.

46 CFR Part 39

Cargo vessels, Fire prevention, Hazardous materials transportation, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard amends 46 CFR parts 10, 11, 12, 13, 15, 16, 30, 35, and 39 as follows:

PART 10—MERCHANT MARINER CREDENTIAL

■ 1. The authority citation for part 10 is revised to read as follows:

Authority: 14 U.S.C. 503; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2104, 2110; 46 U.S.C. chapter 71; 46 U.S.C. chapter 73; 46 U.S.C. chapter 75; 46 U.S.C. 7701, 8903, 8904, and 70105; Executive Order 10173; DHS Delegation No. 00170.1, Revision No. 01.4.

PART 10—[Amended]

■ 2. In part 10, remove the term in the left column wherever it appears and add in its place the term in the right column::

Remove	Add
Certificate of registry	Certificate of Registry.
certificate of registry	Certificate of Registry.
merchant mariner credential.	Merchant Mariner Credential.
merchant mariner credentials.	Merchant Mariner Credentials.
Merchant mariner's document.	Merchant Mariner's Document.
merchant mariner's document.	Merchant Mariner's Document.

■ 3. Amend § 10.101 by revising paragraph (b) to read as follows:

§ 10.101 Purpose.

* * * * *

(b) A means of determining that an applicant is competent to serve under the authority of their Merchant Mariner Credential (MMC);

* * * * *

■ 4. Amend § 10.103 by revising paragraph (a) and the introductory text of paragraph (b) to read as follows:

§ 10.103 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference material (IBR) is available for inspection at the Coast Guard and the National Archives and Records Administration (NARA). Contact Coast Guard at: Office of Merchant Mariner Credentialing (CG-MMC), U.S. Coast Guard, Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509; phone: 202–372–1492;

website: https://www.dco.uscg.mil/nmc/merchant_mariner_credential/. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from:

(b) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, England; phone +44 (0)20 7735 7611; website: www.imo.org.

* * * * *

■ 5. Amend § 10.107 by revising paragraph (b) to read as follows:

§ 10.107 Definitions in subchapter B.

* * * * *

(b) As used in this subchapter, the following terms apply only to merchant marine personnel credentialing and the manning of vessels subject to the manning provisions in the navigation and shipping laws of the United States:

Able Seafarer-Deck means a rating qualified in accordance with the provisions of Regulation II/5 of the STCW Convention.

Able Seafarer-Engine means a rating qualified in accordance with the provisions of Regulation III/5 of the STCW Convention.

Apprentice Mate of Towing Vessels means a credentialed mariner in training to perform bridge watchkeeping duties onboard a towing vessel, who must be under the direct supervision and in the continuous presence of a Master or Mate (Pilot) of Towing Vessels.

Approved means approved by the Coast Guard.

Approved training means training that is approved by the Coast Guard or meets the requirements of § 10.408.

Articulated tug barge or ATB means any tug-barge combination which, through the use of an articulated or “hinged” connection system between the tug and barge, allows independent movement in the critical area of fore and aft pitch.

Assistance towing means towing a disabled vessel for consideration.

Assistant Engineer, for national endorsements, means a qualified officer in the engine department other than the Chief Engineer.

Authorized official includes, but is not limited to, a Federal, State or local law enforcement officer.

Ballast Control Operator or BCO means an officer restricted to service on mobile offshore drilling units (MODUs) whose duties involve the operation of the complex ballast system found on many MODUs. When assigned to a

MODU, a Ballast Control Operator is equivalent to a Mate on a conventional vessel.

Barge means a non-self-propelled vessel as defined in 46 U.S.C. 102.

Barge Supervisor or BS means an officer restricted to service on MODUs whose duties involve support to the Offshore Installation Manager (OIM) in marine-related matters including, but not limited to, maintaining watertight integrity, inspecting and maintaining mooring and towing components, and maintaining emergency and other marine-related equipment. A Barge Supervisor, when assigned to a MODU, is equivalent to a Mate on a conventional vessel.

Boatswain means the leading seafarer and immediate supervisor of deck crew who supervises the maintenance of deck gear.

Boundary line marks the dividing point between internal and offshore waters for the purposes of several U.S. statutes and, with exceptions, generally follows the trend of the seaward, highwater shorelines. See part 7 of this chapter.

Cargo engineer means a person holding an officer endorsement on a dangerous-liquid tankship or a liquefied-gas tankship whose primary responsibility is maintaining the cargo system and cargo-handling equipment.

Ceremonial license means a document that reflects a mariner's existing national officer endorsement and is suitable for framing, but is not valid for use as a Merchant Mariner Credential (MMC).

Chemical tanker means a tank vessel that is certificated to carry or carries chemicals in bulk as cargo or cargo residue. For the purposes of qualifying for an STCW endorsement for advanced chemical tanker cargo operations, this includes tank barges.

Chief Engineer means the senior engineer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the vessel.

Chief Mate means the deck officer next in rank to the Master and upon whom the command of the vessel will fall in the event of incapacity of the Master.

Coast Guard-accepted means—

(1) That the Coast Guard has officially acknowledged in writing that the material or process at issue meets the applicable requirements;

(2) That the Coast Guard has issued an official policy statement listing or describing the material or process as meeting the applicable requirements; or

(3) That an entity acting on behalf of the Coast Guard under a Memorandum

of Agreement has determined that the material or process meets the applicable requirements.

Coast Guard-accepted QSS organization means an entity that has been approved by the Coast Guard to accept and monitor training on behalf of the Coast Guard.

Coastwise seagoing vessel means a vessel that is authorized by its Certificate of Inspection to proceed beyond the Boundary Line established in part 7 of this chapter.

Coastwise voyage is a domestic voyage and means a voyage in which a vessel proceeds—

(1) From one port or place in the United States to another port or place in the United States;

(2) From a port or place in a United States possession to another port or place in the same possession, and passes outside the line dividing inland waters from the high seas; or

(3) From a port or place in the United States or its possessions and passes outside the line dividing inland waters from the high seas and navigates on the high seas, and then returns to the same port or place.

Communicable disease means any disease capable of being transmitted from one person to another directly, by contact with excreta or other discharges from the body; or indirectly, via substances or inanimate objects contaminated with excreta or other discharges from an infected person. Pursuant to 42 U.S.C. 12113, the Department of Health and Human Services periodically publishes in the **Federal Register** a list of infectious and communicable diseases that are transmissible through the food supply, and that list provides examples of communicable diseases for purposes of § 10.304.

Conviction means that the applicant for a Merchant Mariner Credential has been found guilty, by judgment or plea by a court of record of the United States, the District of Columbia, any State, territory, or possession of the United States, a foreign country, or any military court, of a criminal felony or misdemeanor or of an offense described in section 205 of the National Driver Register Act of 1982, as amended (49 U.S.C. 30304). If an applicant pleads guilty or no contest, is granted deferred adjudication, or is required by the court to attend classes, make contributions of time or money, receive treatment, submit to any manner of probation or supervision, or forgo appeal of a trial court's conviction, then the Coast Guard will consider the applicant to have received a conviction. A later expungement of the conviction will not

negate a conviction unless the Coast Guard is satisfied that the expungement is based upon a showing that the court's earlier conviction was in error.

Credential means any or all of the following:

(1) Merchant Mariner's Document (MMD).

(2) Merchant Mariner's License.

(3) STCW endorsement.

(4) Certificate of Registry (COR).

(5) Merchant Mariner Credential (MMC).

Criminal record review means the process or action taken by the Coast Guard to determine whether an applicant for, or holder of, a credential is a safe and suitable person to be issued such a credential or to be employed on a vessel under the authority of such a credential.

Dangerous drug means a narcotic drug, a controlled substance, or a controlled-substance analogue (as defined in section 102 of the Comprehensive Drug Abuse and Control Act of 1970 (21 U.S.C. 802)).

Dangerous liquid or DL means a liquid listed in 46 CFR 153.40 of this chapter that is not a liquefied gas as defined in this part. Liquid cargoes in bulk listed in table 2 to part 153 of this chapter are not dangerous-liquid cargoes when carried by non-oceangoing barges.

Day means, for the purpose of complying with the service requirements of this subchapter, 8 hours of watchstanding or day-working not to include overtime. On vessels authorized by 46 U.S.C. 8104 and § 15.705 of this subchapter, to operate a two-watch system, a 12-hour working day may be creditable as 1½ days of service. On vessels of less than 100 GRT, a day is considered as 8 hours unless the Coast Guard determines that the vessel's operating schedule makes this criteria inappropriate; in no case will this period be less than 4 hours. When computing service on MODUs for any endorsement, a day of MODU service must be a minimum of 4 hours, and no additional credit is received for periods served over 8 hours. For cadet service on a training ship furnished by the Maritime Administration under 46 CFR 310.4, a day may be creditable as 1½ days of service.

Deck crew (excluding individuals serving under their officer endorsement) means, as used in 46 U.S.C. 8702, only the following members of the deck department: Able Seafarers, Boatswains, and Ordinary Seafarers.

Deck department means the department aboard a ship responsible for navigation, cargo, command, and control functions.

Designated areas means those areas within pilotage waters for which First-Class Pilot endorsements are issued under part 11, subpart G, of this chapter, by the Officer in Charge, Marine Inspection (OCMI). The areas for which First-Class Pilot endorsements are issued within a particular Marine Inspection Zone and the specific requirements to obtain them may be obtained from the OCMI concerned.

Designated Duty Engineer or DDE means a qualified engineer, who may be the sole engineer on vessels with a periodically unmanned engine room.

Designated Examiner or DE means a person who has been trained or instructed in techniques of training or assessment on towing vessels and is otherwise qualified to evaluate whether an applicant has achieved the level of proficiency required to hold a towing vessel endorsement on an MMC. This person must be approved by the Coast Guard.

Designated Medical Examiner means a licensed physician, licensed physician's assistant, or licensed nurse practitioner who has been trained and approved to conduct medical and physical examinations of merchant mariners on behalf of the U.S. Coast Guard and may be delegated limited authority to grant waivers and approve physical/medical suitability for service.

Directly supervised/direct supervision (only when referring to issues related to tank vessel endorsements) means being in the direct line of sight of the person-in-charge or maintaining direct, two-way communications by a convenient, reliable means, such as a predetermined working frequency over a handheld radio.

Disabled vessel means a vessel that needs assistance, whether docked, moored, anchored, aground, adrift, or underway. This does not mean a barge or any other vessel not regularly operated under its own power.

Document of Continuity means a document issued by the Coast Guard to seafarers who are unwilling or otherwise unable to meet the requirements of § 10.227, for the sole purpose of maintaining an individual's eligibility for renewal of an endorsement.

Domestic voyage means a voyage from one United States port to another United States port, without entering waters under the jurisdiction of another country unless the United States has entered into a treaty or an agreement with that country respecting mutual recognition of national mariner qualifications. This includes a voyage to nowhere that returns to the originating port.

Drug test means a chemical test of an individual's urine for evidence of dangerous drug use.

Dual-mode integrated tug barge means an integrated tug barge (ITB) involving an articulated (flexible) coupling system where the towing unit rolls and heaves (articulates) about a horizontal pivot point. Dual mode units resemble a conventional tug and are capable of towing in other configurations (astern or alongside).

Electro-technical Officer or ETO means an officer qualified in accordance with the provisions of Regulation III/6 of the STCW Convention.

Electro-technical Rating or ETR means a rating qualified in accordance with the provisions of Regulation III/7 of the STCW Convention.

Employment assigned to means the total period of time a person is assigned to work on MODUs, including time spent ashore as part of normal crew rotation.

Endorsement is a statement of a mariner's qualifications and, for the purposes of this chapter, includes only those endorsements listed in § 10.109.

Engine department means the department aboard a ship responsible for the main propulsion and auxiliary systems, and other mechanical, electrical, hydraulic, and refrigeration systems, including deck machinery and cargo-handling equipment.

Entry-level mariner means a mariner holding no rating other than Ordinary Seafarer, Wiper, Steward's Department, or Steward's Department Food Handler (F.H.).

Evaluation means processing an application, from the point of receipt to approval or denial of the application, including review of all documents and records submitted with an application as well as those obtained from public records and databases.

Fails a chemical test for dangerous drugs means that the result of a chemical test conducted under 49 CFR part 40 was reported as "positive" by a Medical Review Officer because the chemical test indicated the presence of a dangerous drug at a level equal to or exceeding the levels established in 49 CFR part 40.

First Assistant Engineer means the engineer officer next in rank to the Chief Engineer and upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the vessel will fall in the event of the incapacity of the Chief Engineer.

Great Lakes, for the purpose of calculating service requirements for an endorsement, means the Great Lakes

and their connecting and tributary waters, including the Calumet River as far as the Thomas J. O'Brien Lock and Controlling Works (between miles 326 and 327), the Chicago River as far as the east side of the Ashland Avenue Bridge (between miles 321 and 322), and the Saint Lawrence River as far east as the lower exit of Saint Lambert Lock. For purposes of requiring MMCs with rating endorsements, the connecting and tributary waters are not part of the Great Lakes.

Gross register tons or GRT means the gross ton measurement of the vessel under 46 U.S.C. chapter 145, Regulatory Measurement.

Gross tonnage or GT means the gross tonnage measurement of the vessel under 46 U.S.C. chapter 143, Convention Measurement.

Harbor assist means the use of a towing vessel during maneuvers to dock, undock, moor, or unmoor a vessel, or to escort a vessel with limited maneuverability.

High-Speed Craft Type Rating (HSC) means an endorsement for specific duty on a particular type and model of high-speed craft (compliant with the High-Speed Craft Code).

Horsepower or HP means, for the purpose of this subchapter, the total maximum continuous shaft horsepower of the entire vessel's main propulsion machinery as determined by the manufacturer. This term is used when describing a vessel's propulsion power and also when placing limitations on an engineer officer license or endorsement. One horsepower equals 0.75 kW.

ILO means the International Labour Organization.

IMO means the International Maritime Organization.

Increase in scope means additional authority added to an existing credential, such as adding a new route or increasing the authorized horsepower or tonnage.

Inland waters means the navigable waters of the United States shoreward of the Boundary Lines as described in part 7 of this chapter, excluding the Great Lakes, and, for towing vessels, excluding the Western Rivers.

Integrated tug barge or ITB means any tug barge combination which, through the use of special design features or a specially designed connection system, has increased seakeeping capabilities relative to a tug and barge in the conventional pushing mode. An ITB can be divided into either a dual-mode ITB or a push-mode ITB. The definitions for those categories can be found elsewhere in this section.

Invalid credential means an MMC, MMD, License, STCW endorsement, or

Certificate of Registry that has been suspended or revoked, has expired, has been tampered with, has not been signed, or has been superseded in accordance with § 10.205.

ISM means the International Safety Management Code.

Kilowatt or kW means $1\frac{1}{3}$ horsepower. This term is used when describing a vessel's propulsion power and also when placing limitations on an engineer officer license or endorsement.

Large passenger vessel, for the purposes of subpart H of part 12, and part 15 (both of this subchapter), means a vessel of more than 70,000 gross tons, as measured under 46 U.S.C. 14302 and documented under the laws of the United States, with capacity for at least 2,000 passengers and a coastwise endorsement under 46 U.S.C. chapter 121.

Lifeboat Operator means a mariner who is qualified to take charge of, lower, and operate survival craft and related survival equipment on a vessel.

Lifeboat Operator-Limited means a mariner who is qualified to take charge of, lower, and operate liferafts, rescue boats, and other survival equipment on vessels where lifeboats are not installed.

Liquefied gas or LG means a cargo that has a vapor pressure of 172 kPa (25 psia) or more at 37.8 °C (100 °F).

Liquefied gas tanker means a tank vessel that is certificated to carry or carries liquefied gases in bulk as cargo or cargo residue. For the purposes of qualifying for an STCW endorsement for advanced liquefied gas tanker cargo operations, this includes tank barges.

Liquid cargo in bulk means a liquid or liquefied gas listed in § 153.40 of this chapter and carried as a liquid cargo or liquid-cargo residue in integral, fixed, or portable tanks, except a liquid cargo carried in a portable tank actually loaded and discharged from a vessel with the contents intact.

Management level means the level of responsibility associated with—

(1) Serving as Master, Chief Mate, Chief Engineer Officer, or Second Engineer Officer onboard a seagoing ship; and

(2) Ensuring that all functions within the designated area of responsibility are properly performed.

Marine chemist means a person certificated by the National Fire Protection Association as a marine chemist.

Master means the officer having command of a vessel.

Mate means a qualified officer in the deck department other than the Master.

Medical Certificate means a certificate issued by the Coast Guard under subpart C of this part 10, that serves as proof

that the seafarer meets the medical and physical standards for merchant mariners.

Merchant Mariner Credential or MMC means a credential issued by the Coast Guard under this part 10. It combines the individual Merchant Mariner's Document, License, and Certificate of Registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves as the mariner's qualification document, certificate of identification, and certificate of service.

MMC application means the application for the MMC, as well as the application for any endorsement on an MMC.

Mobile offshore drilling unit or MODU means a vessel capable of engaging in drilling operations for the exploration for or exploitation of subsea resources. MODU designs include the following:

(1) Bottom bearing units, which include—

(i) Self-elevating (or jack-up) units with moveable, bottom bearing legs capable of raising the hull above the surface of the sea; and

(ii) Submersible units of ship-shape, barge-type, or novel hull design, other than a self-elevating unit, intended for operating while bottom bearing.

(2) Surface units with a ship-shape or barge-type displacement hull of single or multiple hull construction intended for operating in a floating condition, including semi-submersibles and drill ships.

Month means 30 days, for the purpose of complying with the service requirements of this subchapter.

National Driver Register or NDR means the nationwide repository of information on drivers maintained by the National Highway Traffic Safety Administration under 49 U.S.C. chapter 303.

National officer endorsement means an annotation on an MMC that allows a mariner to serve in the capacities listed in § 10.109(a). The officer endorsement serves as the License and/or Certificate of Registry pursuant to 46 U.S.C. subtitle II part E.

National rating endorsement means an annotation on an MMC that allows a mariner to serve in those capacities set out in § 10.109(b) and (c). The rating endorsement serves as the Merchant Mariner's Document pursuant to 46 U.S.C. subtitle II part E.

NDR-listed convictions means a conviction of any of the following motor vehicle-related offenses or comparable offenses:

(1) Operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance; or

(2) A traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways.

Near-coastal means ocean waters not more than 200 miles offshore from the United States and its possessions, except for MMCs endorsed as Operator of Uninspected Passenger Vessel (OUPV) for which near-coastal is limited to waters not more than 100 miles offshore from the United States and its possessions. This also includes those near-coastal waters identified by another Administration when the United States has entered into a treaty or an agreement with that country respecting the recognition of the U.S. near-coastal endorsement.

Non-resident alien, for the purposes of subchapter H of part 12, and part 15, means an individual who is not a citizen or alien lawfully admitted to the United States for permanent residence, but who is employable in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 *et seq.*), including an alien crewmember described in section 101(a)(15)(D)(i) of that Act who meets the requirements of 46 U.S.C. 8103(k)(3)(A).

Oceans means the waters seaward of the Boundary Lines as described in part 7 of this chapter. For the purposes of establishing sea service credit, the waters of the Inside Passage between Puget Sound and Cape Spencer, Alaska, and the inland waters of another country are not considered oceans.

Officer endorsement means an annotation on an MMC that allows a mariner to serve in the capacities listed in § 10.109.

Officer in Charge, Marine Inspection, or OCMI means, for the purposes of this subchapter, the commanding officer of the National Maritime Center, or any person designated as such by the Commandant, in accordance with § 1.01–5(b).

Officer in Charge of an Engineering Watch in a manned engineroom (OICEW) or Designated Duty Engineer (DDE) in a periodically unmanned engineroom means an engineering officer qualified at the operational level.

Officer in Charge of a Navigational Watch (OICNW) means a deck officer qualified at the operational level.

Offshore Installation Manager or OIM means an officer restricted to service on MODUs. An assigned Offshore Installation Manager is equivalent to a Master on a conventional vessel and is the person designated by the owner or operator to be in complete and ultimate command of the unit.

Oil tanker means a tank vessel that is certificated to carry or carries oil in bulk

as cargo or cargo residue. For the purposes of qualifying for an STCW endorsement for Advanced Oil Tanker Cargo Operations, this includes tank barges.

On location means that a mobile offshore drilling unit is bottom bearing or moored with anchors placed in the drilling configuration.

Operate, operating, or operation (as applied to the manning requirements of vessels carrying passengers) refers to a vessel any time passengers are embarked whether the vessel is underway, at anchor, made fast to shore, or aground.

Operational level means the level of responsibility associated with—

(1) Serving as Officer in Charge of a Navigational or Engineering Watch, or as Designated Duty Engineer for periodically unmanned machinery spaces, or as Radio Operator onboard a seagoing ship; and

(2) Maintaining direct control over the performance of all functions within the designated area of responsibility in accordance with proper procedures and under the direction of an individual serving in the management level for that area of responsibility.

Orally assisted examination means an examination as described in part 11, subpart I, of this subchapter administered orally and documented by a Coast Guard examiner.

Overriding operational condition means circumstances in which essential shipboard work cannot be delayed due to safety or environmental reasons, or could not have reasonably been anticipated at the commencement of the voyage.

Participation, when used with regard to the service on transfers required for tank vessel endorsements by §§ 13.120, 13.203, or 13.303 of this subchapter, means either actual participation in the transfers or close observation of how the transfers are conducted and supervised.

Passes a chemical test for dangerous drugs means that the result of a chemical test conducted according to 49 CFR part 40 is reported as “negative” by a Medical Review Officer according to that part.

Periodically unattended engine room means a space containing main propulsion and associated machinery and all sources of main electrical supply which is not at all times manned under all operating conditions, including maneuvering.

PIC means a Person in Charge.

Pilot of Towing Vessels means a qualified officer of a towing vessel operated only on inland routes.

Pilotage waters means the navigable waters of the United States, including

all inland waters and offshore waters to a distance of 3 nautical miles from the baseline from which the Territorial Sea is measured.

Practical demonstration means the performance of an activity under the direct observation of a Designated Examiner or Qualified Assessor for the purpose of establishing that the performer is sufficiently proficient in a practical skill to meet a specified standard of competence or other objective criterion.

Propulsion power means the total maximum continuous-rated output power of the main propulsion machinery of a vessel determined by the manufacturer, in either kilowatts or horsepower, which appears on the ship's Certificate of Registry or other official document and excludes thrusters and other auxiliary machinery.

Public vessel means a vessel that—

- (1) Is owned, or demise chartered, and operated by the United States Government or a government of a foreign country; and
- (2) Is not engaged in commercial service.

Push-mode ITBs means those ITBs that involve a rigid coupling system and, when not coupled to the barge, are incapable of conducting towing in any other configuration (such as astern or alongside) because, by themselves, they have very limited seakeeping capability. The propelling unit moves as one with the barge unit.

Qualified Assessor or QA means a person who is qualified to evaluate, for STCW endorsements, whether an applicant has demonstrated the necessary level of competence in the task for which the assessment is being made. This person must be individually approved by the Coast Guard.

Qualified Instructor means a person who has been trained in instructional techniques and is otherwise qualified to provide required training to candidates for an MMC endorsement. A faculty member employed at a State maritime academy or the U.S. Merchant Marine Academy operated under 46 CFR part 310 and instructing a course on merchant marine officer or rating knowledge, understanding, or proficiency requirements is qualified to serve as a Qualified Instructor in their area of specialization without individual evaluation by the Coast Guard.

Qualified rating means various categories of Able Seafarer, Qualified Member of the Engine Department, or tank vessel endorsements issued on MMCs.

Quality Standard System or QSS means a set of policies, procedures,

processes, and data required to establish and fulfill the organization's objectives.

Raise of grade means an increase in the level of authority and responsibility associated with an officer or rating endorsement, such as from Mate to Master or Second Assistant Engineer to First Assistant Engineer.

Rating endorsement is an annotation on an MMC that allows a mariner to serve in those capacities set out in § 10.109.

Regional examination center or REC means a field office of the National Maritime Center that receives and screens credential applications, conducts approved course oversight, and administers Coast Guard examinations as required by this subchapter.

Rest means a period of time during which the person concerned is off duty, is not performing work (which includes administrative tasks such as chart correction or preparation of port-entry documents), and is allowed to sleep without interruption.

Restricted tank vessel endorsement means a valid tank vessel endorsement on an MMC restricting its holder as the Coast Guard deems appropriate. For instance, the endorsement may restrict the holder to one or a combination of the following: A specific cargo or cargoes; a specific vessel or vessels; a specific facility or facilities; a specific employer or employers; a specific activity or activities (such as loading or unloading in a cargo transfer); or a particular area of water.

Rivers means a river, canal, or other similar body of water designated as such by the Coast Guard.

Safe and suitable person means a person whose prior record, including but not limited to criminal record and/or NDR record, provides no information indicating that their character and habits of life would support the belief that permitting such a person to serve under the MMC and/or endorsement sought would clearly be a threat to the safety and security of life or property, detrimental to good discipline, or adverse to the interests of the United States. See §§ 10.211 and 10.213 for the regulations associated with this definition.

Seagoing service means service onboard a ship/vessel relevant to the issue of a credential or other qualification.

Seagoing vessel means a ship that operates beyond the boundary line specified in part 7 of this chapter.

Second Engineer Officer means an engineer officer next in rank to the Chief Engineer Officer and upon whom the responsibility for the mechanical

propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the event of the incapacity of the Chief Engineer Officer.

Self-propelled has the same meaning as the terms "propelled by machinery" and "mechanically propelled." This term includes vessels fitted with both sails and mechanical propulsion.

Senior company official means the president, vice president, vice president for personnel, personnel director, or similarly titled or responsible individual, or another employee designated in writing by one of these individuals for the purpose of certifying employment.

Service (as used when computing the required service for endorsements) means the time period, in days, a person is assigned to work. On MODUs, this excludes time spent ashore as part of crew rotation.

Ship means a vessel using any mode of propulsion, including sail and auxiliary sail.

Simulated transfer means a transfer practiced in a course meeting the requirements of § 13.121 of this subchapter that uses simulation to meet part of the service on transfers required for tank vessel endorsements by §§ 13.203 or 13.303 of this subchapter.

Staff officer means a person who holds an MMC with an officer endorsement listed in § 10.109(a)(36) through (43).

Standard of competence means the level of proficiency to be achieved for the proper performance of duties onboard vessels according to national and international criteria.

Steward's department means the department that includes entertainment personnel and all service personnel, including wait staff, housekeeping staff, and galley workers, as defined in the vessel security plan approved by the Secretary under 46 U.S.C. 70103(c). These personnel may also be referred to as members of the hotel department on a large passenger vessel.

STCW means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (incorporated by reference, see § 10.103).

STCW Code means the Seafarers' Training, Certification and Watchkeeping Code (incorporated by reference, see § 10.103).

STCW endorsement means an annotation on an MMC that allows a mariner to serve in those capacities under § 10.109(d). The STCW endorsement serves as evidence that a

mariner has met the requirements of the STCW Convention.

Support level means the level of responsibility associated with performing assigned tasks, duties, or responsibilities onboard a seagoing ship under the direction of an individual serving in the operational or management level.

Tank barge means a non-self-propelled tank vessel.

Tank vessel means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

- (1) Is a vessel of the United States;
- (2) Operates on the navigable waters of the United States; or
- (3) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

Tank Barge-PIC means a person holding a valid “Tank Barge-PIC” endorsement on their MMC. See part 13, subpart C, of this subchapter.

Tank Vessel-Assistant means a person holding a valid “Tank Vessel-Assistant” endorsement on their MMC. See part 13, subpart D, of this subchapter.

Tank Vessel-Engineer means a person holding a valid “Tank Vessel-Engineer” endorsement on their MMC. See part 13, subpart E, of this subchapter.

Tank Vessel-PIC means a person holding a valid “Tank Vessel-PIC” endorsement on their MMC. See part 13, subpart B, of this subchapter.

Tankship means any self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk as cargo or as cargo residue.

Training program means a combination of training, practical assessment, and service which provides an individual with all or part of the necessary knowledge, understanding, and proficiency required for a specific qualification.

Transfer means any movement of fuel, dangerous liquid, or liquefied gas as cargo in bulk or as cargo residue to or from a vessel by means of pumping, gravitation, or displacement.

Transportation Worker Identification Credential or TWIC means an identification credential issued by the Transportation Security Administration under 49 CFR part 1572.

Underway means that a vessel is not at anchor, made fast to the shore, or aground. When referring to a mobile offshore drilling unit (MODU), underway means that the MODU is not in an on-location or laid-up status and includes that period of time when the MODU is deploying or recovering its mooring system.

Undocumented vessel means a vessel not required to have a certificate of

documentation issued under the laws of the United States.

Unlimited means an annotation on an MMC authorizing service on vessels of any tonnage or any propulsion power.

Vessel personnel with designated security duties means a person, excluding the designated security officer (e.g., Company Security Officer (CSO), as defined in 33 CFR chapter I, subchapter H, and Vessel Security Officer (VSO)), having specific security duties and responsibilities in accordance with the ship security plan.

Vessel Security Officer (VSO) means a person onboard the vessel accountable to the Master and designated by the Company as responsible for security of the vessel, including implementation and maintenance of the Vessel’s Security Plan, and for liaison with the Facility Security Officer and the vessel’s Company Security Officer.

Western Rivers means—

- (1) The Mississippi River;
- (2) The Mississippi River’s tributaries, South Pass, and Southwest Pass, to the navigational demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States;
- (3) The Port Allen-Morgan City Alternate Route;
- (4) That part of the Atchafalaya River above its junction with the Port Allen-Morgan City Alternate Route including the Old River and the Red River; and
- (5) Those waters specified in 33 CFR 89.25.

Year means 360 days for the purpose of complying with the service requirements of this subchapter.

■ 6. Revise § 10.109 to read as follows:

§ 10.109 Classification of endorsements.

(a) *National officer endorsements.* The following national officer endorsements are established in part 11 of this subchapter. The endorsements indicate that an individual holding a valid MMC with this endorsement is qualified to serve in that capacity and the endorsement has been issued under the requirements contained in part 11 of this subchapter:

- (1) Master.
- (2) Chief Mate.
- (3) Second Mate.
- (4) Third Mate.
- (5) Mate.
- (6) Master of Towing Vessels.
- (7) Master of Towing Vessels-Limited.
- (8) Mate (Pilot) of Towing Vessels.
- (9) Apprentice Mate of Towing Vessels.
- (10) Apprentice Mate of Towing Vessels-Limited.
- (11) Assistance Towing.
- (12) Offshore Installation Manager (OIM).

- (13) Barge Supervisor (BS).
- (14) Ballast Control Operator (BCO).
- (15) Operator of Uninspected Passenger Vessels (OUPV).
- (16) Master of Uninspected Fishing Industry Vessels.
- (17) Mate of Uninspected Fishing Industry Vessels.
- (18) Master-OSV.
- (19) Chief Mate-OSV.
- (20) Mate-OSV.
- (21) Chief Engineer.
- (22) Chief Engineer-Limited.
- (23) First Assistant Engineer.
- (24) Second Assistant Engineer.
- (25) Third Assistant Engineer.
- (26) Assistant Engineer-Limited.
- (27) Designated Duty Engineer (DDE).
- (28) Chief Engineer-OSV.
- (29) Assistant Engineer-OSV.
- (30) Chief Engineer-MODU.
- (31) Assistant Engineer-MODU.
- (32) Chief Engineer Uninspected Fishing Industry Vessels.
- (33) Assistant Engineer Uninspected Fishing Industry Vessels.
- (34) Radio Officer.
- (35) First-Class Pilot.
- (36) Chief Purser.
- (37) Purser.
- (38) Senior Assistant Purser.
- (39) Junior Assistant Purser.
- (40) Medical Doctor.
- (41) Professional Nurse.
- (42) Marine Physician Assistant.
- (43) Medical Technician.
- (44) High-Speed Craft Type Rating (HSC).
- (45) Radar Observer.

(b) *National rating endorsements.* The following national rating endorsements are established in part 12 of this subchapter. The endorsements indicate that an individual holding a valid MMC with this endorsement is qualified to serve in that capacity and the endorsement has been issued under the requirements contained in part 12 of this subchapter:

- (1) Able Seafarer:
 - (i) Unlimited;
 - (ii) Limited;
 - (iii) Special;
 - (iv) Offshore Supply Vessel (OSV);
 - (v) Sail; and
 - (vi) Fishing Industry.
- (2) Ordinary Seafarer.
- (3) Qualified Member of the Engine Department (QMED), including the following specialty endorsements:
 - (i) Oiler;
 - (ii) Boiler Technician;
 - (iii) Junior Engineer;
 - (iv) Pump Technician/Machinist; and
 - (v) Electrician/Refrigerating Engineer.
- (4) Lifeboat Operator.
- (5) Lifeboat Operator-Limited.
- (6) Wiper.
- (7) Steward’s Department.

(8) Steward's Department Food Handler (F.H.)

(9) Cadet (Deck or Engine).

(10) Student Observer.

(11) Apprentice Engineer.

(12) Apprentice Mate.

(c) *Tank Vessel Endorsements.* The following ratings are established in part 13 of this subchapter. The national endorsements indicate that an individual holding a valid MMC with this endorsement is qualified to serve in that capacity and the endorsement has been issued under the requirements contained in part 13 of this subchapter:

(1) Tank Vessel-PIC.

(2) Tank Barge-PIC.

(3) Restricted Tank Vessel-PIC.

(4) Restricted Tank Barge-PIC.

(5) Tank Vessel-Assistant.

(6) Tank Vessel-Engineer.

(d) *STCW endorsements.* The following STCW endorsements are issued according to the STCW Convention, the STCW Code, and parts 11, 12, and 13 of this subchapter. The endorsements indicate that an individual holding a valid MMC with this endorsement is qualified to serve in that capacity and the endorsement has been issued under the requirements contained in parts 11, 12 or 13 of this subchapter as well as the STCW Convention and STCW Code (incorporated by reference, see § 10.103):

(1) Master.

(2) Chief Mate.

(3) Officer in Charge of a Navigational Watch (OICNW).

(4) Chief Engineer Officer.

(5) Second Engineer Officer.

(6) Officer In Charge of an Engineering Watch in a manned engineroom or Designated Duty Engineer in a periodically unmanned engineroom (OICEW).

(7) Electro-technical Officer (ETO).

(8) Rating Forming Part of a Navigational Watch (RFPNW).

(9) Able Seafarer-Deck.

(10) Rating Forming Part of an Engineering Watch in a manned engineroom or designated to perform duties in a periodically unmanned engineroom (RFPEW).

(11) Able Seafarer-Engine.

(12) Electro-technical Rating (ETR).

(13) Basic Training (BT).

(14) Advanced Firefighting.

(15) Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats (PSC).

(16) Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats-Limited (PSC-Limited).

(17) Proficiency in Fast Rescue Boats.

(18) Person in Charge of Medical Care.

(19) Medical First-aid Provider.

(20) GMDSS At-sea Maintainer.

(21) GMDSS Operator.

(22) Advanced Oil Tanker Cargo Operation.

(23) Advanced Chemical Tanker Cargo Operation.

(24) Advanced Liquefied Gas Tanker Cargo Operation.

(25) Basic Oil and Chemical Tanker Cargo Operation.

(26) Basic Liquefied Gas Tanker Cargo Operation.

(27) Vessel Security Officer (VSO).

(28) Vessel Personnel with Designated Security Duties.

(29) Security Awareness.

(30) High-Speed Craft Type Rating (HSC).

■ 7. Amend § 10.201 by revising the section heading and paragraph (a) to read as follows:

§ 10.201 General characteristics of the Merchant Mariner Credential.

(a) A Merchant Mariner Credential (MMC) is a credential combining the elements of the Merchant Mariner's Document (MMD), Merchant Mariner's License (License), and Certificate of Registry (COR) enumerated in 46 U.S.C. subtitle II part E, as well as the STCW endorsement issued pursuant to the STCW Convention and STCW Code (incorporated by reference, see § 10.103). MMDs, licenses, STCW endorsements, and CORs are no longer issued as separate documents, and all qualifications formerly entered on those separate documents appear in the form of an endorsement(s) on an MMC.

* * * * *

■ 8. Amend § 10.205 by revising the section heading and paragraph (g) to read as follows:

§ 10.205 Validity of a Merchant Mariner Credential.

* * * * *

(g) If a mariner chooses to renew their license, MMD, COR, or STCW endorsement and receive their first MMC, the Coast Guard may also renew all other credentials for which the mariner is qualified.

* * * * *

■ 9. Amend § 10.209 by revising paragraphs (a), (d)(2) and (6), (g), and (i) to read as follows:

§ 10.209 General application procedures.

(a) The applicant for an MMC, whether for an original, renewal, duplicate, raise of grade, or a new endorsement on a previously issued MMC, must establish that they satisfy all the requirements for the MMC and endorsement(s) sought before the Coast Guard will issue the MMC. This section

contains the general requirements for all applicants. Additional requirements for duplicates, renewals, new endorsements, and raises of grade appear later in this part.

* * * * *

(d) * * *

(2) The applicant's continuous discharge book, certificate of identification, MMD, MMC, License, STCW endorsement, Certificate of Registry (COR), or, if it has not expired, a photocopy of the credential, including the back and all attachments;

* * * * *

(6) For an endorsement as a Medical Doctor or Professional Nurse as required in § 11.807 of this subchapter, evidence that the applicant holds a currently valid, appropriate license as physician, surgeon, or registered nurse, issued under the authority of a state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia. Any MMC issued will retain any limitation associated with the medical license;

* * * * *

(g) When a new MMC is issued, the mariner must return any previously issued and unexpired MMC, License, MMD, COR, or STCW endorsement to the Coast Guard, unless the new MMC is being issued to replace a lost or stolen credential.

* * * * *

(i) A mariner may obtain a ceremonial license when applying for their credential or Document of Continuity.

■ 10. Amend § 10.221 by revising paragraph (a)(1) to read as follows:

§ 10.221 Citizenship.

(a)(1) *MMCs with officer Endorsements.* Only individuals with valid U.S. citizenship may apply for officer endorsements, except individuals applying for endorsements as Operator of Uninspected Passenger Vessels (OUPV) authorizing service on undocumented vessels in accordance with § 11.201(d) of this subchapter.

* * * * *

■ 11. Amend § 10.223 by revising paragraphs (c)(3)(iii) and (c)(5) to read as follows:

§ 10.223 Modification or removal of limitations or scope.

* * * * *

(c) * * *

(3) * * *

(iii) The mandatory requirements for tank vessel endorsements are contained in part 13 of this subchapter.

* * * * *

(5) Any uncanceled MMD, MMC, License, STCW endorsement, or COR

held by the applicant. If one or more of these credentials are still valid at the time of application, a photocopy, front and back of all pages, and all attachments, will satisfy this requirement. If the applicant submits a photocopy, upon the issuance of the new MMC, the applicant must surrender the old, original credential to the Coast Guard. If requested in writing at the time of submission, the old MMD, MMC, License, COR, or STCW endorsement may be returned to the applicant after cancellation.

* * * * *

■ 12. Amend § 10.225 by revising paragraphs (b)(3)(iii) and (c) to read as follows:

§ 10.225 Requirements for original Merchant Mariner Credentials.

* * * * *

(b) * * *

(3) * * *

(iii) The mandatory requirements for tank vessel endorsements are contained in part 13 of this subchapter.

* * * * *

(c) *Oath.* Every person who receives an original MMC must first take an oath, before an official authorized to give such an oath, that they will faithfully and honestly, according to their best skill and judgment, without concealment or reservation, perform all the duties required by law and obey all lawful orders of superior officers. An oath may be administered by any Coast Guard-designated individual or any person legally permitted to administer oaths in the jurisdiction where the person taking the oath resides. An oath administered at a location other than the Coast Guard must be verified in writing by the administering official and submitted to the same Regional Examination Center (REC) where the applicant applied for their MMC. This oath remains binding for any subsequently issued MMC and endorsements added to the MMC, unless specifically renounced in writing.

■ 13. Amend § 10.227 by revising paragraphs (d)(4), (e), (g)(2)(ii), and (i) to read as follows:

§ 10.227 Requirements for renewal.

* * * * *

(d) * * *

(4) Any uncanceled MMD, MMC, License, STCW endorsement, Certificate of Registry (COR), or Document of Continuity held by the applicant. If one or more of these credentials are still valid at the time of application, a photocopy—front, back, and all attachments—will satisfy this requirement.

(e) *Renewal requirements.* Except as provided in paragraph (e)(8) of this section and § 13.120 of this subchapter, the applicant must meet the following professional requirements for renewal:

(1) The applicant must either—

(i) Present evidence of at least 1 year of sea service during the past 5 years;

(ii) Pass a comprehensive, open-book exercise covering the general subject matter contained in appropriate sections of subpart B of this part;

(iii) Complete an approved refresher training course;

(iv) Provide evidence of employment as a Qualified Instructor or in a position closely related to the operation, construction, or repair of vessels (either deck or engineer as appropriate) for at least 3 years during the past 5 years. An applicant for a deck license or officer endorsement with this type of employment must also demonstrate knowledge on an applicable Rules of the Road open-book exercise; or

(v) Provide evidence of being a Qualified Instructor who has taught a Coast Guard-approved or -accepted course relevant to the endorsement or credential being applied for, at least twice within the past 5 years, therefore meeting the standards needed to receive a course completion certificate for that course.

(2) The qualification requirements for renewal of Radar Observer endorsement as contained in § 11.480 of this subchapter.

(3) Additional qualification requirements for renewal of an officer endorsement as First-Class Pilot as contained in § 11.713 of this subchapter.

(4) An applicant for renewal of a Radio Officer endorsement must, in addition to meeting the requirements of this section, present a copy of a currently valid License as first- or second-class radiotelegraph operator issued by the Federal Communications Commission.

(5) An applicant for renewal of an endorsement as Medical Doctor or Professional Nurse must, in addition to meeting the requirements of this section, present evidence that they hold a currently valid, appropriate license as physician, surgeon, or registered nurse issued under the authority of a State or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia. Any such renewal will retain the limitations placed upon the medical License by the issuing body. There are no professional requirements for renewal of an endorsement as Marine Physician Assistant or Medical Technician.

(6) An applicant for renewal of an endorsement as Master or Mate (Pilot) of

Towing Vessels, in addition to the other requirements in this paragraph, must also submit satisfactory evidence of—

(i) Having completed a practical demonstration of maneuvering and handling a towing vessel to the satisfaction of a Designated Examiner; or

(ii) Ongoing participation in training and drills during the validity of the License or MMC being renewed.

(7) An applicant seeking to renew a tank vessel endorsement must meet the additional requirements listed in § 13.120 of this subchapter.

(8) There are no professional requirements for renewal for the following endorsements:

(i) Staff officers (all types).

(ii) Ordinary Seafarer.

(iii) Wiper.

(iv) Steward's Department.

(v) Steward's Department Food Handler (F.H.).

(vi) Cadet.

(vii) Student Observer.

(viii) Apprentice Engineer.

(ix) Apprentice Mate (issued under part 12 of this subchapter).

(x) Person in Charge of Medical Care.

(xi) Medical First-aid Provider.

(xii) GMDSS At-sea Maintainer.

(xiii) GMDSS Operator.

* * * * *

(g) * * *

(2) * * *

(ii) An application including a signed statement from the applicant attesting to an awareness of the limited purpose of the Document of Continuity, their inability to serve, and the requirements to obtain an MMC.

* * * * *

(i) *Re-issuance of expired credentials.*

(1) If an applicant applies for re-issuance of an endorsement as deck officer, engineer officer, or qualified rating more than 12 months after its expiration, instead of the requirements of paragraph (e) of this section, the applicant must demonstrate continued professional knowledge by completing a course approved for this purpose, or by passing the complete examination for original issue of the endorsement. The examination may be oral-assisted if the expired credential was awarded based on the results of an oral exam. The fees set forth in § 10.219 apply to these examinations. In the case of an expired Radio Officer endorsement, the endorsement may be issued upon presentation of a valid first- or second-class radiotelegraph operator license issued by the Federal Communications Commission.

(2) An endorsement for Chief Purser, Purser, Senior Assistant Purser, Junior Assistant Purser, Medical Technician,

Marine Physician Assistant, Medical Doctor, or Professional Nurse that has been expired for more than 12 months must be renewed in the same way as a current endorsement of that type. There are no additional requirements for re-issuing endorsements for Chief Purser, Purser, Senior Assistant Purser, Junior Assistant Purser, Medical Technician, Marine Physician Assistant, Medical Doctor, or Professional Nurse that have been expired for more than 12 months.

(3) Applicants applying for re-issuance of an endorsement as Master or Mate (Pilot) of Towing Vessels more than 12 months after expiration of the previous endorsement must complete the practical demonstration of maneuvering and handling a towing vessel required under (e)(6)(i) of this section.

(4) Applicants applying for re-issuance of an endorsement as any tank vessel rating more than 12 months after expiration of the previous endorsement must meet the requirements in § 13.117 of this subchapter.

■ 14. Amend § 10.231 by revising paragraphs (c)(3)(iii), (c)(6)(ii), and (d)(2) to read as follows:

§ 10.231 Requirements for raises of grade or new endorsements.

* * * *

(c) * * *

(3) * * *

(iii) The mandatory requirements for tank vessel endorsements are contained in part 13 of this subchapter.

* * * *

(6) * * *

(ii) The first endorsement as National Able Seafarer, Lifeboat Operator, Lifeboat Operator-Limited, Qualified Member of the Engine Department (QMED), or a tank vessel endorsement.

* * * *

(d) * * *

(2) An applicant remains eligible for a raise of grade while on probation as a result of action under part 5 of this chapter. A raise of grade issued to a person on probation will be subject to the same probationary conditions imposed against their other credentials. The offense for which they were placed on probation will be considered on the merits of the case in determining fitness to hold the endorsement applied for. No applicant will be examined for a raise of grade during any period when a suspension without probation or a revocation imposed under part 5 of this chapter is effective against their credential or while an appeal from these actions is pending.

* * * *

■ 15. Amend § 10.232 by revising paragraphs (a)(1), (a)(2)(iv) and (vii), (a)(6), (d)(1) and (6), and (g) introductory text to read as follows:

§ 10.232 Sea service.

(a) * * *

(1) Sea service may be documented in various forms such as certificates of discharge, pilotage service and billing forms, and service letters or other official documents from marine companies signed by the owner, operator, Master, or Chief Engineer of the vessel. The Coast Guard must be satisfied as to the authenticity and acceptability of all evidence of experience or training presented.

(2) * * *

(iv) The amount and nature (*e.g.*, Chief mate, Assistant Engineer, etc.) of the applicant's experience.

* * * *

(vii) For those seeking to renew a Radar Observer endorsement, whether the vessel is equipped with radar and if the mariner served in a position that routinely uses radar for navigation and collision avoidance purposes.

* * * *

(6) An applicant who has been acting as a Pilot may submit a letter from a pilot's association attesting to the applicant's sea service. For those Pilots seeking to renew a Radar Observer endorsement, the association's letter should indicate that the vessels piloted were equipped with radar, and that radar was used by the Pilot for navigation and collision avoidance purposes. Pilots not part of an association may submit other relevant records indicating service, such as billing forms. For a raise-of-grade, Pilots must comply with the requirements of paragraph (a)(2) of this section.

* * * *

(d) * * *

(1) Sea service as a member of the Armed Forces of the United States will be accepted as required experience for an original, raise of grade, renewal, or increase in scope of all endorsements. In most cases, military sea service will have been performed upon ocean waters; however, inland service, as may be the case on smaller vessels, will be credited in the same manner as conventional evaluations. The applicant must submit an official transcript of sea service or history of assignments as verification of the service claimed when the application is submitted. A DD-214 is not acceptable evidence of sea service. The applicant must also provide the Coast Guard with other necessary information as to tonnage, routes, propulsion power, percentage of time

underway, and assigned duties upon the vessels on which he or she served. Such service will be evaluated by the Coast Guard for a determination of its equivalence to sea service acquired on merchant vessels and the appropriate grade, class, and limit of endorsement for which the applicant is eligible. Normally, 60 percent of the total time onboard is considered equivalent underway service; however, the periods of operation of each vessel may be evaluated separately. In order to be eligible for a Master or Chief Engineer unlimited endorsement, the applicant must have acquired military service in the capacity of commanding officer or engineer officer, respectively.

* * * *

(6) Service gained in a civilian capacity as commanding officer, Master, Mate, engineer, or Pilot, etc., of any vessel owned and operated by the United States, in any service in which a License or officer endorsement as Master, Mate, engineer, or Pilot was not required at the time of such service, will be evaluated by the Coast Guard for a determination of equivalence.

* * * *

(g) *Closely related service.* The Coast Guard may accept evidence of employment in a position closely related to the operation, construction, or repair of vessels (either deck or engineer as appropriate) as meeting the sea service requirements for renewal under § 10.227(e)(1)(iv). Service as port engineer, port captain, shipyard superintendent, Qualified Instructor, or similar related service may be creditable for service for raise of grade of an engineer or deck officer endorsement; however, it may not be used for obtaining an original management-level endorsement. The service is creditable as follows:

* * * *

■ 16. Amend § 10.233 by revising the section heading and paragraphs (a) and (b) to read as follows:

§ 10.233 Obligations of the holder of a Merchant Mariner Credential.

(a) The holder of a credential may not voluntarily part with it or place it beyond their personal control by pledging or depositing it with any other person, except as required by regulation or as necessary to safeguard the credential. If the holder violates this section, the Coast Guard may pursue suspension or revocation of the License, MMD, COR, or MMC under the provisions of part 5 of this chapter.

(b) Whenever a mariner loses a credential, they must immediately report the loss to the Coast Guard. The

report must be made in writing, giving the facts incident to its loss.

* * * * *

■ 17. Amend § 10.235 by revising the section heading and paragraphs (c), (d), and (g) through (i) to read as follows:

§ 10.235 Suspension or revocation of Merchant Mariner Credentials.

* * * * *

(c) An applicant who has had a TWIC, credential, or endorsement revoked, and who is applying for a subsequent MMC or endorsement, must state in their application the date of revocation, the serial number of the document revoked, and the type of document or endorsement revoked.

(d) A person whose credential or endorsement has been revoked or suspended without probation may not be issued a replacement credential or endorsement without approval of the Commandant. If a mariner has multiple endorsements and one or more, but not all, of those endorsements are suspended or revoked, they will be

issued, without payment of a fee, a replacement MMC reflecting those endorsements for which the mariner remains qualified.

* * * * *

(g) An applicant for renewal or return of a credential with endorsement as Master or Mate (Pilot) of Towing Vessels whose most recent credential has been suspended or revoked by an administrative law judge for incompetence must complete the practical demonstration required under § 10.227(e)(6)(i).

(h) If the Coast Guard is advised by the Transportation Security Administration (TSA) that a mariner has either been denied a TWIC or their TWIC has been revoked, the Coast Guard may initiate suspension and revocation action against the mariner's MMC, License, MMD, and COR under 46 U.S.C. 7702 and 7703. During the subsequent suspension and revocation proceeding, the TSA decision to deny issuance of, or to revoke, a mariner's

TWIC will not be subject to review, and the mariner's failure to hold a TWIC will be treated by the Coast Guard as proof that the mariner is not eligible for an MMC, License, MMD or COR.

(i) A mariner who has either been denied issuance of a TWIC or whose TWIC has been revoked for a reason, other than administrative reasons (*e.g.*, being lost or stolen, not functioning, or having a misspelling) will be deemed ineligible for an MMC, License, MMD or COR.

■ 18. Revise § 10.239 to read as follows:

§ 10.239 Quick reference table for MMC requirements.

Table 1 to § 10.239 provides a guide to the requirements for officer endorsements. Provisions in the reference section are controlling.

Note 1 to § 10.239: For tank vessel endorsements, see table 1 to § 13.129.

Note 2 to § 10.239: All references within table 1 to this section are within this subchapter.

TABLE 1 TO § 10.239—QUICK REFERENCE TABLE FOR MMC REQUIREMENTS

Endorsement category	Minimum age	Citizenship	Medical and physical exam	Experience	Recommendations and character check	Firefighting	Professional exam	Demonstration of professional ability	Recency of service	First aid and CPR
Master, Mates.	§ 11.201(e) Note: exceptions.	U.S., § 10.221(a)(1) § 11.201(d).	§ 10.302(a)	part 11—subpart D ..	N/A: Note exceptions in § 11.201(g) for original national or STCW endorsement.	§ 11.201(h)	§ 11.201(i); § 11.903; Note: § 11.903(b)	N/A	original § 11.201(c)(2), renewal § 10.227(e)	§ 11.201(i) Note: exceptions.
Operator of Uninspected Passenger Vessels (OUPV), STCW deck officer endorsements.	§ 11.201(e) Note: exceptions here and in § 11.201(i).	§ 10.221(a)(1) § 11.201(d).	§ 10.302(a)	§ 11.467(c); (d); (e); (f); (g).	N/A: Note exceptions in § 11.201(g) for original national or STCW endorsement.	N/A	§§ 11.201(i); 11.903; § 11.910.	N/A	original § 11.201(c)(2), renewal § 10.227(e)	§ 11.201(i) Note exceptions.
Officer on a passenger ship when on an international voyage.	§ 11.201(e) Note: exceptions.	U.S., § 10.221(a)(1) § 11.201(d).	§ 10.302(a)	part 11—subpart C ..	N/A: Note exceptions in § 11.201(g) for original national or STCW endorsement.	§ 11.303 Renewal: § 11.303(b) and (c).	N/A	Master § 11.305; 311; 315; 317; Chief Mate § 11.307; 313; OICNW § 11.309; 11.319; 11.321; § 11.1105(a)(1), (2) ..	original § 11.201(c)(2), renewal § 10.227(e)	§ 11.201(i).
Engineers (original).	N/A	N/A	N/A	N/A	N/A	N/A	N/A	§ 11.1105(c)	§ 11.1105(c)	N/A.
STCW Engineering Officer endorsement.	§ 11.201(e) Note: exceptions.	U.S., § 10.221(a)(1) § 11.201(d).	10.302(a)	part 11—subpart E ..	N/A: Note exceptions in § 11.201(g) for original national or STCW endorsement.	§ 11.201(h)	§ 11.201(i); 11.903; Note: § 11.903(b)	N/A	original § 11.201(c)(2), renewal § 10.227(e)	§ 11.201(i).
National Designated Duty Engineer (DDE).	§ 11.201(e) Note: exceptions.	U.S., § 10.221(a)(1) § 11.201(d).	§ 10.302(a)	part 11—subpart C ..	N/A: Note exceptions in § 11.201(g) for original national or STCW endorsement.	§ 11.303 Renewal: § 11.303(b) and (c).	N/A	Chief § 11.325; § 11.331; 2nd engineer officer; § 11.327; § 11.333; OICEW/DDE § 11.329.	original § 11.201(c)(2), renewal § 10.227(e)	§ 11.201(i).
Electro-technical Officer.	§ 11.201(e) Note: exceptions.	U.S., § 10.221(a)(1) § 11.201(d).	§ 10.302(a)	11.524(b)	N/A: Note exceptions in § 11.201(g) for original national or STCW endorsement.	§ 11.201(h)(1)(iv)	§ 11.903	N/A	original § 11.201(c)(2), renewal § 10.227(e)	§ 11.201(i).
Pilot	§ 11.201(e) Note: exceptions.	U.S., § 10.221(a)(1) § 11.201(d).	§ 10.302(a); § 11.709	§ 11.703; § 11.705 ...	N/A: Note exceptions in § 11.201(g) for original national or STCW endorsement.	§ 11.335(a)(3)(ii)	N/A	§ 11.335(a)(2), (3) ... note exception in § 11.335(b) & (c).	§ 11.705(e), § 11.713	§ 11.201(i).
Towing Vessels.	§ 11.201(e) Note: exceptions.	U.S., § 10.221(a)(1) § 11.201(d).	§ 10.302(a)	part 11—subpart D ..	N/A: Note exceptions in § 11.201(g) for original national or STCW endorsement.	§ 11.201(h)(1)(i)	§ 11.201(i); § 11.903; § 11.910.	§ 11.464; § 11.465 ...	original § 11.201(c)(2), renewal § 10.227(e)	§ 11.201(i).
Offshore Supply Vessels (OSV).	§ 11.201(e) Note: exceptions.	U.S., § 10.221(a)(1) § 11.201(d).	§ 10.302(a)	Master § 11.493 Chief Mate § 11.495 Mate § 11.497 C/E § 11.553 Engineer § 11.555 ...	N/A: Note exceptions in § 11.201(g) for original national or STCW endorsement.	§ 11.201(h)	§ 11.201(i); Master § 11.493 Chief Mate § 11.495 Mate § 11.497 C/E § 11.553 Engineer § 11.555 ...	Master § 11.493 Chief Mate § 11.495 Mate § 11.497 C/E § 11.553 Engineer § 11.555 ...	original § 11.201(c)(2), renewal § 10.227(e)	§ 11.201(i).
MODU licenses.	§ 11.201(e) Note: exceptions.	U.S., § 10.221(a)(1) § 11.201(d).	§ 10.302(a)	OIM: § 11.470 B.S.: § 11.472 BCO: § 11.474 ChEng: § 11.542 Asst. Eng: § 11.544 ..	N/A: Note exceptions in § 11.201(g) for original national or STCW endorsement.	§ 11.201(h); note exceptions	§ 11.201(i); § 11.903; § 11.920.	N/A	original § 11.201(c)(2), renewal § 10.227(e)	§ 11.201(i).

Uninspected Fishing Industry Vessels.	\$11.201(e) Note: exceptions	U.S., § 10.221(a)(1) .. § 11.201(d)	§ 10.302(a)	Deck: § 11.462(c); (d); .. Engine: § 11.530(c); (d); (e).	N/A: Note exceptions in § 11.201(g) for original national or STCW endorse- ments. N/A: Note exceptions in § 11.201(g) for original national or STCW endorse- ments. N/A	N/A: Note exceptions in § 11.201(h)	Note: exceptions	\$11.201(j); § 11.903; § 11.910.	N/A	N/A	original § 11.201(c)(2). renewal § 10.227(e).	§ 11.201(i).
Radio Officer	\$11.201(e) Note: exceptions	U.S., § 10.221(a)(1) .. § 11.201(d)	§ 10.302(a)	N/A	N/A: Note exceptions in § 11.201(g) for original national or STCW endorse- ments. N/A	N/A	N/A	N/A	§ 11.603	N/A	N/A	§ 11.201(i).
GMDSS Operator.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	11.604	N/A	N/A	N/A.
Officer raises of grade.	\$11.201(e) Note: exceptions	U.S., § 10.221(a)(1) .. § 11.201(d)	§ 10.302(a)	§ 10.231(c); part 11, subparts D and E.	N/A	N/A	N/A	§ 10.231(d); § 11.903; § 11.910; § 11.920; § 11.950.	part 11, subparts D and E.	3 months in past 3 years, § 11.201 (c)(2).	N/A.	N/A.
Officer re-novels.	\$11.201(e) Note: exceptions	U.S., § 10.221(a)(1) .. § 11.201(d)	§ 10.302(a)	§ 10.227(d) and (e) .. Note: exceptions	N/A	N/A	N/A	N/A	Towing officers, § 10.227(d) and (e).	1 year in past 5, § 10.227(e) and (f). Note: alternative	N/A.	N/A.
Staff officer ..	\$11.201(e) Note: exceptions	U.S., § 10.221(a)(1) .. § 11.201(d)	§ 10.302(a)	§ 11.807	N/A: Note exceptions in § 11.201(g) for original national or STCW endorse- ments. N/A	N/A	N/A	N/A	§ 11.807	N/A	§ 11.201(i).	§ 11.201(i).
Staff officer renewals. Able Seafarer.	\$11.201(e) Note: exceptions	U.S., § 10.221(a)(1) .. § 11.201(d)	§ 10.302(a)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A.
	\$12.401(c)(1)	U.S. or alien admit- ted for permanent residence, § 10.221(a)(2).	§ 10.302(a), § 12.401(c)(2).	§ 12.403	N/A	N/A	N/A	§ 12.401(c)(5)	§ 12.401(c)(6) § 12.405.	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative	N/A.	N/A.
Able Seafarer-Deck.	\$12.603(a)(1)	U.S. or alien admit- ted for permanent residence, § 10.221(a)(2).	§ 10.302(a)	§ 12.603(a)(3)	N/A	N/A	N/A	N/A	§ 12.603(a)(2) § 12.603(a)(4) § 12.603(a)(5).	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative	§ 12.602(a).	§ 12.602(a).
Ratings Forming Part of a Navigation- al Watch	\$12.605(a)(1)	U.S. or alien admit- ted for permanent residence, § 10.221(a)(2).	§ 10.302(a)	§ 12.605(a)(2)	N/A	N/A	N/A	N/A	§ 12.605(a)(3)	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative	§ 12.602(a).	§ 12.602(a).
Qualified Members of Engine Department	\$12.501(c)(1)	U.S. or alien admit- ted for permanent residence, § 10.221(a)(2).	§ 10.302(a)	§ 12.503	N/A	N/A	N/A	§ 12.505	N/A	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative	N/A.	N/A.
Able Seafarer-Engine.	\$12.607(a)(1)	U.S. or alien admit- ted for permanent residence, § 10.221(a)(2).	§ 10.302(a)	§ 12.607(a)(3)	N/A	N/A	N/A	N/A	§ 12.607(a)(2); (4) § 12.607(b); (c).	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative	§ 12.602(a).	§ 12.602(a).
Ratings Forming Part of an Engineer- ing Watch	\$12.609(a)(1)	U.S. or alien admit- ted for permanent residence, § 10.221(a)(2).	§ 10.302(a)	§ 12.609(a)(2)	N/A	N/A	N/A	N/A	§ 12.609(a)(3)	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative	§ 12.602(a).	§ 12.602(a).
Electro-technical Rating.	\$12.611(a)(1)	U.S. or alien admit- ted for permanent residence, § 10.221(a)(2).	§ 10.302(a)	§ 12.611(a)(2)	N/A	N/A	N/A	N/A	§ 12.611(a)(3); § 12.611(b).	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative	§ 12.602(a).	§ 12.602(a).
Entry level ratings.	N/A	U.S. or alien admit- ted for permanent residence, § 10.221(a)(2).	N/A: note exception in § 12.811(a)(2). Note: Food Handler (F.H.) require- ments in table § 10.302(a). (xiv) § 10.302(a)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A.	N/A.
Lifeboat Operator.	N/A	U.S. or alien admit- ted for permanent residence, § 10.221(a)(2).	§ 10.302(a)	§ 12.407(b)(1)	N/A	N/A	N/A	§ 12.407(b)(2); (4)	§ 12.407(b)(2); (3)	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative	N/A.	N/A.
Lifeboat Operator-Limited.	N/A	U.S. or alien admit- ted for permanent residence, § 10.221(a)(2).	§ 10.302(a)	§ 12.409(b)(1)	N/A	N/A	N/A	§ 12.409(b)(2); (4)	§ 12.409(b)(2); (3)	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative	N/A.	N/A.

TABLE 1 TO § 10.239—QUICK REFERENCE TABLE FOR MMC REQUIREMENTS—Continued

Endorsement category	Minimum age	Citizenship	Medical and physical exam	Experience	Recommendations and character check	Firefighting	Professional exam	Demonstration of professional ability	Recency of service	First aid and CPR
Proficiency in Fast Rescue Boats.	§ 12.617(a)(1)	U.S. or alien admitted for permanent residence, § 10.221(a)(2).	N/A	N/A	N/A	N/A	N/A	§ 12.617(a)(2); (3); (4).	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative Renewal: § 12.617(b)(2).	§ 12.602(a).
Proficiency in Survival Craft and Rescue Boats other than other than Fast Rescue Boats.	§ 12.613(a)(1)	U.S. or alien admitted for permanent residence, § 10.221(a)(2).	N/A	§ 12.613(a)(2)	N/A	N/A	N/A	§ 12.613(a)(3)	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative Renewal: § 12.613(b)(2).	§ 12.602(a).
Proficiency in Survival Craft and Rescue Boats other than Lifeboats and Fast Rescue Boats-Limited.	§ 12.615(a)(1)	U.S. or alien admitted for permanent residence, § 10.221(a)(2).	N/A	§ 12.615(a)(2)	N/A	N/A	N/A	§ 12.615(a)(3)	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative Renewal: § 12.615(b)(2).	§ 12.602(a).
Assistance Towing endorsement.	N/A	N/A	N/A	§ 11.482	N/A	N/A	§ 11.482	§ 11.482	original § 11.201(c)(2).	N/A.
Radar Observer endorsement.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	§ 11.480(d); (h)	N/A	N/A.
Vessel Security Officer (VSO).	§ 11.337(a)	U.S. or alien admitted for permanent residence, § 10.221(a)(1) § 10.221(a)(2).	§ 10.302(a)	§ 11.337(a)	N/A: Note exceptions in § 11.201(g) for original national or STCW endorsements.	N/A	N/A	§ 11.337(a)	original § 11.201(c)(2). renewal § 10.227(e).	§ 11.201(b).
High Speed Craft.	N/A	U.S. § 10.221(a)(1)	N/A	§ 11.821(b)(1) § 11.821(c).	N/A: Note exceptions in § 11.201(g) for original national or STCW endorsements.	N/A	N/A	§ 11.821(b)(2)	Renewal: § 11.821(e)	N/A.
GMDSS at-Sea Main-tainer.	§ 12.623(a)	N/A	N/A	N/A	N/A	N/A	N/A	§ 12.623(b)	N/A	N/A.
Medical First-aid Provider.	N/A	N/A	N/A	§ 12.619(b)	N/A	N/A	N/A	§ 12.619(a)(1); (2) ...	N/A	§ 12.619(a)(1).
Person in Charge of Medical Care.	N/A	N/A	N/A	§ 12.621(b)	N/A	N/A	N/A	§ 12.621(a)(1); (2) ...	N/A	§ 12.621(a)(1).
Vessel Personnel with Designated Security Duties.	§ 12.625(a)(1)	U.S. or alien admitted for permanent residence, § 10.221(a)(2).	§ 12.625(a)(2)	§ 12.625(a)(1)	N/A	N/A	N/A	§ 12.625(a)(1)	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative Renewal: § 12.625(b)(2).	N/A.
Security Awareness.	§ 12.627(a)(1)	U.S. or alien admitted for permanent residence, § 10.221(a)(2).	§ 12.627(a)(2)	§ 12.627(a)(1)	N/A	N/A	N/A	§ 12.627(a)(1)	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative Renewal: § 12.627(b)(2).	N/A.
Ratings serving on passenger ships on international voyages.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	§ 12.905(a); (b)	Renewal § 12.905(d)	N/A.

■ 19. Revise § 10.302 paragraph (b) and table 1 to § 10.302(a) to read as follows:

§ 10.302 Medical and physical requirements.

* * * * *

(b) Any required test, exam, or demonstration must have been performed, witnessed, or reviewed by a Licensed Medical Doctor, Licensed Physician Assistant, Licensed Nurse

Practitioner, or a Designated Medical Examiner. All licensed medical practitioners must hold a valid license issued in the United States.

TABLE 1 TO § 10.302(a)—MEDICAL AND PHYSICAL REQUIREMENTS FOR MARINER ENDORSEMENTS

1 Credential	2 Vision test	3 Hearing test	4 General medical exam	5 Demonstration of physical ability
(1) Deck officer, including Pilot	§ 10.305(a)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(2) Engineering officer	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(3) Radio Officer	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(4) OIM, BS, or BCO	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(5) Able Seafarer	§ 10.305(a)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(6) QMED	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(7) Able Seafarer-Deck	§ 10.305(a)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(8) RFPNW	§ 10.305(a)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(9) Able Seafarer-Engine	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(10) RFPEW	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(11) ETR	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(12) Tank vessel endorsement	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(13) Lifeboat Operator and PSC	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(14) Lifeboat Operator-Limited and PSC-Limited	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(15) Fast Rescue Boat	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(16) Food Handler serving on vessels to which STCW does not apply .....	.....	.....	§ 10.304(b)	.....
(17) Food Handler serving on vessels to which STCW applies .....	.....	.....	§ 10.304(b)	§ 10.304(c)
(18) Ratings, including entry level, serving on vessels to which STCW applies, other than those listed above .....	.....	.....	.....	§ 10.304(c)
(19) Ratings, including entry level, serving on vessels to which STCW does not apply, other than those listed above .....	.....	.....	.....	.....
(20) VSO	§ 10.305(a)	§ 10.306	§ 10.304(a)	§ 10.304(c)

§ 10.304 [Amended]

■ 20. Amend § 10.304 in paragraph (b) by removing the word “handlers” and, in its place, adding the word “Handlers.”

■ 21. Amend § 10.305 by revising the heading to paragraph (b) and paragraphs (c) through (e) to read as follows:

§ 10.305 Vision requirements.

* * * * *

(b) *Engineering, Radio Officer, tank vessel endorsement, and MODU standard.*

* * * * *

(c) *Vision waiver.* Any applicant whose uncorrected vision does not meet the 20/200 standard and is correctable to listed standards above may be granted a medical waiver in accordance with § 10.303. If a vision waiver is granted, a limitation will be placed on the medical certificate indicating the mariner may not serve under the authority of the endorsement unless corrective lenses are worn and spare lenses are carried onboard a vessel. Waivers are not normally granted to an applicant whose corrected vision in the better eye is not at least 20/40 for deck officers or 20/50 for engineer officers.

(d) *Vision operational limitation.* If corrective lenses are required in order to meet the vision standards above, a mariner may not serve under the authority of the endorsement unless corrective lenses are worn and spare lenses are carried onboard a vessel. This operational limitation will be placed on their medical certificate.

(e) *Loss of vision.* A mariner having lost vision in one eye must wait 6 months from the date of the vision loss before submitting any application, and must provide a statement of demonstrated ability on their medical examination.

■ 22. Revise § 10.403 to read as follows:

§ 10.403 General Standards.

(a) Each school with an approved course must—

(1) Have a well-maintained facility that accommodates the students in a safe and comfortable environment conducive to learning;

(2) Have the necessary equipment, including simulators where appropriate, sufficient for the number of students to be accommodated, and support the objectives of the course;

(3) Administer training entirely in the English language unless specifically

approved to be presented in another language;

(4) Administer written examinations to each student appropriate for the course material and the knowledge requirements of the position or endorsement for which the student is being trained. For a course approved to substitute for a Coast Guard-administered examination, the courses must be of such a degree of difficulty that a student who successfully completes them would most likely pass, on the first attempt, an examination prepared by the Coast Guard;

(5) Require each student to successfully demonstrate practical skills appropriate for the course material and equal to the level of endorsement for which the course is approved; and

(6) Keep physical or electronic copies of the following records for at least 5 years after the end of each student's completion or disenrollment from a course or program:

(i) A copy of each student's examination scores;

(ii) A copy of each examination or, in the case of a practical test, a report of such test;

(iii) A record of each student's classroom attendance, which includes their full name, Coast Guard-issued

Mariner Reference Number, or date of birth and place of birth if they do not have a Mariner Reference Number;

(iv) A copy of each student's course completion certificate or program completion certificate, as appropriate;

(v) A summary of changes or modification to the last course submittal;

(vi) A list of all locations at which the training course was presented and the number of times it was presented at each location;

(vii) The name(s) of the instructor(s) who taught the course, which does not include lab assistants or other non-teaching assistants;

(viii) The number of students who began the training;

(ix) The number of students who successfully completed the training;

(x) The number of students who were required to retest;

(xi) The number of students who were required to retake the entire course and

(xii) The number of students who were required to retake a portion of the course.

(7) By November 25, 2026, for each student who successfully completes an approved course or program, in a manner specified by the Coast Guard, the school must electronically submit to the Coast Guard, within 5 business days of completion, the information listed in paragraphs (7)(i) through (v). By submitting records electronically to the Coast Guard, the submitter attests that they are accurate to the best of their knowledge and no false entries or statements were made under penalty of 18 U.S.C. 1001.

(i) The name of the school and Coast Guard-issued course provider code;

(ii) The title of the approved course or program, the Coast Guard-issued course code, and the dates the course was held;

(iii) The name of the Coast Guard-approved instructor who conducted the course;

(iv) The name of the student as it appears on their MMC or valid government-issued identification, along with their Coast Guard-issued Mariner Reference Number or date of birth and place of birth if they do not have a Mariner Reference Number; and

(v) The unique course certificate identification code associated with the course or program completion certificate issued to the student for the course.

(8) Not significantly change its approved curriculum without approval from the NMC as specified in § 10.402(e);

(9) Conduct an internal audit midway through the term of the course's approval and maintain the results of the audit for a period of not less than 5 years. The audit will evaluate whether—

(i) Records are being maintained according to these regulations;

(ii) The course is being presented in accordance with the approval letter; and

(iii) Surveys from students indicate that the course is meeting their needs; and

(10) At any time, allow the Coast Guard to—

(i) Inspect its facilities, equipment, and records, including scholastic records;

(ii) Conduct interviews and surveys of students to aid in course evaluation and improvement;

(iii) Assign personnel to observe or participate in the course of instruction; and

(iv) Supervise or administer the required examinations or practical demonstrations, including the substitution of an applicable Coast Guard examination in a course approved to substitute for a Coast Guard-administered examination.

(b) [Reserved]

■ 23. Amend § 10.404 by revising paragraphs (b)(1)(iv) through (vii) and paragraph (c) to read as follows:

§ 10.404 Substitution of training for required service, use of training-record books (TRBs), and use of towing officer assessment records (TOARs).

* * * * *

(b) * * *

(1) * * *

(iv) A place for a Qualified Instructor to indicate by their initials that the applicant has received training in the proper performance of the task or skill.

(v) A place for a Qualified Assessor (QA) to indicate by their initials that the applicant has successfully completed a practical demonstration and has proved competent in the task or skill under the criteria, when assessment of competence is to be documented in the record books.

(vi) The printed name of each Qualified Instructor, including any MMC endorsements held, and the instructor's signature.

(vii) The printed name of each Qualified Assessor, when any assessment of competence is recorded, including any MMC endorsement, License, or document held by the assessor, and the assessor's signature confirming that their initials certify that they have witnessed the practical demonstration of a particular task or skill by the applicant.

* * * * *

(c) *Use of towing officer assessment records (TOARs).* Each applicant for an endorsement as Master or Mate (Pilot) of Towing Vessels, and each Master or Mate of self-propelled vessels of 200

GRT or more, seeking an endorsement for towing vessels, must complete a TOAR approved by the Coast Guard that contains at least the following:

(1) Identification of the applicant, including their full name, and reference number;

(2) Objectives of the training and assessment;

(3) Tasks to perform or skills to demonstrate;

(4) Criteria to use in determining that the tasks or skills have been performed properly;

(5) A means for a Designated Examiner (DE) to attest that the applicant has successfully completed a practical demonstration and has proved proficient in the task or skill under the criteria; and

(6) Identification of each DE by their full name and reference number, job title, ship name and official number, and serial number of the MMC, License, or document held, and printed name and signature confirming that their initials certify that they have witnessed the practical demonstration of a particular task or skill by the applicant.

■ 24. Amend § 10.405 by revising the section heading, paragraphs (a) introductory text, (b) introductory text, and (d) to read as follows:

§ 10.405 Qualification as Qualified Assessor and Designated Examiner.

(a) To become a Qualified Assessor (QA), an applicant must have documentary evidence to establish—

* * * * *

(b) To become a Designated Examiner (DE) for towing officer assessment records (TOARs), an applicant must have documentary evidence to establish—

* * * * *

(d) In order to renew their qualifications, each QA and DE must have either experience, training, or evidence of instruction in effective assessment within the past 5 years.

PART 11—REQUIREMENTS FOR OFFICER ENDORSEMENTS

■ 25. The authority citation for part 11 is revised to read as follows:

Authority: 14 U.S.C. 503; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, and 2110; 46 U.S.C. chapter 71; 46 U.S.C. 7502, 7505, 7701, 8903, 8904, and 70105; Executive Order 10173; DHS Delegation No. 00170.1, Revision No. 01.4. Section 11.107 is also issued under the authority of 44 U.S.C. 3507.

PART 11—[Amended]

■ 26. In part 11, remove the term in the left column wherever it appears and add in its place the term in the right column:

Remove	Add
fireman	Boiler Technician.
hospital corpsman	Medical Technician.
seaman	seafarer.

■ 27. Amend § 11.101 by revising paragraphs (a) and (b) to read as follows:

§ 11.101 Purpose of regulations.

(a) The purpose of this part is to provide—

(1) A means of determining the qualifications an applicant must possess to be eligible for an officer endorsement as a staff officer, deck officer, engineer officer, Pilot, or Radio Officer on merchant vessels, or for an endorsement to operate uninspected passenger vessels; and

(2) A means of determining that an applicant is competent to serve as a Master, Chief Mate, Officer in Charge of a Navigational Watch, Chief Engineer Officer, Second Engineer Officer (First Assistant Engineer), Officer in Charge of an Engineering Watch, Designated Duty Engineer, or Global Maritime Distress and Safety System (GMDSS) Radio Operator, in accordance with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (the STCW Convention or STCW), and other laws, and to receive the appropriate endorsement as required by STCW.

(b) With few exceptions, these regulations do not specify or restrict officer endorsements to particular types of service such as tankships, freight vessels, or passenger vessels. However, each officer credentialed under this part must become familiar with the relevant characteristics of a vessel prior to assuming their duties as required in the provisions of § 15.405 of this subchapter.

* * * * *

■ 28. Amend § 11.102 by revising paragraph (a) and the introductory text of paragraph (b) to read as follows:

§ 11.102 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference material (IBR) is available for inspection at the Coast Guard and the National Archives and Records Administration (NARA). Contact Coast Guard at: Office of Merchant Mariner Credentialing (CG-MMC), U.S. Coast Guard, Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593-7509; phone: 202-372-1492; website: <https://www.dco.uscg.mil/nmc/>

merchant mariner credential/. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from:

(b) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, England; phone: +44 (0)20 7735 7611; website: www.imo.org.

* * * * *

■ 29. Amend § 11.201 by revising paragraphs (a), (e), (g), (h)(2) through (4), (i)(1) introductory text, (j)(3), and (k) to read as follows:

§ 11.201 General requirements for national and STCW officer endorsements.

(a) *General*. In addition to the requirements of part 10 of this subchapter, the applicant for an officer endorsement, whether original, renewal, duplicate, or raise of grade, must establish to the satisfaction of the Coast Guard that they possess all the qualifications necessary (including but not limited to age, experience, character, physical health, citizenship, approved training, professional competence, and a test for dangerous drugs) before the Coast Guard will issue the applicant a Merchant Mariner Credential (MMC). An applicant for any STCW endorsement must hold the appropriate national endorsement unless otherwise specified.

* * * * *

(e) *Age*. Except as specified in this paragraph, no officer endorsement may be issued to a person who has not attained the age of 21 years. The required evidence of age may be established using any of the items submitted to establish citizenship set out in 49 CFR 1572.17.

(1) An endorsement may be granted to an applicant who has reached the age of 19 years as—

(i) Master of near-coastal, Great Lakes and inland, or river vessels of 25–200 GRT;

(ii) Third Mate;

(iii) Third Assistant Engineer;

(iv) Mate of vessels of between 200 GRT and 1,600 GRT;

(v) Ballast Control Operator (BCO);

(vi) Assistant Engineer-MODU;

(vii) Assistant Engineer of Fishing Industry Vessels;

(viii) Mate (Pilot) of Towing Vessels;

(ix) Radio Officer;

(x) Assistant Engineer-Limited; or

(xi) Designated Duty Engineer of vessels of less than 4,000 HP/3,000 kW.

(2) An endorsement may be granted to an applicant who has reached the age of 18 years as—

(i) Limited Master of near-coastal vessels of less than 100 GRT;

(ii) Limited Master of Great Lakes and inland vessels of less than 100 GRT;

(iii) Mate of Great Lakes and inland vessels of 25–200 GRT;

(iv) Mate of near-coastal vessels of 25–200 GRT;

(v) Operator of Uninspected Passenger Vessels (OUPV);

(vi) Designated Duty Engineer (DDE) of vessels of less than 1,000 HP/750 kW;

(vii) Apprentice Mate of Towing Vessels;

(viii) Officer in Charge of a Navigational Watch (OICNW);

(ix) Officer in Charge of an Engineering Watch (OICEW); or

(x) Electro-technical Officer (ETO).

* * * * *

(g) *Character check*. (1) An individual may apply for an original officer endorsement, or officer or STCW endorsement of a different type, while on probation as a result of administrative action under part 5 of this chapter. The offense for which the applicant was placed on probation will be considered in determining their fitness to hold the endorsement applied for. An officer or STCW endorsement issued to an applicant on probation will be subject to the same probationary conditions as were imposed against the applicant's other credential. An applicant may not take an examination for an officer or STCW endorsement during any period of time when a suspension without probation or a revocation is effective against the applicant's currently held License, Merchant Mariner Document (MMD), or MMC, or while an appeal from these actions is pending.

(2) If information about the applicant's habits of life and character is brought to the attention of the Coast Guard after an original License, Certificate of Registry, or officer endorsement has been issued, and if such information reasonably supports the conclusion that the applicant cannot be entrusted with the duties and responsibilities of the License, Certificate of Registry, or officer endorsement issued, or indicates that the application for the License, Certificate of Registry, or officer endorsement was false or incomplete, the Coast Guard may notify the holder in writing that the License, Certificate of Registry, or officer endorsement is considered null and void, direct the holder to return the credential to the Coast Guard, and advise the holder that, upon return of the credential, the appeal procedures of § 10.237 of this subchapter apply.

(h) * * *

(2) The following categories must meet the requirements for Basic and Advanced Firefighting in Regulations VI/1 and VI/3 of the STCW Convention and Tables A–VI/1–2 and A–VI/3 of the STCW Code (both incorporated by reference, see § 11.102):

(i) National officer endorsements as Master or Mate on seagoing vessels of 200 GRT or more;

(ii) All national officer endorsements for Master or Mate (Pilot) of Towing Vessels, except Apprentice Mate of Towing Vessels, on oceans;

(iii) All national officer endorsements for MODUs;

(iv) All national officer endorsements for engineers;

(v) All national officer endorsements for OSVs; and

(vi) All STCW officer endorsements except GMDSS Radio Operator.

(3) The following categories must meet the requirements for basic firefighting in Regulation VI/1 of the STCW Convention and Table A–VI/1–2 of the STCW Code:

(i) Officer endorsement as Master on vessels of less than 500 GT in ocean service; and

(ii) All officer endorsements for Master or Mate (Pilot) of Towing Vessels, except Apprentice Mate of Towing Vessels, in all services except oceans.

(4) Applicants for a raise of grade of an officer endorsement who have not previously met the requirements of paragraph (h) of this section must do so.

(i) * * *

(1) Evidence of continued competency in STCW Basic Training in accordance with § 11.302 or a certificate indicating completion not more than 1 year from the date of application of—

* * * * *

(j) * * *

(3) An examination is not required for a staff officer or Radio Officer endorsement.

(k) *Radar Observer*. Applicants for an endorsement as Radar Observer must present a certificate of completion from a Radar Observer course as required by § 11.480.

* * * * *

■ 30. Amend § 11.211 by revising paragraphs (c)(1), (e), and (f) to read as follows:

§ 11.211 Creditable service and equivalents for national and STCW officer endorsements.

* * * * *

(c) * * *

(1) MODU service is creditable for raise of grade of an officer endorsement.

Evidence of 1 year of service on MODUs as Mate or equivalent while holding an officer endorsement or license as Third Mate, or as Engineering Officer of the Watch or equivalent while holding an officer endorsement or license as Third Assistant Engineer, is acceptable for a raise of grade to Second Mate or Second Assistant Engineer, respectively. However, any subsequent raises of grade of unlimited, non-restricted officer licenses or endorsements must include a minimum of 6 months of service on conventional vessels.

* * * * *

(e) *Service on towing vessels*. Service as Master or Mate (Pilot) of Towing Vessels, when the aggregate tonnage of the tug and barges is 1,600 GRT/3,000 GT or more, is creditable, using the aggregate tonnage, on a two-for-one basis (2 days experience equals 1 day of creditable service) for up to 50 percent of the total service on vessels of 1,600 GRT/3,000 GT or more required for an unlimited officer endorsement. The remaining required service on vessels of more than 1,600 GRT/3,000 GT must be obtained on conventional vessels. This service must be documented as specified in § 10.232(a) of this subchapter.

(f) *Cadet experience*. Individuals obtaining sea service as part of an approved training curriculum pursuant to either § 11.407(a)(2) or § 11.516(a)(3) must do so in the capacity of Cadet-Deck or Cadet-Engine, as appropriate, notwithstanding any other rating endorsements the individual may hold or any other capacity in which the individual may have served.

* * * * *

■ 31. Amend § 11.301 by revising paragraph (a)(1)(i), paragraph (d) introductory text, and paragraphs (g)(1) and (2) to read as follows:

§ 11.301 Requirements for STCW officer endorsements.

(a) * * *

(1) * * *

(i) *In-service experience*: Documentation of successful completion of assessments, approved or accepted by the Coast Guard, and signed by a Qualified Assessor (QA)—deck or engineering—as appropriate.

* * * * *

(d) *Management-level endorsement*. Applicants holding national officer endorsements as Master, Chief Mate, Chief Engineer, or First Assistant Engineer, and who seek to add an STCW endorsement at the management level, must provide evidence of meeting the

STCW requirements found in this subpart, including—

* * * * *

(g) * * *

(1) Masters, Mates, or engineers endorsed for service on small passenger vessels that are subject to subchapter T or K of this chapter and that operate beyond the boundary line.

(2) Masters, Mates, or engineers endorsed for service on seagoing vessels of less than 200 GRT, other than passenger vessels subject to subchapter H of this chapter.

* * * * *

§ 11.302 [Amended]

■ 32. Amend § 11.302 by:

■ a. In the section heading, by removing the word “training” and adding in its place the word “Training”; and

■ b. In paragraph (a) introductory text, by removing the words “basic training”, and adding in their place the words “Basic Training”.

■ 33. Amend § 11.304 by revising paragraphs (a)(2), (3), and (5) to read as follows:

§ 11.304 STCW deck officer endorsements.

(a) * * *

(2) Chief Mate on vessels of 3,000 GT or more (management level).

(3) Officer in Charge of a Navigational Watch (OICNW) of vessels of 500 GT or more (operational level).

* * * * *

(5) Chief Mate of vessels of 500 GT or more and less than 3,000 GT (management level).

* * * * *

■ 34. Amend § 11.305 by revising the section heading and paragraphs (a) introductory text and (a)(1), paragraph (b) introductory text, and paragraphs (d) and (e) to read as follows:

§ 11.305 Requirements to qualify for an STCW endorsement as Master of vessels of 3,000 GT or more (management level).

(a) To qualify for an STCW endorsement as Master, an applicant must—

(1) Provide evidence of 36 months of service as OICNW on vessels operating in oceans, near-coastal waters, and/or Great Lakes. This period may be reduced to not less than 24 months if the applicant served as Chief Mate for not less than 12 months. Service on inland waters that are navigable waters of the United States may be substituted for up to 50 percent of the total required service. Experience gained in the engine department on vessels may be creditable for up to 3 months of the service requirements;

* * * * *

(b) For a renewal of an STCW endorsement as Master of vessels of 3,000 GT or more to be valid on or after January 1, 2017, each candidate must provide evidence of successful completion of approved training in the following:

* * * *

(d) Seafarers holding an STCW endorsement as Master of vessels of 500 GT or more and less than 3,000 GT, in accordance with § 11.311, are eligible to apply for the endorsement as Master of vessels of 3,000 GT or more upon completion of 6 months of sea service, under the authority of the endorsement,

and must complete any items in paragraphs (a)(2) and (a)(3) of this section not previously satisfied.

(e) Seafarers with one of the following national officer endorsements are eligible to apply for this endorsement upon completion of the requirements in table 1 to this paragraph:

TABLE 1 TO § 11.305(e)—STCW ENDORSEMENT AS MASTER OF VESSELS OF 3,000 GT OR MORE

Entry path from national endorsements	Sea service under authority of the endorsement ¹	Competence—STCW Table A-II/2 ²	Training required by this section ³
Master ocean or near-coastal, unlimited tonnage	None	Yes	Yes.
Master OSV	None	Yes	Yes.

¹ This column provides the minimum additional service required of the seafarer in order to meet the requirements of this section.

² Complete any items in paragraph (a)(2) of this section not previously satisfied.

³ Complete any items in paragraph (a)(3) of this section not previously satisfied.

■ 35. Amend § 11.307 by revising the section heading, paragraphs (a) introductory text, (b) introductory text, and (d), and table 1 to § 11.307(e) to read as follows:

§ 11.307 Requirements to qualify for an STCW endorsement as Chief Mate of vessels of 3,000 GT or more (management level).

(a) To qualify for an STCW endorsement as Chief Mate, an applicant must—

* * * *

(b) For a renewal of an STCW endorsement as Chief Mate of vessels of 3,000 GT or more to be valid on or after January 1, 2017, each candidate must provide evidence of successful completion of approved training in the following:

* * * *

(d) Seafarers holding an STCW endorsement as Chief Mate of vessels of 500 GT or more and less than 3,000 GT, in accordance with § 11.313, are eligible to apply for the endorsement as Chief

Mate of vessels of 3,000 GT or more upon completion of 6 months of sea service, under the authority of the endorsement, and must complete any items in paragraphs (a)(2) and (3) of this section not previously satisfied.

(e) * * *

TABLE 1 TO § 11.307(e)—STCW ENDORSEMENT AS CHIEF MATE OF VESSELS OF 3,000 GT OR MORE

Entry path from national endorsements	Sea service under authority of the endorsement ¹	Competence—STCW Table A-II/2 ²	Training required by this section ³
Chief Mate ocean or near-coastal, unlimited tonnage	None	Yes	Yes.
Master ocean or near-coastal, less than 500 GRT	12 months	Yes	Yes.
Chief Mate OSV	None	Yes	Yes.
Master of Towing Vessels ocean or near-coastal	12 months	Yes	Yes.

¹ This column provides the minimum additional service required of the seafarer in order to meet the requirements of this section.

² Complete any items in paragraph (a)(2) of this section not previously satisfied.

³ Complete any items in paragraph (a)(3) of this section not previously satisfied.

■ 36. Amend § 11.309 by revising the section heading, paragraph (a), and table 1 to § 11.309(e) to read as follows:

§ 11.309 Requirements to qualify for an STCW endorsement as Officer in Charge of a Navigational Watch of vessels of 500 GT or more (operational level).

(a) To qualify for an STCW endorsement as Officer in Charge of a Navigational Watch (OICNW), an applicant must—

(1) Provide evidence of seagoing service as follows:

(i) Thirty-six months of seagoing service in the deck department on vessels operating in oceans, near-coastal waters, and/or Great Lakes. Service on inland waters, bays, or sounds that are

navigable waters of the United States may be substituted for up to 50 percent of the total required service; or

(ii) Twelve months of seagoing service as part of an approved training program, which includes onboard training that meets the requirements of Section A-II/1 of the STCW Code (incorporated by reference, see § 11.102);

(2) Provide evidence of having performed, during the required seagoing service, bridge watchkeeping duties under the supervision of an officer holding the STCW endorsement as Master, Chief Mate, Second Mate, or OICNW, for a period of not less than 6 months;

(3) Provide evidence of meeting the standard of competence specified in Section A-II/1 of the STCW Code; and

(4) Provide evidence of having satisfactorily completed approved training in the following subject areas:

(i) Medical First-aid Provider.

(ii) Radar Observer.

(iii) Search and rescue.

(iv) Basic and Advanced Firefighting in accordance with § 11.303.

(v) Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats (PSC) or Proficiency in Survival Craft and Rescue Boats other than Lifeboats and Fast Rescue Boats (PSC-Limited).

(vi) Visual signaling.

(vii) Bridge resource management (BRM).	standard marine communication phrases (SMCP).	(xv) GMDSS, if serving on a vessel with this equipment.
(viii) Terrestrial and celestial navigation, and electronic navigation systems.	(x) Cargo handling and stowage.	(xvi) ECDIS, if serving on a vessel with this equipment.
(ix) Watchkeeping, including International Regulations for Preventing Collisions at Sea (COLREGS) and IMO	(xi) Ship handling.	* * * * *
	(xii) Stability and ship construction.	(e) * * *
	(xiii) Meteorology.	
	(xiv) ARPA, if serving on a vessel with this equipment.	

TABLE 1 TO § 11.309(e)—STCW ENDORSEMENT AS OICNW OF VESSELS OF 500 GT OR MORE

Entry path from national endorsements	Sea service under authority of the endorsement ¹	Competence—STCW Table A-II/1 ²	Training required by this section ³
Mate ocean or near-coastal, unlimited tonnage	None	Yes	Yes.
Master ocean or near-coastal, less than 500 GRT	6 months	Yes	Yes.
Mate ocean or near-coastal, less than 1,600 GRT	None	Yes	Yes.
Mate ocean or near-coastal, less than 500 GRT	12 months	Yes	Yes.
Mate OSV	12 months ¹	Yes	Yes.
Mate of Towing Vessels ocean or near-coastal	6 months	Yes	Yes.

¹ This column provides the minimum additional service required of the seafarer in order to meet the requirements of this section.

² Complete any items in paragraph (a)(3) of this section not previously satisfied.

³ Complete any items in paragraph (a)(4) of this section not previously satisfied.

■ 37. Amend § 11.311 by revising the section heading, paragraphs (a) introductory text, (a)(1), and (b) introductory text, and table 1 to § 11.311(d) to read as follows:

§ 11.311 Requirements to qualify for an STCW endorsement as Master of vessels of 500 GT or more and less than 3,000 GT (management level).

(a) To qualify for an STCW endorsement as Master, an applicant must—

(1) Provide evidence of 36 months of service as OICNW on vessels operating in oceans, near-coastal waters, and/or Great Lakes. However, this period may be reduced to not less than 24 months if the applicant served as Chief Mate for not less than 12 months. Service on inland waters, bays, or sounds that are navigable waters of the United States may be substituted for up to 50 percent of the total required service. Experience gained in the engine department on

vessels may be creditable for up to 3 months of the service requirements;

* * * * *

(b) For a renewal of an STCW endorsement as Master of vessels of 500 GT or more and less than 3,000 GT to be valid on or after January 1, 2017, each candidate must provide evidence of successful completion of approved training in the following:

* * * * *

(d) * * *

TABLE 1 TO § 11.311(d)—STCW ENDORSEMENT AS MASTER OF VESSELS OF 500 GT OR MORE AND LESS THAN 3,000 GT

Entry path from national endorsements	Sea service under authority of the endorsement ¹	Competence—STCW Table A-II/2 ²	Training required by this section ³
Master oceans or near-coastal, less than 1,600 GRT	None	Yes	Yes.
Master OSV	None	Yes	Yes.
Master oceans or near-coastal, less than 500 GRT	12 months	Yes	Yes.
Master of Towing Vessels oceans or near-coastal	12 months	Yes	Yes.

¹ This column provides the minimum additional service required of the seafarer in order to meet the requirements of this section.

² Complete any items in paragraph (a)(2) of this section not previously satisfied.

³ Complete any items in paragraph (a)(3) of this section not previously satisfied.

■ 38. Amend § 11.313 by revising the section heading, paragraphs (a) introductory text and (b) introductory text, and table 1 to § 11.313(d) to read as follows:

§ 11.313 Requirements to qualify for an STCW endorsement as Chief Mate of vessels of 500 GT or more and less than 3,000 GT (management level).

(a) To qualify for an STCW endorsement as Chief Mate, an applicant must—

* * * * *

(b) For a renewal of an STCW endorsement as Chief Mate of vessels of 500 GT or more and less than 3,000 GT to be valid on or after January 1, 2017, each candidate must provide evidence of successful completion of approved training in the following:

* * * * *

(d) * * *

TABLE 1 TO § 11.313(d)—STCW ENDORSEMENT AS CHIEF MATE OF VESSELS OF 500 GT OR MORE AND LESS THAN 3,000 GT

Entry path from national endorsements	Sea service under authority of the endorsement ¹	Competence—STCW Table A-II/2 ²	Training required by this section ³
Chief Mate OSV	None	Yes	Yes.
Master oceans or near-coastal, less than 500 GRT	6 months	Yes	Yes.
Master of Towing Vessels oceans or near-coastal	6 months	Yes	Yes.

¹ This column provides the minimum additional service required of the seafarer in order to meet the requirements of this section.

² Complete any items in paragraph (a)(2) of this section not previously satisfied.

³ Complete any items in paragraph (a)(3) of this section not previously satisfied.

■ 39. Amend § 11.315 by revising the section heading, paragraphs (a) introductory text, (a)(1), and (b) introductory text, and table 1 to § 11.315(d) to read as follows:

§ 11.315 Requirements to qualify for an STCW endorsement as Master of vessels of less than 500 GT (management level).

(a) To qualify for an STCW endorsement as Master, an applicant must—

(1) Provide evidence of 36 months of seagoing service as OICNW on vessels operating in oceans, near-coastal waters, and/or Great Lakes; however, this period may be reduced to not less than 24 months if not less than 12 months of such seagoing service has been served as Chief Mate. Service on inland waters, bays, or sounds that are navigable waters of the United States may be substituted for up to 50 percent of the total required service. Experience gained in the engine department may be

creditable for up to 3 months of the service requirements;

* * * * *

(b) For a renewal of an STCW endorsement as Master of vessels of less than 500 GT to be valid on or after January 1, 2017, each candidate must provide evidence of successful completion of approved training in the following:

* * * * *

(d) * * *

TABLE 1 TO § 11.315(d)—STCW ENDORSEMENT AS MASTER OF VESSELS OF LESS THAN 500 GT

Entry path from national endorsements	Sea service under authority of the endorsement ¹	Competence—STCW Table A-II/2 ²	Training required by this section ³
Master oceans or near-coastal, less than 500 GRT	None	Yes	Yes.
Master of Towing Vessels oceans or near-coastal	None	Yes	Yes.
Master oceans or near-coastal, less than 200 GRT	12 months	Yes	Yes.

¹ This column provides the minimum additional service required of the seafarer in order to meet the requirements of this section.

² Complete any items in paragraph (a)(2) of this section not previously satisfied.

³ Complete any items in paragraph (a)(3) of this section not previously satisfied.

■ 40. Amend § 11.317 by revising the section heading, paragraphs (a) and (b) introductory text, and table 1 to § 11.317(d) to read as follows:

§ 11.317 Requirements to qualify for an STCW endorsement as Master of vessels of less than 500 GT limited to near-coastal waters (management level).

(a) To qualify for an STCW endorsement as Master, an applicant must—

(1) Provide evidence of 12 months of service as OICNW, on vessels operating in oceans, near-coastal waters, and/or Great Lakes. Service on inland waters, bays, or sounds that are navigable waters of the United States may be substituted for up to 50 percent of the total required service. Experience

gained in the engine department on vessels may be creditable for up to 1 month of the service requirements;

(2) Provide evidence of meeting the standard of competence specified in Section A-II/3 of the STCW Code (incorporated by reference, see § 11.102); and

(3) Provide evidence of having satisfactorily completed approved training in the following subject areas:

- (i) Medical First-aid Provider.
- (ii) Basic and Advanced Firefighting in accordance with § 11.303.
- (iii) Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats (PSC) or Proficiency in Survival Craft and Rescue Boats other than Lifeboats and Fast Rescue Boats (PSC-Limited).

(vi) Radar Observer, if serving on a vessel with this equipment.

(iv) Leadership and managerial skills.

(v) ECDIS, if serving on a vessel with this equipment.

(vi) Radar Observer, if serving on a vessel with this equipment.

(vii) ARPA, if serving on a vessel with this equipment.

(b) For a renewal of an STCW endorsement as Master of vessels of less than 500 GT limited to near-coastal waters to be valid on or after January 1, 2017, each candidate must provide evidence of successful completion of approved training in the following:

* * * * *

(d) * * *

TABLE 1 TO § 11.317(d)—STCW ENDORSEMENT AS MASTER OF VESSELS OF LESS THAN 500 GT LIMITED TO NEAR-COASTAL WATERS

Entry path from national endorsements	Sea service under authority of the endorsement ¹	Competence—STCW Table A-II/3 ²	Training required by this section ³
Mate oceans or near-coastal, less than 500 GRT	None	Yes	Yes.
Mate of Towing Vessels oceans or near-coastal	None	Yes	Yes.
Master oceans or near-coastal, less than 200 GRT	6 months	Yes	Yes.
Mate oceans or near-coastal, less than 200 GRT	12 months	Yes	Yes.

¹ This column provides the minimum additional service required of the seafarer in order to meet the requirements of this section.

² Complete any items in paragraph (a)(2) of this section not previously satisfied.

³ Complete any items in paragraph (a)(3) of this section not previously satisfied.

■ 41. Amend § 11.319 by revising the section heading, paragraph (a), and table 1 to § 11.317(d) to read as follows:

§ 11.319 Requirements to qualify for an STCW endorsement as Officer in Charge of a Navigational Watch of vessels of less than 500 GT (operational level).

(a) To qualify for an STCW endorsement as Officer in Charge of a Navigational Watch (OICNW), an applicant must—

(1) Provide evidence of seagoing service as follows:

(i) Provide evidence of 36 months of service in the deck department on vessels operating in oceans, near-coastal waters, and/or Great Lakes. Service on inland waters, bays, or sounds that are navigable waters of the United States may be substituted for up to 50 percent of the required service. Experience gained in the engine department may be creditable for up to 3 months of the service requirements; or

(ii) Provide evidence of not less than 12 months of seagoing service as part of

an approved training program that includes onboard training that meets the requirements of Section A-II/1 of the STCW Code (incorporated by reference, see § 11.102).

(2) Provide evidence of having performed during the required seagoing service, bridge watchkeeping duties, under the supervision of an officer holding the STCW endorsement as Master, Chief Mate, or OICNW, for a period of not less than 6 months. The Coast Guard will accept service on vessels as Boatswain, Able Seafarer, or quartermaster while holding the appropriate deck watchkeeping rating endorsement, which may be accepted on a two-for-one basis to a maximum allowable substitution of 3 months (6 months of experience equals 3 months of creditable service);

(3) Provide evidence of meeting the standard of competence specified in Section A-II/1 of the STCW Code; and

(4) Provide evidence of having satisfactorily completed approved training in the following subject areas:

(i) Medical First-aid Provider.

(ii) Radar Observer, if serving on a vessel with this equipment.

(iii) Watchkeeping, including COLREGS and IMO standard marine communication phrases (SMCP).

(iv) Basic and Advanced Firefighting in accordance with § 11.303.

(v) Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats (PSC) or Proficiency in Survival Craft and Rescue Boats other than Lifeboats and Fast Rescue Boats (PSC-Limited).

(vi) Visual signaling.

(vii) Bridge resource management;

(viii) ARPA, if serving on a vessel with this equipment.

(ix) GMDSS, if serving on a vessel with this equipment.

(x) ECDIS, if serving on a vessel with this equipment.

* * * * *

(d) * * *

TABLE 1 TO § 11.319(d)—STCW ENDORSEMENT AS OFFICER IN CHARGE OF A NAVIGATIONAL WATCH (OICNW) OF VESSELS OF LESS THAN 500 GT

Entry path from national endorsements	Sea service under authority of the endorsement ¹	Competence—STCW Table A-II/1 ²	Training required by this section ³
Mate oceans or near-coastal, less than 500 GRT	None	Yes	Yes.
Mate of Towing Vessels oceans or near-coastal	None	Yes	Yes.
Master oceans or near-coastal, less than 200 GRT	6 months	Yes	Yes.
Mate oceans or near-coastal, less than 200 GRT	12 months	Yes	Yes.

¹ This column provides the minimum additional service required of the seafarer in order to meet the requirements of this section.

² Complete any items in paragraph (a)(3) of this section not previously satisfied.

³ Complete any items in paragraph (a)(4) of this section not previously satisfied.

■ 42. Amend § 11.321 by revising the section heading, paragraph (a), and table 1 to § 11.321(d) to read as follows:

§ 11.321 Requirements to qualify for an STCW endorsement as Officer in Charge of a Navigational Watch of vessels of less than 500 GT limited to near-coastal waters (operational level).

(a) To qualify for an STCW endorsement as Officer in Charge of a Navigational Watch (OICNW), an applicant must—

(1) Provide evidence of seagoing service as follows:

(i) Twenty-four months of seagoing service in the deck department on vessels operating in oceans, near-coastal waters, and/or Great Lakes. Service on inland waters, bays, or sounds that are navigable waters of the United States may be substituted for up to 50 percent

of the total required service. Experience gained in the engine department may be creditable for up to 3 months of the service requirements; or

(ii) Successful completion of an approved training program that includes seagoing service as required by the Coast Guard; or

(iii) Successful completion of approved training for this section and obtain 12 months of seagoing service;

(2) Provide evidence of meeting the standard of competence specified in

Section A-II/3 of the STCW Code (incorporated by reference, see § 11.102); and

(3) Provide evidence of having satisfactorily completed approved training in the following subject areas:

(i) Medical First-aid Provider.

(ii) Basic and Advanced Firefighting in accordance with § 11.303.

(iii) Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats (PSC) or Proficiency in Survival Craft and Rescue Boats other than

Lifeboats and Fast Rescue Boats (PSC-Limited).

(iv) Bridge resource management;

(v) ECDIS, if serving on a vessel with this equipment.

(vi) Radar Observer, if serving on a vessel with this equipment.

(vii) ARPA, if serving on a vessel with this equipment.

* * * * *

(d) * * *

TABLE 1 TO § 11.321(d)—STCW ENDORSEMENT AS OICNW OF VESSELS OF LESS THAN 500 GT LIMITED TO NEAR-COASTAL WATERS

Entry path from national endorsements	Sea service under authority of the endorsement ¹	Competence—STCW Table A-II/3 ²	Training required by this section ³
Mate oceans or near-coastal less than 500 GRT	None	Yes	Yes.
Mate of Towing Vessels oceans or near-coastal	None	Yes	Yes.
Master oceans or near-coastal, less than 200 GRT	None	Yes	Yes.
Mate oceans or near-coastal, less than 200 GRT	6 months	Yes	Yes.

¹ This column provides the minimum additional service required of the seafarer in order to meet the requirements of this section.

² Complete any items in paragraph (a)(2) of this section not previously satisfied.

³ Complete any items in paragraph (a)(3) of this section not previously satisfied.

■ 43. Amend § 11.323 by revising paragraphs (a) and (d) to read as follows:

§ 11.323 STCW engineer officer endorsements.

(a) Specific requirements for all STCW engineer officer endorsements are detailed in the applicable sections in this part.

(1) Chief Engineer Officer on vessels powered by main propulsion machinery of 3,000 kW/4,000 HP propulsion power or more (management level).

(2) Second Engineer Officer on vessels powered by main propulsion machinery of 3,000 kW/4,000 HP propulsion power or more (management level).

(3) Officer in Charge of an Engineering Watch (OICEW) in a manned engineroom, or as a Designated Duty Engineer in a periodically unmanned engineroom, on vessels powered by main propulsion machinery of 750 kW/1,000 HP propulsion power or more (operational level).

(4) Chief Engineer Officer on vessels powered by main propulsion machinery of between 750 kW/1,000 HP and 3,000 kW/4,000 HP propulsion power (management level).

(5) Second Engineer Officer on vessels powered by main propulsion machinery of 750 kW/1,000 HP to 3,000 kW/4,000

HP propulsion power (management level).

(6) Electro-technical Officer on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more (operational level).

* * * * *

(d) An officer endorsement issued in the grade of Chief Engineer-Limited or Assistant Engineer-Limited allows the holder to serve within any propulsion power limitations on vessels of unlimited tonnage on inland waters, on vessels of less than 3,000 GT in Great Lakes service, and on the vessels specified in § 15.105(f) and (g) of this subchapter.

■ 44. Amend § 11.325 by revising the section heading, paragraphs (a) and (b) introductory text, and table 1 to § 11.325(d) to read as follows:

§ 11.325 Requirements to qualify for an STCW endorsement as Chief Engineer Officer on vessels powered by main propulsion machinery of 3,000 kW/4,000 HP propulsion power or more (management level).

(a) To qualify for an STCW endorsement as Chief Engineer Officer, an applicant must—

(1) Provide evidence of not less than 36 months of service as OICEW on ships powered by main propulsion machinery

of 750 kW/1,000 HP propulsion power or more. This period may be reduced to not less than 24 months if the applicant has served for not less than 12 months as Second Engineer Officer on ships powered by propulsion machinery of 3,000 kW/4,000 HP or more;

(2) Provide evidence of meeting the standard of competence specified in Section A-III/2 of the STCW Code (incorporated by reference, see § 11.102); and

(3) Provide evidence of having satisfactorily completed approved training in the following areas:

(i) Engineroom Resource Management (ERM) if not completed at the operational level.

(ii) Leadership and managerial skills.

(iii) Management of electrical and electronic control equipment.

(b) For a renewal of an STCW endorsement as Chief Engineer Officer on vessels powered by main propulsion machinery of 3,000 kW/4,000 HP propulsion power or more to be valid on or after January 1, 2017, each candidate must provide evidence of successful completion of approved training in the following:

* * * * *

(d) * * *

TABLE 1 TO § 11.325(d)—STCW ENDORSEMENT AS CHIEF ENGINEER OFFICER ON VESSELS POWERED BY MAIN PROPULSION MACHINERY OF 3,000 kW/4,000 HP PROPULSION POWER OR MORE

Entry path from national endorsements	Sea service ¹	Competence—STCW Table A–III/2 ²	Training required by this section ³
Chief Engineer	None	Yes	Yes.
Chief Engineer-Limited	12 months	Yes	Yes.
Chief Engineer-MODU	12 months/24 months ⁴	Yes	Yes.
Chief Engineer-OSV	None	Yes	Yes.
Designated Duty Engineer, any horsepower ⁵	24 months as DDE	Yes	Yes.

¹ This column provides the minimum additional service required of the seafarer in order to meet the requirements of this section.

² Complete any items in paragraph (a)(2) of this section not previously satisfied.

³ Complete any items in paragraph (a)(3) of this section not previously satisfied.

⁴ Depending on the type of sea service used to obtain Chief Engineer-MODU (refer to § 11.542)

⁵ STCW certificate should be limited to vessels less than 500 GRT.

■ 45. Amend § 11.327 by revising the section heading, paragraphs (a) and (b) introductory text, and table 1 to § 11.327(d) to read as follows:

§ 11.327 Requirements to qualify for an STCW endorsement as Second Engineer Officer on vessels powered by main propulsion machinery of 3,000kW/4,000 HP propulsion power or more (management level).

(a) To qualify for an STCW endorsement as Second Engineer Officer, an applicant must—

(1) Provide evidence of not less than 12 months of service as OICEW on vessels powered by main propulsion

machinery of 750kW/1,000 HP or more; or 12 months of sea service as a Chief Engineer on vessels powered by propulsion machinery of vessels between 750kW/1,000 HP and 3,000 kW/4,000 HP;

(2) Provide evidence of meeting the standard of competence specified in Section A–III/2 of the STCW Code (incorporated by reference, see § 11.102); and

(3) Provide evidence of having satisfactorily completed approved training in the following areas:

(i) Engine room Resource Management (ERM) if not completed at the operational level.

(ii) Leadership and managerial skills.

(iii) Management of electrical and electronic control equipment.

(b) For a renewal of an STCW endorsement as Second Engineer Officer on vessels powered by main propulsion machinery of 3,000 kW/4,000 HP propulsion power or more to be valid on or after January 1, 2017, each candidate must provide evidence of successful completion of approved training in the following:

* * * * *

(d) * * *

TABLE 1 TO § 11.327(d)—STCW ENDORSEMENT AS SECOND ENGINEER OFFICER ON VESSELS POWERED BY MAIN PROPULSION MACHINERY OF 3,000 kW/4,000 HP PROPULSION POWER OR MORE

Entry path from national endorsements	Sea service ¹	Competence—STCW Table A–III/2 ²	Training required by this section ³
First Assistant Engineer	None	Yes	Yes.
Second Assistant Engineer	None	Yes	Yes.
Third Assistant Engineer	12 months	Yes	Yes.
Assistant Engineer-Limited	12 months	Yes	Yes.
Chief Engineer-MODU	12 months	Yes	Yes.
Chief Engineer-OSV	None	Yes	Yes.
Designated Duty Engineer-Unlimited ⁴	12 months as DDE	Yes	Yes.

¹ This column provides the minimum additional service required of the seafarer in order to meet the requirements of this section.

² Complete any items in paragraph (a)(2) of this section not previously satisfied.

³ Complete any items in paragraph (a)(3) of this section not previously satisfied.

⁴ STCW certificate should be limited to vessels less than 500 GRT.

■ 46. Amend § 11.329 by revising the section heading, paragraph (a), and table 1 to § 11.329(e) to read as follows:

§ 11.329 Requirements to qualify for an STCW endorsement as Officer in Charge of an Engineering Watch in a manned engine room or Designated Duty Engineer in a periodically unmanned engine room on vessels powered by main propulsion machinery of 750 kW/1,000 HP propulsion power or more (operational level).

(a) To qualify for an STCW endorsement as Officer in Charge of an

Engineering Watch (OICEW), an applicant must—

(1) Provide evidence of seagoing service as follows:

(i) Thirty-six months of seagoing service in the engine department; or

(ii) Successful completion of an approved training program, which includes a combination of workshop skill training and seagoing service of not less than 12 months, and that meets the requirements of Section A–III/1 of the

STCW Code (incorporated by reference, see § 11.102);

(2) Provide evidence of having performed during the required seagoing service, engine room watchkeeping duties, under the supervision of an officer holding the STCW endorsement as Chief Engineer Officer or as a qualified engineer officer, for a period of not less than 6 months;

(3) Provide evidence of meeting the standard of competence specified in Section A–III/1 of the STCW Code; and

(4) Provide evidence of having satisfactorily completed approved training in the following subject areas:

- (i) Medical First-aid Provider.
- (ii) Basic and Advanced Firefighting in accordance with § 11.303.

(iii) Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats.

- (iv) Engineroom Resource Management (ERM).
- (v) Engineering terminology and shipboard operations.
- (vi) Auxiliary machinery.

(vii) Gas turbine plants, as applicable.
(viii) Steam plants, as applicable.
(ix) Motor plants, as applicable.
(x) Electrical machinery and basic electronics.

- (xi) Control systems.
- * * * *
- (e) * * *

TABLE 1 TO § 11.329(e)—STCW ENDORSEMENT AS OICEW IN A MANNED ENGINEROOM OR DESIGNATED DUTY ENGINEER IN A PERIODICALLY UNMANNED ENGINEROOM ON VESSELS POWERED BY MAIN PROPULSION MACHINERY OF 750 kW/1,000 HP PROPULSION POWER OR MORE [OPERATIONAL LEVEL]

Entry path from national endorsements	Sea service *	Competence—STCW Table A—III/1 **	Training required by this section ***
Second Assistant Engineer any horsepower	None	Yes	Yes.
Third Assistant Engineer any horsepower	None	Yes	Yes.
Assistant Engineer-Limited	None	Yes	Yes.
Designated Duty Engineer-Unlimited, less than 500 GRT	None	Yes	Yes.
Assistant Engineer-MODU	None	Yes	Yes.
Assistant Engineer-OSV	None	Yes	Yes.
Designated Duty Engineer, 3,000 kW/4,000 HP ¹	12 months	Yes	Yes.
Designated Duty Engineer, 750 kW/1,000 HP ¹	24 months	Yes	Yes.

* This column provides the minimum additional service required of the seafarer in order to meet the requirements of this section.

** Complete any items in paragraph (a)(3) of this section not previously satisfied.

*** Complete any items in paragraph (a)(4) of this section not previously satisfied.

¹ STCW certificate should be limited to vessels less than 500 GRT.

■ 47. Amend § 11.331 by revising the section heading, paragraphs (a), (b) introductory text, and (c), and table 1 to § 11.331(e) to read as follows:

§ 11.331 Requirements to qualify for an STCW endorsement as Chief Engineer Officer on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more and less than 3,000 kW/4,000 HP propulsion power (management level).

(a) To qualify for an STCW endorsement as Chief Engineer Officer, an applicant must—

(1) Provide evidence of meeting the requirements for certification as OICEW, and have not less than 24 months of service on seagoing vessels powered by main propulsion machinery of not less than 750 kW/1,000 HP, of which not less than 12 months must be served while qualified to serve as Second

Engineer Officer. Experience gained in the deck department may be creditable for up to 2 months of the total service requirements;

(2) Provide evidence of meeting the standard of competence specified in Section A—III/3 of the STCW Code (incorporated by reference, see § 11.102); and

(3) Provide evidence of having satisfactorily completed approved training in the following areas:

(i) Engineroom Resource Management (ERM) if not completed at the operational level.

(ii) Leadership and managerial skills.

(iii) Management of electrical and electronic control equipment.

(b) For a renewal of an STCW endorsement as Chief Engineer Officer on vessels powered by main propulsion

machinery of 750 kW/1,000 HP or more and less than 3,000 kW/4,000 HP propulsion power to be valid on or after January 1, 2017, each candidate must provide evidence of successful completion of approved training in the following:

* * * *

(c) An engineer officer qualified to serve as Second Engineer Officer on vessels powered by main propulsion machinery of 3,000 kW/4,000 HP or more, may serve as Chief Engineer Officer on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more and less than 3,000 kW/4,000 HP provided the certificate is so endorsed.

* * * *

(e) * * *

TABLE 1 TO § 11.331(e)—STCW ENDORSEMENT AS CHIEF ENGINEER OFFICER ON VESSELS POWERED BY MAIN PROPULSION MACHINERY OF 750 kW/1,000 HP OR MORE AND LESS THAN 3,000 kW/4,000 HP PROPULSION POWER

Entry path from national endorsements	Sea service ¹	Competence—STCW Table A—III/3 ²	Training required by this section ³
Chief Engineer	None	Yes	Yes.
First Assistant Engineer	None	Yes	Yes.
Chief Engineer-Limited	None	Yes	Yes.
Chief Engineer-OSV	None	Yes	Yes.
Chief Engineer-MODU	12 months	Yes	Yes.
Designated Duty Engineer, 3,000 kW/4,000 HP ⁴	12 months	Yes	Yes.
Designated Duty Engineer, 750 kW/1,000 HP ⁴	24 months	Yes	Yes.

¹ This column provides the minimum additional service required of the seafarer in order to meet the requirements of this section.

² Complete any items in paragraph (a)(2) of this section not previously satisfied.

³ Complete any items in paragraph (a)(3) of this section not previously satisfied.

⁴ STCW certificate should be limited to vessels less than 500 GRT.

■ 48. Amend § 11.333 by revising the section heading, paragraphs (a) and (b) introductory text, and table 1 to § 11.333(d) to read as follows:

§ 11.333 Requirements to qualify for an STCW endorsement as Second Engineer Officer on vessels powered by main propulsion machinery of 750kW/1,000 HP or more and less than 3,000 kW/4,000 HP propulsion power (management level).

(a) To qualify for an STCW endorsement as Second Engineer Officer, an applicant must—

(1) Provide evidence of meeting the requirements for certification as OICEW, as well as serving for not less than 12 months as Assistant Engineer Officer or

engineer officer on vessels powered by main propulsion machinery of not less than 750 kW/1,000 HP. Experience gained in the deck department may be creditable for up to 1 month of the total service requirements;

(2) Provide evidence of meeting the standard of competence specified in Section A–III/3 of the STCW Code (incorporated by reference, see § 11.102); and

(3) Provide evidence of having satisfactorily completed approved training in the following areas:

(i) Engine room Resource Management (ERM) if not completed at the operational level.

(ii) Leadership and managerial skills.

(iii) Management of electrical and electronic control equipment.

(b) For a renewal of an STCW endorsement as Second Engineer Officer on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more and less than 3,000 kW/4,000 HP propulsion power to be valid on or after January 1, 2017, each candidate must provide evidence of successful completion of approved training in the following:

* * * * *

(d) * * *

TABLE 1 TO § 11.333(d)—STCW ENDORSEMENT AS SECOND ENGINEER OFFICER ON VESSELS POWERED BY MAIN PROPULSION MACHINERY OF 750 kW/1,000 HP OR MORE AND LESS THAN 3,000 kW/4,000 HP PROPULSION POWER

Entry path from national endorsements	Sea service ¹	Competence—STCW Table A–III/3 ²	Training required by this section ³
First Assistant Engineer	None	Yes	Yes.
Second Assistant Engineer	None	Yes	Yes.
Third Assistant Engineer	12 months	Yes	Yes.
Assistant Engineer-Limited	None	Yes	Yes.
Assistant Engineer-OSV	None	Yes	Yes.
Assistant Engineer-MODU	12 months	Yes	Yes.

¹ This column provides the minimum additional service required of the seafarer in order to meet the requirements of this section.

² Complete any items in paragraph (a)(2) of this section not previously satisfied.

³ Complete any items in paragraph (a)(3) of this section not previously satisfied.

■ 49. Amend § 11.335 by revising the section heading and paragraphs (a) and (c) to read as follows:

§ 11.335 Requirements to qualify for an STCW endorsement as an Electro-technical Officer on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more (operational level).

(a) To qualify for an STCW endorsement as an Electro-technical Officer (ETO), an applicant must—

(1) Provide evidence of 36 months combined workshop skills training and approved seagoing service of which not less than 30 months must be seagoing service in the engine department of vessels. Experience gained in the deck department may be creditable for up to 3 months of the service requirements; or completion of an approved training program, that includes a combination of workshop skill training and seagoing service of not less than 12 months, and which meets the requirements of Section A–III/6 of the STCW Code (incorporated by reference, see § 11.102);

(2) Provide evidence of meeting the standard of competence specified in Section A–III/6 of the STCW Code;

(3) Provide evidence of having satisfactorily completed approved training in the following subject areas:

(i) Medical First-aid Provider.

(ii) Basic and Advanced Firefighting in accordance with § 11.303.

(iii) Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats (PSC) or Proficiency in Survival Craft and Rescue Boats other than Lifeboats and Fast Rescue Boats (PSC-Limited); and

(4) Provide evidence of having satisfactorily completed approved professional training in the following subject areas:

(i) Onboard computer networking and security.

(ii) Radio electronics.

(iii) Integrated navigation equipment.

(iv) Ship propulsion and auxiliary machinery.

(v) Instrumentation and control systems.

(vi) High-voltage power systems.

* * * * *

(c) An applicant who holds an STCW endorsement as OICEW, Second Engineer Officer, or Chief Engineer Officer will be allowed to receive the ETO endorsement upon completion of the requirements in Section A–III/6 of the STCW Code.

* * * * *

■ 50. Amend § 11.337 by revising the section heading and paragraph (a) to read as follows:

§ 11.337 Requirements to qualify for an STCW endorsement as Vessel Security Officer.

(a) The applicant for an endorsement as Vessel Security Officer (VSO) must present satisfactory documentary evidence in accordance with the requirements in 33 CFR 104.215.

* * * * *

■ 51. Amend § 11.401 by revising paragraphs (a), (b), and (d) to read as follows:

§ 11.401 Ocean and near-coastal national officer endorsements.

(a) Subject to the provisions of §§ 11.464(e) and 11.465(b), any License

or MMC endorsement for service as Master or Mate on ocean waters qualifies the mariner to serve in the same grade on any waters, except towing vessels upon western rivers subject to the limitations of the endorsement.

(b) Subject to the provisions of §§ 11.464(e) and 11.465(b), any License or MMC endorsement issued for service as Master or Mate on near-coastal waters qualifies the mariner to serve in the same grade on Great Lakes and inland waters, except towing vessels upon western rivers subject to the limitations of the endorsement.

* * * * *

(d) A Master or Mate on vessels of 200 GRT or more, and a Master or Mate on vessels under 200 GRT, may be endorsed for Sail or Auxiliary Sail as appropriate. The applicant must present the equivalent total service required for conventional officer endorsements, including at least 1 year of deck experience on that specific type of vessel. For example, for an officer endorsement as Master of vessels of less than 1,600 GRT endorsed for auxiliary sail, the applicant must meet the total experience requirements for the conventional officer endorsement, including time as Mate, and the proper tonnage experience, including at least 1 year of deck service, on appropriately sized auxiliary sail vessels. For an endorsement to serve on vessels of less than 200 GRT, see the individual endorsement requirements.

* * * * *

■ 52. Amend § 11.402 by revising paragraphs (b) through (d) to read as follows:

§ 11.402 Tonnage requirements for national ocean or near-coastal endorsements for vessels of 1,600 GRT or more.

* * * * *

(b) If an applicant for a national endorsement as Master or Mate of unlimited tonnage does not have the service on vessels of 1,600 GRT or more as required by paragraph (a)(2) of this section, a tonnage limitation will be placed on the MMC based on the applicant's qualifying experience. The endorsement will be limited to the maximum tonnage on which at least 25 percent of the required experience was obtained, or 150 percent of the maximum tonnage on which at least 50 percent of the service was obtained, whichever is higher. However, the minimum tonnage limitation calculated according to this paragraph will be 2,000 GRT. Limitations are in multiples of 1,000 GRT using the next higher figure when an intermediate tonnage is

calculated. When the calculated limitation equals or exceeds 10,000 GRT, the applicant is issued an unlimited tonnage endorsement.

(c) Tonnage limitations imposed under paragraph (b) of this section may be raised or removed in one of the following manners:

(1) When the applicant provides evidence of 6 months of service on vessels of 1,600 GRT or more in the highest grade endorsed, all tonnage limitations will be removed.

(2) When the applicant provides evidence of 6 months of service on vessels of 1,600 GRT or more in any capacity as an officer other than the highest grade for which they are endorsed, all tonnage limitations for the grade in which the service is performed will be removed and the next higher grade endorsement will be raised to the tonnage of the vessel on which the majority of the service was performed. The total cumulative service before and after issuance of the limited License or MMC officer endorsement may be considered in removing all tonnage limitations.

(3) When the applicant has 12 months of service as Able Seafarer on vessels of 1,600 GRT or more while holding a License or endorsement as Third Mate, all tonnage limitations on the Third Mate's License or MMC officer endorsement will be removed.

(d) No applicant holding any national endorsement as Master or Mate of vessels of less than 1,600 GRT, less than 500 GRT, or less than 25–200 GRT may use the provisions of paragraph (c) of this section to increase the tonnages of their License or endorsement.

■ 53. Amend § 11.404 by revising the section heading, and paragraphs (a) and (b) introductory text to read as follows:

§ 11.404 Service requirements for Master of ocean or near-coastal self-propelled vessels of unlimited tonnage.

(a) The minimum service required to qualify an applicant for an endorsement as Master of ocean or near-coastal self-propelled vessels of unlimited tonnage is—

(1) One year of service as Chief Mate on ocean self-propelled vessels; or

(2) While holding a License or MMC endorsement as Chief Mate of ocean self-propelled vessels of unlimited tonnage, 12 months of service on deck as follows:

(i) A minimum of 6 months of service as Chief Mate.

(ii) Service as Second Mate, Third Mate, or Officer in Charge of a Navigational Watch (OICNW) accepted on a two-for-one basis (12 months as

OICNW equals 6 months of creditable service).

(b) An individual holding an endorsement or License as Master of Great Lakes and inland, self-propelled vessels of unlimited tonnage, or Master of inland, self-propelled vessels of unlimited tonnage, may obtain an endorsement as Master of oceans or near-coastal self-propelled vessels of unlimited tonnage by providing evidence of sea service of not less than 24 months under the authority of the credential and by completing the prescribed examination in subpart I of this part. Service will be credited as follows:

* * * * *

■ 54. Amend § 11.405 by revising the section heading and paragraph (a) to read as follows:

§ 11.405 Service requirements for Chief Mate of ocean or near-coastal self-propelled vessels of unlimited tonnage.

(a) The minimum service required to qualify an applicant for an endorsement as Chief Mate of ocean or near-coastal self-propelled vessels of unlimited tonnage is 1 year of service as Officer in Charge of a Navigational Watch (OICNW) on ocean self-propelled vessels while holding a License or MMC endorsement as Second Mate.

* * * * *

■ 55. Amend § 11.406 by revising the section heading and paragraphs (a) and (c) to read as follows:

§ 11.406 Service requirements for Second Mate of ocean or near-coastal self-propelled vessels of unlimited tonnage.

(a) The minimum service required to qualify an applicant for an endorsement as Second Mate of ocean or near-coastal self-propelled vessels of unlimited tonnage is—

(1) One year of service as Officer in Charge of a Navigational Watch (OICNW) on ocean self-propelled vessels while holding a License or endorsement as Third Mate; or

(2) While holding a License or MMC endorsement as Third Mate of ocean self-propelled vessels of unlimited tonnage, 12 months of service on deck as follows:

(i) A minimum of 6 months service as officer in charge of a deck watch on ocean self-propelled vessels.

(ii) Service on ocean self-propelled vessels as Boatswain, Able Seafarer, or quartermaster while holding a certificate or MMC endorsement as Able Seafarer, which may be accepted on a two-for-one basis to a maximum allowable substitution of six months (12 months of

experience equals 6 months of creditable service).

* * * * *

(c) If an individual holds an endorsement or License as Master of Great Lakes and inland self-propelled vessels of unlimited tonnage or Master of inland self-propelled vessels of unlimited tonnage, they may obtain an endorsement as Second Mate of ocean or near-coastal self-propelled vessels of unlimited tonnage by completing the prescribed examination in subpart I of this part.

* * * * *

■ 56. Amend § 11.407 by revising the section heading and paragraphs (a) through (d) to read as follows:

§ 11.407 Service requirements for Third Mate of ocean or near-coastal self-propelled vessels of unlimited tonnage.

(a) The minimum service or training required to qualify an applicant for an endorsement as Third Mate of ocean or near-coastal self-propelled vessels of unlimited tonnage is—

(1) Three years of service in the deck department on ocean self-propelled vessels, with a minimum of 6 months of bridge watchkeeping duties under the supervision of the Master or a qualified officer. Experience gained in the engine department on vessels of appropriate tonnage may be creditable for up to 3 months of the service requirements for this officer endorsement;

(2) Graduation from—

(i) The U.S. Merchant Marine Academy (deck curriculum);

(ii) The U.S. Coast Guard Academy with qualification as an underway Officer in Charge of a Navigational Watch (OICNW), underway officer of the deck, or deck watch officer;

(iii) The U.S. Naval Academy with qualification as an underway OICNW, underway officer of the deck or deck watch officer; or

(iv) The deck class of a maritime academy approved by and conducted under rules prescribed by the Maritime Administrator and listed in part 310 of this title, including the ocean option program in the deck class of the Great Lakes Maritime Academy; or

(3) Satisfactory completion of a comprehensive Apprentice Mate training program approved by the Coast Guard.

(b) Graduation from the deck class of the Great Lakes Maritime Academy will qualify the graduate to be examined for an endorsement as Third Mate of self-propelled vessels of unlimited tonnage with a route appropriate to the program completed.

(c) While holding a license or MMC endorsement as Master of ocean or near-

coastal self-propelled vessels of less than 1,600 GRT, 1 year of service as Master on vessels of more than 200 GRT operating on ocean or near-coastal waters will qualify the applicant for an endorsement as Third Mate of ocean or near-coastal self-propelled vessels of unlimited tonnage.

(d) An individual holding an endorsement or License as Mate of Great Lakes and inland, self-propelled vessels of unlimited tonnage, or Master of inland, self-propelled vessels of unlimited tonnage, may obtain an endorsement as Third Mate of oceans or near-coastal self-propelled vessels of unlimited tonnage by completing the prescribed examination in subpart I of this part.

* * * * *

■ 57. Amend § 11.410 by revising paragraphs (a) and (b) introductory text to read as follows:

§ 11.410 Requirements for deck officer endorsements for vessels of less than 1,600 GRT.

(a) Endorsements as Master and Mate of vessels of less than 1,600 GRT are issued in the following tonnage categories:

* * * * *

(b) Experience gained in the engine department on vessels of appropriate tonnage may be creditable for up to 90 days of the service requirements for any Master or Mate endorsement in this category.

* * * * *

■ 58. Amend § 11.412 by revising the section heading and paragraphs (a) and (b) to read as follows:

§ 11.412 Service requirements for Master of ocean or near-coastal self-propelled vessels of less than 1,600 GRT.

(a) The minimum service required to qualify an applicant for an endorsement as Master of ocean or near-coastal self-propelled vessels of less than 1,600 GRT is—

(1) Four years total service on ocean or near-coastal waters. Service on Great Lakes and inland waters may substitute for up to 2 years of the required service. Two years of the required service must have been on vessels of more than 100 GRT. Two years of the required service must have been as a Master or Mate of self-propelled vessels, or Master or Mate (Pilot) of Towing Vessels, or equivalent position while holding a License or MMC endorsement as Master or Mate of self-propelled vessels, or Master or Mate (Pilot) of Towing Vessels. One year of the service as Master or Mate of self-propelled vessels, or Master or Mate (Pilot) of Towing Vessels, or equivalent

position must have been on vessels of more than 100 GRT; or

(2) One year of service on vessels of more than 100 GRT on ocean or near-coastal waters as a Master or Mate of self-propelled vessels, or Master or Mate of Towing Vessels while holding a License or MMC endorsement as Mate of ocean self-propelled vessels of less than 1,600 GRT or as Master or Mate of Towing Vessels.

(b) An applicant holding a License or MMC endorsement as Chief Mate of ocean or near-coastal self-propelled vessels of 1,600 GRT or more is eligible for this endorsement without further examination. An applicant holding a License or MMC endorsement as Second Mate of ocean or near-coastal self-propelled vessels of 1,600 GRT or more is eligible for this endorsement upon completion of a limited examination.

* * * * *

■ 59. Amend § 11.414 by revising the section heading and paragraph (a) to read as follows:

§ 11.414 Service requirements for Mate of ocean self-propelled vessels of less than 1,600 GRT.

(a) The minimum service required to qualify an applicant for an endorsement as Mate of self-propelled vessels of less than 1,600 GRT is—

(1) Three years of total service in the deck department of ocean or near-coastal self-propelled, sail, or auxiliary sail vessels, as follows:

(i) Service on Great Lakes and inland waters may substitute for up to 18 months of the required service.

(ii) One year of the required service must have been on vessels of more than 100 GRT.

(iii) One year of the required service must have been as a Master or Mate of self-propelled vessels, or Master or Mate (Pilot) of Towing Vessels, or equivalent position while holding a License or MMC endorsement as Master, Mate, or Master or Mate (Pilot) of Towing Vessels. Six months of the required service as Master or Mate of self-propelled vessels, or Master or Mate (Pilot) of Towing Vessels, or equivalent position must have been on vessels of more than 100 GRT; or

(2) Three years of total service in the deck department on ocean or near-coastal self-propelled, sail, or auxiliary sail vessels of more than 100 GRT. Six months of the required service must have been while performing bridge watchkeeping duties under the supervision of the Master or a qualified officer.

* * * * *

■ 60. Amend § 11.416 by revising the section heading and paragraph (a) to read as follows:

§ 11.416 Service requirements for Mate of near-coastal self-propelled vessels of less than 1,600 GRT.

(a) The minimum service required to qualify an applicant for an endorsement as Mate of near-coastal self-propelled vessels of less than 1,600 GRT is 2 years of total service in the deck department of ocean or near-coastal self-propelled, sail, or auxiliary sail vessels. Service on Great Lakes and inland waters may substitute for up to 1 year of the required service. One year of the required service must have been on vessels of more than 100 GRT. Six months of the required service must have been while performing bridge watchkeeping duties under the supervision of the Master or a qualified officer.

* * * * *

■ 61. Amend § 11.418 by revising the section heading and paragraphs (a) and (b) to read as follows:

§ 11.418 Service requirements for Master of ocean or near-coastal self-propelled vessels of less than 500 GRT.

(a) The minimum service required to qualify an applicant for an endorsement as Master of ocean or near-coastal self-propelled vessels of less than 500 GRT is—

(1) Three years total of service on ocean or near-coastal waters. Service on Great Lakes and inland waters may substitute for up to 18 months of the required service. Two years of the required service must have been as a Master, Mate, or equivalent position while holding a License or MMC endorsement as Master, Mate, or Operator of Uninspected Passenger Vessels. One year of the required service as Master, Mate, or equivalent position must have been on vessels of more than 50 GRT; or

(2) One year of service on vessels of more than 50 GRT on ocean or near-coastal waters as a Master or Mate of self-propelled vessels, or Master or Mate of Towing Vessels while holding a License or MMC endorsement as Mate of ocean self-propelled vessels of less than 500 GRT.

(b) The holder of a License or MMC endorsement as Master or Mate (Pilot) of Towing Vessels authorizing service on oceans or near-coastal routes is eligible for an endorsement as Master of ocean or near-coastal self-propelled vessels of less than 500 GRT after both 1 year of service as Master or Mate of Towing Vessels on oceans or near-coastal routes

and completion of a limited examination.

* * * * *

■ 62. Amend § 11.420 by revising the section heading and paragraph (a) to read as follows:

§ 11.420 Service requirements for Mate of ocean self-propelled vessels of less than 500 GRT.

(a) The minimum service required to qualify an applicant for an endorsement as Mate of ocean self-propelled vessels of less than 500 GRT is 2 years of total service in the deck department of ocean or near-coastal self-propelled, sail, or auxiliary sail vessels. Service on Great Lakes and inland waters may substitute for up to 1 year of the required service. One year of the required service must have been as a Master, Mate, or equivalent position while holding a License or endorsement as Master, Mate, or Operator of Uninspected Passenger Vessels. Six months of the required service as Master, Mate, or equivalent position must have been on vessels of more than 50 GRT.

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■ 63. Amend § 11.421 by revising the section heading and paragraph (a) to read as follows:

§ 11.421 Service requirements for Mate of near-coastal self-propelled vessels of less than 500 GRT.

(a) The minimum service required to qualify an applicant for an endorsement as Mate of near-coastal self-propelled vessels of less than 500 GRT is 2 years of total service in the deck department of ocean or near-coastal self-propelled, sail, or auxiliary sail vessels. Service on Great Lakes and inland waters may substitute for up to 1 year of the required service. One year of the required service must have been on vessels of more than 50 GRT. Three months of the required service must have been while performing bridge watchkeeping duties under the supervision of the Master or a qualified officer on vessels of more than 50 GRT.

* * * * *

■ 64. Revise § 11.422 to read as follows:

§ 11.422 Tonnage limitations and qualifying requirements for endorsements as Master or Mate of vessels of less than 200 GRT.

(a) Each national endorsement as Master or Mate of vessels of less than 200 GRT is issued with a tonnage limitation based on the applicant's qualifying experience. The tonnage limitation will be issued at the 25, 50, 100, or 200 GRT level. The endorsement will be limited to the maximum GRT on which at least 25 percent of the required

experience was obtained, or 150 percent of the maximum GRT on which at least 50 percent of the service was obtained, whichever is higher. Limitations are as stated above, using the next higher figure when an intermediate tonnage is calculated. If more than 75 percent of the qualifying experience is obtained on vessels of 5 GRT or less, the MMC will automatically be limited to vessels of less than 25 GRT.

(b) The tonnage limitation may be raised as follows:

(1) For an endorsement as Mate, with at least 45 days of additional service on deck of a vessel in the highest tonnage increment authorized by the officer endorsement.

(2) For an endorsement as Master, with at least 90 days of additional service on deck of a vessel in the highest tonnage increment authorized by the Master endorsement.

(3) With additional service, which, when combined with all previously accumulated service, will qualify the applicant for a higher tonnage officer endorsement under the basic formula specified in paragraph (a) of this section.

(4) With 6 months additional service in the deck department on vessels within the highest tonnage increment on the officer's License or MMC endorsement. In this case, the tonnage limitation may be raised one increment.

(c) When the service is obtained on vessels upon which no personnel need an officer endorsement or License, the Coast Guard must be satisfied that the nature of this required service (*i.e.*, size of vessel, route, equipment, etc.) is a reasonable equivalent to the duties performed on vessels which are required to engage individuals with officer endorsements.

(d) Service gained in the engineroom on vessels of 200 GRT or less may be creditable for up to 90 days of the deck service requirements for Mate.

■ 65. Amend § 11.424 by revising the section heading and paragraphs (a) and (b) to read as follows:

§ 11.424 Requirements for Master of ocean self-propelled vessels of less than 200 GRT.

(a) The minimum service required to qualify an applicant for an officer endorsement as Master of ocean self-propelled vessels of less than 200 GRT is—

(1) Three years of total service on ocean or near-coastal waters. Service on Great Lakes and inland waters may substitute for up to 18 months of the required service. Two years of the required service must have been as Master, Mate, or equivalent position while holding a License or MMC

endorsement as Master, as Mate, or as Operator of Uninspected Passenger Vessels (OUPV); or

(2) Two years of total service as a Master or Mate of ocean or near-coastal towing vessels. Completion of an examination is also required.

(b) In order to obtain an officer endorsement for sail or auxiliary sail vessels, the applicant must submit evidence of 12 months of service on sail or auxiliary sail vessels. The required 12 months of service may have been obtained prior to issuance of the Master's License or MMC endorsement.

* * * * *

■ 66. Amend § 11.425 by revising the section heading and paragraphs (a), (b), and (d) to read as follows:

§ 11.425 Requirements for Mate of ocean self-propelled vessels of less than 200 GRT.

(a) The minimum service required to qualify for the endorsement as Mate of ocean self-propelled vessels of less than 200 GRT is—

(1) Twelve months of total service in the deck department of ocean or near-coastal self-propelled, sail, or auxiliary sail vessels. Service on Great Lakes and inland waters may substitute for up to 6 months of the required service; or

(2) Three months of service in the deck department of self-propelled vessels operating on ocean, near-coastal, Great Lakes, or inland waters while holding a License or MMC endorsement as Master of inland self-propelled, sail, or auxiliary sail vessels of less than 200 GRT.

(b) The holder of a License or MMC endorsement as Operator of Uninspected Passenger Vessels (OUPV) with a near-coastal route endorsement may obtain this endorsement by successfully completing an examination on rules and regulations for small passenger vessels.

* * * * *

(d) A License or MMC endorsement as Master of near-coastal self-propelled vessels may be endorsed as Mate of sail or auxiliary sail vessels upon presentation of 3 months of service on sail or auxiliary sail vessels.

* * * * *

■ 67. Amend § 11.426 by revising the section heading and paragraph (a) to read as follows:

§ 11.426 Requirements for Master of near-coastal self-propelled vessels of less than 200 GRT.

(a) The minimum service required to qualify for a Master of near-coastal self-propelled vessels of less than 200 GRT is—

(1) Two years total service on ocean or near-coastal waters. Service on Great

Lakes and inland waters may substitute for up to 1 year of the required service. One year of the required service must have been as a Master, Mate, or equivalent position while holding a License or endorsement as Master, Mate, or Operator of Uninspected Passenger Vessels (OUPV); or

(2) One year of total service as Master or Mate of Towing Vessels on ocean or near-coastal routes. Completion of an examination is also required.

* * * * *

■ 68. Amend § 11.427 by revising the section heading and paragraphs (a), (b), and (d) to read as follows:

§ 11.427 Requirements for Mate of near-coastal self-propelled vessels of less than 200 GRT.

(a) The minimum service required to qualify for the endorsement as Mate of near-coastal self-propelled vessels of less than 200 GRT is—

(1) Twelve months of total service in the deck department of ocean or near-coastal self-propelled, sail, or auxiliary sail vessels. Service on Great Lakes and inland waters may substitute for up to 6 months of the required service; or

(2) Three months of service in the deck department of self-propelled vessels operating on ocean, near-coastal, Great Lakes, or inland waters while holding a License or MMC endorsement as Master of inland self-propelled, sail, or auxiliary sail vessels of less than 200 GRT.

(b) The holder of a License or MMC endorsement as Operator of Uninspected Passenger Vessels (OUPV) with a near-coastal route endorsement may obtain this endorsement by successfully completing an examination on rules and regulations for small passenger vessels.

* * * * *

(d) A License or MMC endorsement as Master of near-coastal self-propelled vessels may be endorsed as Mate of sail or auxiliary sail vessels upon presentation of 3 months of service on sail or auxiliary sail vessels.

* * * * *

■ 69. Amend § 11.428 by revising the section heading and paragraphs (a), (b), and (d) to read as follows:

§ 11.428 Requirements for Master of near-coastal self-propelled vessels of less than 100 GRT.

(a) The minimum service required to qualify for the endorsement as Master of self-propelled, seagoing vessels of less than 100 GRT limited to domestic voyages upon near-coastal waters is 2 years of service in the deck department of a self-propelled vessel on ocean or

near-coastal waters. Service on Great Lakes and inland waters may substitute for up to 1 year of the required service.

(b) To obtain an endorsement for sail or auxiliary sail vessels, the applicant must submit evidence of 12 months of service on sail or auxiliary-sail vessels. This required service may have been obtained before issuance of the License or MMC.

* * * * *

(d) All endorsements issued for Master or Mate of vessels of less than 100 GRT are issued in tonnage increments based on the applicant's qualifying experience in accordance with the provisions of § 11.422.

■ 70. Amend § 11.429 by revising the section heading, paragraph (a) introductory text, and paragraph (c) to read as follows:

§ 11.429 Requirements for a Limited Master of near-coastal self-propelled vessels of less than 100 GRT.

(a) An endorsement as Limited Master for service on near-coastal waters on vessels of less than 100 GRT may be issued to an applicant to be employed by organizations such as yacht clubs, marinas, formal camps, and educational institutions. An endorsement issued under this section is limited to the specific activity and the locality of the yacht club, marina, or camp. To obtain this restricted endorsement, an applicant must—

* * * * *

(c) To obtain an endorsement for sail or auxiliary sail vessels, the applicant must submit evidence of 4 months of service on sail or auxiliary sail vessels. The required 4 months of service may have been obtained prior to issuance of the License or MMC endorsement.

* * * * *

■ 71. Amend § 11.430 by revising paragraph (e) to read as follows:

§ 11.430 Endorsements for the Great Lakes and inland waters.

* * * * *

(e) To obtain a Master or Mate endorsement with a tonnage limit of 200 GRT or more, whether an original, raise of grade, or increase in the scope of authority, the applicant must meet the training requirements in § 11.201(h) and (i) and successfully complete Radar Observer training in § 11.480.

* * * * *

■ 72. Amend § 11.433 by revising the section heading and paragraph (a) to read as follows:

§ 11.433 Requirements for Master of Great Lakes and inland self-propelled vessels of unlimited tonnage.

(a) The minimum service required to qualify an applicant for an endorsement as Master of Great Lakes and inland self-propelled vessels of unlimited tonnage is—

(1) One year of service as a Mate or First-Class Pilot while acting in the capacity of First Mate of Great Lakes self-propelled vessels of 1,600 GRT or more while holding a License or MMC endorsement as Mate inland or First-Class Pilot of Great Lakes and inland self-propelled vessels of unlimited tonnage;

(2) Two years of service as Master of self-propelled vessels of 1,600 GRT or more on inland waters, excluding the Great Lakes; or

(3) One year of service upon Great Lakes waters while holding a License or MMC endorsement as Mate or First-Class Pilot of Great Lakes and inland self-propelled vessels of 1,600 GRT or more. A minimum of 6 months of this service must have been in the capacity of First Mate. Service as Second Mate is accepted for the remainder on a two-for-one basis to a maximum of 6 months (2 days of service equals 1 day of creditable service).

* * * * *

■ 73. Amend § 11.435 by revising the section heading and paragraph (a) to read as follows:

§ 11.435 Requirements for Master of inland self-propelled vessels of unlimited tonnage.

(a) The minimum service required to qualify an applicant for an endorsement as Master of self-propelled vessels of unlimited tonnage on inland waters, excluding the Great Lakes is—

(1) One year of service as First-Class Pilot (of other than canal and small lakes routes) or Mate of Great Lakes or inland self-propelled vessels of 1,600 GRT or more while holding a License or MMC endorsement as Mate inland or First-Class Pilot of Great Lakes and inland self-propelled vessels of unlimited tonnage; or

(2) Two years of service performing bridge watchkeeping duties under the supervision of the Master or a qualified officer while holding a Mate/First-Class Pilot License or MMC endorsement.

* * * * *

■ 74. Amend § 11.437 by revising the section heading and paragraph (a) to read as follows:

§ 11.437 Requirements for Mate of Great Lakes and inland self-propelled vessels of unlimited tonnage.

(a) The minimum service required to qualify an applicant for an endorsement

as Mate of Great Lakes and inland self-propelled vessels of unlimited tonnage is—

(1) Three years of service in the deck department of self-propelled vessels, at least 3 months of which must have been on vessels on inland waters and at least 6 months of which must have been while performing bridge watchkeeping duties under the supervision of the Master or a qualified officer;

(2) Graduation from the deck class of the Great Lakes Maritime Academy; or

(3) While holding a License or MMC endorsement as Master of Great Lakes and inland self-propelled vessels of less than 1,600 GRT, 1 year of service as Master on vessels of 200 GRT or more. A tonnage limitation may be placed on this License in accordance with § 11.431.

* * * * *

■ 75. Amend § 11.442 by revising the section heading and paragraph (a) to read as follows:

§ 11.442 Requirements for Master of Great Lakes and inland self-propelled vessels of less than 1,600 GRT.

(a) The minimum service required to qualify an applicant for an endorsement as Master of Great Lakes and inland self-propelled vessels of less than 1,600 GRT is—

(1) Three years of total service on vessels. Eighteen months of the required service must have been on vessels of 100 GRT or more. One year of the required service must have been as a Master, Mate, or equivalent position on vessels of 100 GRT or more while holding a License or MMC endorsement as Master, Mate, or Master of Towing Vessels; or

(2) Six months of service as operator on vessels of 100 GRT or more while holding a License or MMC endorsement as Master of Towing Vessels.

* * * * *

■ 76. Amend § 11.444 by revising the section heading and paragraph (a) to read as follows:

§ 11.444 Requirements for Mate of Great Lakes and inland self-propelled vessels of less than 1,600 GRT.

(a) The minimum service required to qualify an applicant for an endorsement as Mate of Great Lakes and inland self-propelled vessels of less than 1,600 GRT is—

(1) Two years of total service in the deck department of self-propelled vessels. One year of the required service must have been on vessels of 100 GRT or more. Six months of the required service must have been while performing bridge watchkeeping duties under the supervision of the Master or

a qualified officer on vessels of 100 GRT or more;

(2) One year of total service as Master of self-propelled, sail, or auxiliary sail vessels, or Operator of Uninspected Passenger Vessels (OUPV) of 50 GRT or more while holding a License or MMC endorsement as Master of self-propelled vessels of less than 200 GRT or OUPV; or

(3) Six months of total service as Mate (Pilot) of Towing Vessels on vessels of 100 GRT or more.

* * * * *

■ 77. Revise § 11.446 to read as follows:

§ 11.446 Requirements for Master of Great Lakes and inland self-propelled vessels of less than 500 GRT.

(a) The minimum service required to qualify an applicant for an endorsement as Master of Great Lakes and inland self-propelled vessels of less than 500 GRT is—

(1) Three years of total service on vessels. One year of the required service must have been as a Master, Mate, or equivalent position on vessels of 50 GRT or more while holding a License or MMC endorsement as Master, Mate, or OUPV.

(2) [Reserved]

(b) An applicant holding a License or MMC endorsement as Master of ocean, near-coastal, or Great Lakes and inland towing vessels is eligible for this endorsement after 6 months of service as Master of Towing Vessels and completion of a limited examination. This requires 3½ years of service. Two years of this service must have been served while holding a License or MMC endorsement as Master or Mate (Pilot) of Towing Vessels, or Mate.

■ 78. Revise § 11.448 to read as follows:

§ 11.448 Requirements for Mate of Great Lakes and inland self-propelled vessels of less than 500 GRT.

The minimum service required to qualify an applicant for an endorsement as Mate of Great Lakes and inland self-propelled vessels of less than 500 GRT is 2 years of total service in the deck department of self-propelled vessels. One year of the required service must have been on vessels of 50 GRT or more. Three months of the required service must have been while performing bridge watchkeeping duties under the supervision of the Master or a qualified officer on vessels of 50 GRT or more.

■ 79. Revise § 11.450 to read as follows:

§ 11.450 Tonnage limitations and qualifying requirements for endorsements as Master or Mate of Great Lakes and inland vessels of less than 200 GRT.

(a) Except as noted in paragraph (d) of this section, all endorsements issued for

Master or Mate of vessels of less than 200 GRT are issued in 50 GRT increments based on the applicant's qualifying experience in accordance with the provisions of § 11.422.

(b) Service gained in the engineroom on vessels of less than 200 GRT may be creditable for up to 25 percent of the deck service requirements for Mate.

(c) When the service is obtained on vessels upon which personnel with Licenses or endorsements are not required, the Coast Guard must be satisfied that the nature of this required service (*i.e.*, size of vessel, route, equipment, etc.) is a reasonable equivalent to the duties performed on vessels which are required to engage individuals with endorsements.

(d) If more than 75 percent of the qualifying experience is obtained on vessels of 5 GRT or less, the License will automatically be limited to vessels of less than 25 GRT.

■ 80. Revise § 11.452 to read as follows:

§ 11.452 Requirements for Master of Great Lakes and inland self-propelled vessels of less than 200 GRT.

(a) The minimum service required to qualify an applicant for an endorsement or License as Master of Great Lakes and inland self-propelled vessels of less than 200 GRT is 1 year of service on vessels. Six months of the required service must have been as Master, Mate, or equivalent position while holding a License or endorsement as Master or Mate of self-propelled vessels, or Master or Mate (Pilot) of Towing Vessels, or OUPV. To obtain authority to serve on the Great Lakes, 3 months of the required service must have been on Great Lakes waters; otherwise the endorsement will be limited to the inland waters of the United States (excluding the Great Lakes).

(b) To obtain an endorsement for sail or auxiliary sail vessels, the applicant must have 6 months of service on sail or auxiliary sail vessels. This required service may have been obtained prior to issuance of the License or MMC endorsement as Master.

■ 81. Amend § 11.454 by revising the section heading and paragraphs (a), (c), and (d) to read as follows:

§ 11.454 Requirements for Mate of Great Lakes and inland self-propelled vessels of less than 200 GRT.

(a) The minimum service required to qualify an applicant for an endorsement as Mate of Great Lakes and inland self-propelled vessels of less than 200 GRT is 6 months of service in the deck department of self-propelled vessels. To obtain authority to serve on the Great Lakes, 3 months of the required service

must have been on Great Lakes waters; otherwise the endorsement will be limited to the inland waters of the United States (excluding the Great Lakes).

* * * * *

(c) A mariner holding an endorsement as Master of self-propelled vessels may be endorsed as Mate of sail or auxiliary sail vessels upon presentation of 3 months service on sail or auxiliary sail vessels.

(d) The holder of a License or MMC endorsement as Operator of Inland Uninspected Passenger Vessels (OUPV) may obtain this endorsement by successfully completing an examination on rules and regulations for small passenger vessels. To obtain authority to serve on the Great Lakes, 3 months of the required service must have been on Great Lakes waters; otherwise the endorsement will be limited to the inland waters of the United States (excluding the Great Lakes).

* * * * *

■ 82. Amend § 11.455 by revising the section heading and paragraphs (a) and (c) to read as follows:

§ 11.455 Requirements for Master of Great Lakes and inland self-propelled vessels of less than 100 GRT.

(a) The minimum service required to qualify an applicant for an endorsement as Master of Great Lakes and inland self-propelled vessels of less than 100 GRT is 1 year of total service in the deck department of self-propelled, sail, or auxiliary sail vessels. To obtain authority to serve on the Great Lakes, 3 months of the required service must have been on Great Lakes waters; otherwise the endorsement will be limited to the inland waters of the United States (excluding the Great Lakes).

* * * * *

(c) All endorsements issued for Master or Mate of vessels of less than 100 GRT are issued in tonnage increments based on the applicant's qualifying experience in accordance with the provisions of § 11.422.

■ 83. Amend § 11.456 by revising the section heading and paragraph (a) introductory text to read as follows:

§ 11.456 Requirements for Limited Master of Great Lakes and inland self-propelled vessels of less than 100 GRT.

(a) An endorsement as Limited Master for vessels of less than 100 GRT upon Great Lakes and inland waters may be issued to an applicant to be employed by organizations such as formal camps, educational institutions, yacht clubs, and marinas with reduced service

requirements. An endorsement issued under this paragraph is limited to the specific activity and the locality of the camp, yacht club, or marina. To obtain this restricted endorsement, an applicant must—

* * * * *

■ 84. Revise § 11.457, to read as follows:

§ 11.457 Requirements for Master of inland self-propelled vessels of less than 100 GRT.

(a) An applicant for an endorsement as Master of inland self-propelled vessels of less than 100 GRT must present 1 year of service on any waters. In order to raise the tonnage limitation to more than 100 GRT, the examination topics indicated in subpart I of this part must be completed in addition to satisfying the experience requirements of § 11.452(a).

(b) To obtain an endorsement for sail or auxiliary sail vessels, the applicant must submit evidence of 6 months of service on sail or auxiliary sail vessels. The required 6 months of service may have been obtained prior to issuance of the License or MMC endorsement.

(c) All endorsements issued for Master or Mate of vessels of less than 100 GRT are issued in tonnage increments based on the applicant's qualifying experience in accordance with the provisions of § 11.422.

■ 85. Revise § 11.459, to read as follows:

§ 11.459 Requirements for national endorsement as Master or Mate on rivers.

(a) An applicant for an endorsement as Master of river self-propelled vessels of unlimited tonnage must meet the same service requirements as Master of inland self-propelled vessels of unlimited tonnage.

(b) An applicant for an endorsement as Master or Mate of river self-propelled vessels, with a limitation of 25 to 1,600 GRT, must meet the same service requirements as those required by this subpart for the corresponding tonnage Great Lakes and inland self-propelled endorsement. Service on the Great Lakes is not, however, required.

■ 86. Amend § 11.462 by revising the section heading and paragraphs (b) through (d) to read as follows:

§ 11.462 Requirements for national endorsement as Master or Mate of Uninspected Fishing Industry Vessels.

* * * * *

(b) Endorsements as Master or Mate of Uninspected Fishing Industry Vessels are issued for either ocean or near-coastal routes, depending on the examination completed. To qualify for an Uninspected Fishing Industry Vessel endorsement, the applicant must satisfy

the training and examination requirements of § 11.201(h)(1).

(c) An applicant for an endorsement as Master of Uninspected Fishing Industry Vessels must have 4 years of total service on ocean or near-coastal routes. Service on Great Lakes or inland waters may substitute for up to 2 years of the required service. One year of the required service must have been as Master, Mate, or equivalent position while holding a License or MMC endorsement as Master or Mate of self-propelled vessels, or Master or Mate (Pilot) of Towing Vessels, or OUPV.

(1) To qualify for an endorsement for less than 500 GRT, at least 2 years of the required service, including the 1 year as Master, Mate, or equivalent, must have been on vessels of 50 GRT or more.

(2) To qualify for an endorsement for less than 1,600 GRT, at least 2 years of the required service, including the 1 year as Master, Mate, or equivalent, must have been on vessels of 100 GRT or more.

(3) To qualify for an endorsement for more than 1,600 GRT, but not more than 5,000 GRT, the vessel tonnage upon which the 4 years of required service was obtained will be used to compute the tonnage. The endorsement is limited to the maximum tonnage on which at least 25 percent of the required service was obtained or 150 percent of the maximum tonnage on which at least 50 percent of the service was obtained, whichever is higher. Limitations are in multiples of 1,000 GRT, using the next higher figure when an intermediate tonnage is calculated. An endorsement as Master of Uninspected Fishing Industry Vessels authorizing service on vessels more than 1,600 GRT also requires 1 year as Master, Mate, or equivalent on vessels of 100 GRT or more.

(4) The tonnage limitation for this endorsement may be raised using one of the following methods but cannot exceed 5,000 GRT. Limitations are in multiples of 1,000 GRT, using the next higher figure when an intermediate tonnage is calculated.

(i) Three months of service as Master on a vessel results in a limitation in that capacity equal to the tonnage of that vessel rounded up to the next multiple of 1,000 GRT.

(ii) Six months of service as Master on a vessel results in a limitation in that capacity equal to 150 percent of the tonnage of that vessel.

(iii) Six months of service as Master on vessels more than 1,600 GRT results in raising the limitation to 5,000 GRT.

(iv) Six months of service as Mate on vessels more than 1,600 GRT results in raising the limitation for Master to the

tonnage on which at least 50 percent of the service was obtained.

(v) Two years of service as a deckhand on a vessel while holding a License or MMC endorsement as Master results in a limitation on the MMC equal to 150 percent of the tonnage of that vessel up to 5,000 GRT.

(vi) One year of service as deckhand on a vessel while holding a License or MMC endorsement as Master results in a limitation on the MMC equal to the tonnage of that vessel.

(d) An applicant for an endorsement as Mate of Uninspected Fishing Industry Vessels must have 3 years of total service on ocean or near-coastal routes. Service on Great Lakes or inland waters may substitute for up to 18 months of the required service.

(1) To qualify for an endorsement for less than 500 GRT, at least 1 year of the required service must have been on vessels of 50 GRT or more.

(2) To qualify for an endorsement of less than 1,600 GRT, at least 1 year of the required service must have been on vessels of 100 GRT or more.

(3) To qualify for an endorsement of more than 1,600 GRT, but not more than 5,000 GRT, the vessel tonnage upon which the 3 years of required service was obtained will be used to compute the tonnage. The endorsement is limited to the maximum tonnage on which at least 25 percent of the required service was obtained, or 150 percent of the maximum tonnage on which at least 50 percent of the service was obtained, whichever is higher. Limitations are in multiples of 1,000 GRT, using the next higher figure when an intermediate tonnage is calculated.

(4) The tonnage limitation on this endorsement may be raised using one of the following methods, but cannot exceed 5,000 GRT. Limitations are in multiples of 1,000 GRT, using the next higher figure when an intermediate tonnage is calculated.

(i) Three months of service as Mate on a vessel results in a limitation in that capacity equal to the tonnage of that vessel rounded up to the next multiple of 1,000 GRT.

(ii) Six months of service as Mate on a vessel results in a limitation in that capacity equal to 150 percent of the tonnage of that vessel.

(iii) Six months of service as Mate on vessels more than 1,600 GRT results in raising the limitation to 5,000 GRT.

(iv) One year of service as deckhand on vessels more than 1,600 GRT while holding a License or MMC endorsement as Mate, results in raising the limitation on the MMC to 5,000 GRT;

(v) Two years of service as a deckhand on a vessel while holding a License or

MMC endorsed as Mate results in a limitation on the MMC equal to 150 percent of the tonnage of that vessel up to 5,000 GRT.

(vi) One year of service as deckhand on a vessel while holding a License or MMC endorsement as Mate results in a limitation on the MMC equal to the tonnage of that vessel.

* * * * *

■ 87. Amend § 11.463 by revising the section heading, paragraphs (a) through (e), paragraph (g), and Figure 11.463(h) to read as follows:

§ 11.463 General requirements for national endorsements as Master, Mate (Pilot), and Apprentice Mate of Towing Vessels.

(a) The Coast Guard issues the following endorsements for towing vessels:

- (1) Master of Towing Vessels.
- (2) Master of Towing Vessels-Limited.
- (3) Mate (Pilot) of Towing Vessels.
- (4) Apprentice Mate of Towing Vessels.

(5) Apprentice Mate of Towing Vessels-Limited.

(b) An endorsement as Master of Towing Vessels means an endorsement to operate towing vessels not restricted to local areas designated by OCMIs. This also applies to a Mate (Pilot) of Towing Vessels.

(c) For this section, “Limited” means an endorsement to operate a towing vessel of less than 200 GRT only within a local area on the Great Lakes, inland waters, or Western Rivers designated by the OCMI.

(d) Mariners who met the training and service requirements for towing vessels before May 21, 2001, and have maintained a valid Coast Guard-issued credential may obtain a towing endorsement if they meet the following:

- (1) Demonstrate at least 90 days of towing service before May 21, 2001;
- (2) Provide evidence of successfully completing the Apprentice Mate exam, its predecessor exam, or a superior exam’ and

(3) Meet the renewal requirements in § 10.227(e)(6)(i) of this subchapter.

(e) Mariners who operated towing vessels in the offshore oil and mineral industry prior to October 15, 2010, may obtain a towing endorsement until December 24, 2018 as follows:

(1) Mariners who held an officer endorsement as Operator of Uninspected Towing Vessels (OUTV) or Mate or Master of Inspected Self-propelled Vessels may qualify for a towing endorsement if they meet the following:

(i) Provide evidence of at least 90 days of service on towing vessels in the offshore oil and mineral industry prior to October 15, 2010;

- (ii) Provide evidence of successfully completing the Apprentice Mate of Towing Vessels examination, its predecessor exam, or a superior exam; and

(iii) Meet the renewal requirements in § 10.227(e)(6) of this subchapter.

(2) Mariners who have not held any of the officer endorsements listed in paragraph (e)(1) of this section may qualify for an endorsement as Master of Towing Vessels if they meet the following:

(i) Provide evidence of at least 48 months of service on towing vessels in
- the offshore oil and mineral industry prior to October 15, 2010; and

(ii) Successfully complete the appropriate Apprentice Mate of Towing Vessels exam.

(3) Mariners who have not held any of the officer endorsements listed in paragraph (e)(1) of this section may qualify for an endorsement as Mate of Towing Vessels if they meet the following:

(i) Provide evidence of at least 36 months of service on towing vessels in the offshore oil and mineral industry prior to October 15, 2010; and
- (ii) Successfully complete the appropriate Apprentice Mate of Towing Vessels exam.

* * * * *

(g) Endorsements as Mate (Pilot) or Master of Towing Vessels may be issued with a restriction to specific types of towing vessels and/or towing operations such as vessels that do not routinely perform all of the tasks identified in the Towing Officer Assessment Record (TOAR).

(h) * * *
- Figure 1 to § 11.463(h)—Structure of Towing Officer Endorsements
- Figure 11.463 (h) -- Structure of towing officer endorsements
- The diagram illustrates the structure of towing officer endorsements. It shows two main paths: one for unrestricted endorsements and one for limited endorsements. The unrestricted path starts with an Apprentice Mate of Towing Vessels (11.466) for 18 months, leading to a Mate (Pilot) of Towing Vessels (11.465) for 12 months, and finally to a Master of Towing Vessels (11.464) for 18 months. The limited path starts with an Apprentice Mate of Towing Vessels-Limited (11.466) for 18 months, leading to a Mate (Pilot) of Towing Vessels-Limited (11.465) for 12 months, and finally to a Master of Towing Vessels-Limited (11.464) for 18 months. Additionally, there are specific requirements for Master of Towing Vessels based on Gross Registered Tonnage (GRT): Master >200 GRT (11.464) and Master <200 GRT (11.465). The diagram also shows that a Master <200 GRT can qualify for a Mate >200 GRT (11.465) endorsement.
- 88. Revise § 11.464 to read as follows:

§ 11.464 Requirements for national endorsements as Master of Towing Vessels.

(a) An applicant for an endorsement as Master of Towing Vessels with a route listed in column 1 of table 1 to

this section, must complete the service requirements indicated in columns 2 through 5. Applicants may serve on the subordinate routes listed in column 5 without further endorsement.
- TABLE 1 TO § 11.464(a)—REQUIREMENTS FOR ENDORSEMENT AS MASTER OF TOWING VESSELS ¹
- | 1
Route endorsed | 2
Total service ² | 3
TOS ³ on T/V as Mate (Pilot) | 4
TOS ³ on particular route | 5
Sub-ordinate route authorized |
|-------------------------------------|---------------------------------|--|---|------------------------------------|
| (1) OCEANS (O) | 48 | 18 | 3 | NC, GL-I. |
| (2) NEAR-COASTAL (NC) | 48 | 18 | 3 | GL-I. |
| (3) GREAT LAKES-INLAND (GL-I) | 48 | 18 | 3 | None. |

TABLE 1 TO § 11.464(a)—REQUIREMENTS FOR ENDORSEMENT AS MASTER OF TOWING VESSELS ¹—Continued

1 Route endorsed	2 Total service ²	3 TOS ³ on T/V as Mate (Pilot)	4 TOS ³ on particular route	5 Sub-ordinate route authorized
(4) WESTERN RIVERS (WR)	48	18	3	None.

¹ The holder of an endorsement as Master of Towing Vessels may have an endorsement placed on the MMC as Mate (Pilot) of Towing Vessels for a route superior to the current route on which the holder has no operating experience after passing an examination for that additional route. After the holder completes 90 days of experience and completes a Towing Officer Assessment Record (TOAR) on that route, the Coast Guard will add it to the holder's endorsement as Master of Towing Vessels and remove the endorsement for Mate (Pilot) of Towing Vessels.

² Service is in months.

³ TOS is time of service.

(b) A person holding this endorsement may qualify for an STCW endorsement, according to §§ 11.307, 11.311, 11.313, and 11.315.

(c) To obtain an endorsement as Master of Towing Vessels-Limited, applicants must complete the requirements listed in columns 2

through 5 of table 2 to paragraph (c) of this section.

TABLE 2 TO § 11.464(c)—REQUIREMENTS FOR NATIONAL ENDORSEMENT AS MASTER OF TOWING VESSELS-LIMITED

1 Route endorsed	2 Total service ¹	3 TOS ² on T/V as apprentice mate of towing- limited	4 TOAR or an approved course	5 TOS on particular route
LIMITED LOCAL AREA (LLA)	36	18	Yes	3.

¹ Service is in months.

² TOS is time of service.

(d) Those holding a License or MMC endorsement as Mate (Pilot) of Towing Vessels, may have Master of Towing Vessels-Limited added to their MMC for a limited local area within the scope of their current route.

(e) Before serving as Master of Towing Vessels on the Western Rivers, mariners must possess 90 days of observation and training and their MMC must include an endorsement for Western Rivers.

(f) Each company must maintain evidence that every vessel it operates is under the direction and control of a mariner with the appropriate endorsement and experience, including 30 days of observation and training on the intended route other than Western Rivers.

(g) Those holding a License or MMC endorsement as a Master of self-propelled vessels of more than 200 GRT, may operate towing vessels within any

restrictions on their endorsement if they—

(1) Have a minimum of 30 days of training and observation on towing vessels for the route being assessed, except as noted in paragraph (e) of this section; and

(2) Either—

(i) Hold a completed Towing Officer Assessment Record (TOAR) described in § 10.404(c) of this subchapter that shows evidence of assessment of practical demonstration of skills; or

(ii) Complete an approved training course.

(h) A License or MMC does not need to include a towing endorsement if mariners hold a TOAR or complete an approved training course.

■ 89. Amend § 11.465 by revising the section heading, paragraphs (a) and (b), and paragraphs (d) through (g) to read as follows:

§ 11.465 Requirements for national endorsements as Mate (Pilot) of Towing Vessels.

(a) To obtain an endorsement as Mate (Pilot) of Towing Vessels endorsed with a route listed in column 1 of table 1 to paragraph (a) of this section, applicants must complete the service in columns 2 through 5. Mariners holding a License or MMC endorsement as Master of Towing Vessels-Limited wishing to raise of grade to Mate (Pilot) of Towing Vessels must complete the service in columns 5 and 6. An endorsement with a route endorsed in column 1 authorizes service on the subordinate routes listed in column 7 without further endorsement. Time of service requirements as an Apprentice Mate of Towing Vessels may be reduced by an amount equal to the time specified in the approval letter for a completed Coast Guard-approved training program.

TABLE 1 TO § 11.465(a)—REQUIREMENTS FOR NATIONAL ENDORSEMENT AS MATE (PILOT ¹) OF TOWING VESSELS

1 Route endorsed	2 Total service ²	3 TOS ³ on T/V as apprentice mate of towing vessels ⁴	4 TOS on particular route	5 TOAR ⁵ or an approved course	6 30 days of observation and training while holding master of towing vessels—limited and pass an examination	7 Subordinate route authorized
(1) OCEANS (O)	30	12	3	YES	YES	(1) OCEANS (O)
(2) NEAR—COASTAL (NC)	30	12	3	YES	YES	(2) NEAR—COASTAL (NC)
(3) GREAT LAKES—INLAND (GL—I)	30	12	3	YES	YES	(3) GREAT LAKES—INLAND (GL—I)
(4) WESTERN RIVERS (WR)	30	12	3	YES	NO (90 days service required).	(4) WESTERN RIVERS (WR)

¹ For all inland routes, as well as Western Rivers, the endorsement as Pilot of Towing Vessels is equivalent to that as Mate of Towing Vessels. All qualifications and equivalencies are the same.

² Service is in months unless otherwise indicated.

³ TOS is time of service.

⁴ Time of service requirements as an Apprentice Mate of Towing Vessels may be reduced by an amount equal to the time specified in the approval letter for a completed Coast Guard-approved training program.

⁵ TOAR is a Towing Officer Assessment Record.

(b) Before serving as Mate (Pilot) of Towing Vessels on the Western Rivers, mariners must possess 90 days of observation and training and have their MMC include an endorsement for Western Rivers.

* * * * *

(d) Those holding a License or MMC endorsement as a Mate of inspected, self-propelled vessels of more than 200 GRT or one as First-Class Pilot, may operate towing vessels within any restrictions on their credential if they—

(1) Have a minimum of 30 days of training and observation on towing vessels for the route being assessed, except as noted in paragraph (b) of this section; and

(2) Hold a completed Towing Officer Assessment Record (TOAR) described in § 10.404(c) of this subchapter that shows evidence of assessment of practical demonstration of skills.

(e) A License or MMC does not need to include a towing endorsement if you

hold a TOAR or a course completion certificate.

(f) Those holding any endorsement as a Master of self-propelled vessels of any tonnage that is less than 200 GRT, except for the Limited Master endorsements specified in §§ 11.429 and 11.456, may obtain an endorsement as Mate (Pilot) of Towing Vessels by meeting the following requirements:

(1) Providing proof of 36 months of service as a Master under the authority of an endorsement described in this paragraph;

(2) Successfully completing the appropriate TOAR;

(3) Successfully completing the appropriate Apprentice Mate exam; and

(4) Having a minimum of 30 days of training and observation on towing vessels for the route being assessed, except as noted in paragraph (b) of this section.

(g) An approved training course for Mate (Pilot) of Towing Vessels must include formal instruction and practical

demonstration of proficiency either onboard a towing vessel or at a shoreside training facility before a designated examiner, and must cover the material (dependent upon route) required by table 2 to § 11.910 for Apprentice Mate of Towing Vessels on ocean and near-coastal routes; Apprentice Mate of Towing Vessels on Great Lakes and inland routes; or Apprentice Mate of Towing Vessels on Western Rivers routes.

* * * * *

■ 90. Revise § 11.466 to read as follows:

§ 11.466 Requirements for national endorsements as Apprentice Mate of Towing Vessels.

(a) As table 1 to § 11.466(a) shows, to obtain an endorsement as Apprentice Mate of Towing Vessels listed in column 1, endorsed with a route listed in column 2, mariners must complete the service requirements indicated in columns 3 through 6.

TABLE 1 TO § 11.466(a)—REQUIREMENTS FOR NATIONAL ENDORSEMENT AS APPRENTICE MATE OF TOWING VESSELS

1 Endorsement	2 Route endorsed	3 Total service ¹	4 TOS ² on T/V	5 TOS on particular route	6 Pass examination ³
(1) APPRENTICE MATE OF TOWING VESSELS	OCEANS (O)	18	12	3	YES.
	NEAR—COASTAL (NC)	18	12	3	YES.

TABLE 1 TO § 11.466(a)—REQUIREMENTS FOR NATIONAL ENDORSEMENT AS APPRENTICE MATE OF TOWING VESSELS—Continued

1 Endorsement	2 Route endorsed	3 Total service ¹	4 TOS ² on T/V	5 TOS on particular route	6 Pass examination ³
	GREAT LAKES	18	12	3	YES.
	INLAND (GL-I)	18	12	3	YES.
	WESTERN RIVERS (WR)	18	12	3	YES.
(2) APPRENTICE MATE OF TOWING VESSELS -LIMITED	NOT APPLICABLE	18	12	3	YES.

¹ Service is in months.² TOS is time of service.³ The examination for Apprentice Mate is specified in subpart I of this part.

(b) Those holding a License or endorsement as Apprentice Mate of Towing Vessels may obtain a restricted endorsement as Apprentice Mate of Towing Vessels-Limited. This endorsement will go on the mariner's MMC after passing an examination for a route that is not included in the current endorsements and on which the mariners have no operating experience. Upon completion of 3 months of experience on that route, mariners may have the restriction removed.

■ 91. Amend § 11.467 by revising the section heading and paragraph (a) to read as follows:

§ 11.467 Requirements for a national endorsement as Operator of Uninspected Passenger Vessels of less than 100 GRT.

(a) This section applies to an applicant for an endorsement as Operator of Uninspected Passenger Vessels (OUPV) of less than 100 GRT, equipped with propulsion machinery of any type, carrying six or fewer passengers.

* * * * *

■ 92. Revise § 11.470 to read as follows:

§ 11.470 National officer endorsements as Offshore Installation Manager.

(a) Officer endorsements as Offshore Installation Manager (OIM) include:

- (1) OIM Unrestricted.
- (2) OIM Surface Units on Location.
- (3) OIM Surface Units Underway.
- (4) OIM Bottom Bearing Units on Location.
- (5) OIM Bottom Bearing Units Underway.

(b) To qualify for an endorsement as OIM Unrestricted, an applicant must—

(1) Present evidence of one of the following:

(i) Four years of employment assigned to MODUs, including at least 1 year of service as Driller, Assistant Driller, Toolpusher, Assistant Toolpusher, Barge Supervisor, Mechanical Supervisor, Electrician, Crane Operator, Ballast Control Operator, or equivalent

supervisory position on MODUs, with a minimum of 14 days of that supervisory service on surface units; or

(ii) A degree from a program in engineering or engineering technology which is accredited by the Accreditation Board for Engineering and Technology (ABET). The National Maritime Center will give consideration to accepting education credentials from programs having other than ABET accreditation. An applicant qualifying through a degree program must also have at least 168 days of service as Driller, Assistant Driller, Toolpusher, Assistant Toolpusher, Barge Supervisor, Mechanical Supervisor, Electrician, Crane Operator, Ballast Control Operator, or equivalent supervisory position on MODUs, with a minimum of 14 days of that supervisory service on surface units;

(2) Present evidence of training course completion as follows:

(i) A certificate from a Coast Guard-approved stability course approved for OIM Unrestricted.

(ii) A certificate from a Coast Guard-approved survival suit and survival craft training course.

(iii) A certificate from a firefighting training course as required by § 11.201(h); and

(3) Provide a recommendation signed by a senior company official which—

(i) Provides a description of the applicant's experience and qualifications;

(ii) Certifies that the individual has successfully directed, while under the supervision of an experienced rig mover, two rig moves each of surface units and of bottom bearing units; and

(iii) Certifies that one of the rig moves required under paragraph (b)(3)(ii) of this section was completed within 1 year preceding date of application.

(c) An applicant for an endorsement as OIM Unrestricted who holds an unlimited license or MMC endorsement as Master or Chief Mate must satisfy the requirements in paragraphs (b)(2) and

(3) of this section and have at least 84 days of service on surface units and at least 28 days of service on bottom bearing units.

(d) To qualify for an endorsement as OIM Surface Units on Location, an applicant must—

(1) Present evidence of one of the following:

(i) Four years of employment assigned to MODUs, including at least 1 year of service as Driller, Assistant Driller, Toolpusher, Assistant Toolpusher, Barge Supervisor, Mechanical Supervisor, Electrician, Crane Operator, Ballast Control Operator, or equivalent supervisory position on MODUs, with a minimum of 14 days of that supervisory service on surface units.

(ii) A degree from a program in engineering or engineering technology which is accredited by the Accreditation Board for Engineering and Technology (ABET). The National Maritime Center will give consideration to accepting education credentials from programs having other than ABET accreditation.

An applicant qualifying through a degree program must also have at least 168 days of service as Driller, Assistant Driller, Toolpusher, Assistant Toolpusher, Barge Supervisor, Mechanical Supervisor, Electrician, Crane Operator, Ballast Control Operator, or equivalent supervisory position of MODUs, with a minimum of 14 days of that supervisory service on surface units; and

(2) Present evidence of training course completion as follows:

(i) A certificate from a Coast Guard-approved stability course approved for a License or MMC endorsement as OIM Surface Units.

(ii) A certificate from a Coast Guard-approved survival suit and survival craft training course.

(iii) A certificate from a firefighting training course as required by § 11.201(h).

(e) An applicant for an endorsement as OIM Surface Units on Location who

holds an unlimited License or MMC endorsement as Master or Chief Mate must satisfy the requirements of paragraph (d)(2) of this section and have at least 84 days of service on surface units.

(f) To qualify for an endorsement as OIM Surface Units Underway, an applicant must—

(1) Provide the following:

(i) Evidence of the experience described in paragraph (d)(1) of this section and a recommendation signed by a senior company official which—

(A) Provides a description of the applicant's experience and qualifications;

(B) Certifies that the individual has successfully directed, while under the supervision of an experienced rig mover, three rig moves of surface units; and

(C) Certifies that one of the rig moves required under paragraph (f)(1)(i)(B) of this section was completed within 1 year preceding date of application; or

(ii) A recommendation signed by a senior company official which—

(A) Provides a description of the applicant's experience and company qualifications program completed;

(B) Certifies that the applicant has witnessed ten rig moves either as an observer in training or as a rig mover under supervision;

(C) Certifies that the individual has successfully directed, while under the supervision of an experienced rig mover, five rig moves of surface units; and

(D) Certifies that one of the rig moves required under paragraph (f)(1)(ii)(C) of this section was completed within 1 year preceding the date of application; and

(2) Present evidence of training course completion as follows:

(i) A certificate from a Coast Guard-approved stability course approved for an OIM Surface Units Endorsement.

(ii) A certificate from a Coast Guard-approved survival suit and survival craft training course.

(iii) A certificate from a firefighting training course as required by § 11.201(h).

(g) An applicant for endorsement as OIM Surface Units Underway who holds an unlimited License or MMC endorsement as Master or Chief Mate must satisfy the requirements in paragraph (f)(2) of this section and provide a company recommendation signed by a senior company official which—

(1) Provides a description of the applicant's experience and qualifications;

(2) Certifies that the individual has successfully directed, while under the

supervision of an experienced rig mover, three rig moves on surface units; and

(3) Certifies that one of the rig moves required under paragraph (g)(2) of this section was completed within 1 year preceding the date of application.

(h) To qualify for an endorsement as OIM Bottom Bearing Units on Location, an applicant must—

(1) Present evidence of one of the following:

(i) Four years of employment assigned to MODUs, including at least 1 year of service as Driller, Assistant Driller, Toolpusher, Assistant Toolpusher, Barge Supervisor, Mechanical Supervisor, Electrician, Crane Operator, Ballast Control Operator, or equivalent supervisory position on MODUs.

(ii) A degree from a program in engineering or engineering technology that is accredited by ABET. The National Maritime Center will give consideration to accepting education credentials from programs having other than ABET accreditation. An applicant qualifying through a degree program must also have at least 168 days of service as Driller, Assistant Driller, Toolpusher, Assistant Toolpusher, Barge Supervisor, Mechanical Supervisor, Electrician, Crane Operator, Ballast Control Operator, or equivalent supervisory position on MODUs; and

(2) Present evidence of training course completion as follows:

(i) A certificate from a Coast Guard-approved survival suit and survival craft training course.

(ii) A certificate from a firefighting training course as required by § 11.201(h).

(i) An applicant for an endorsement as OIM Bottom Bearing Units on Location who holds an unlimited License or MMC endorsement as Master or Chief Mate must satisfy paragraph (h)(2) of this section and have at least 28 days of service on bottom bearing units.

(j) To qualify for an endorsement as OIM Bottom Bearing Units Underway, an applicant must—

(1) Provide the following:

(i) Evidence of the experience described in paragraph (h)(1) of this section with a recommendation signed by a senior company official which—

(A) Provides a description of the applicant's experience and qualifications;

(B) Certifies that the individual has successfully directed, while under the supervision of an experienced rig mover, three rig moves of bottom bearing units; and

(C) Certifies that one of the rig moves required under paragraph (j)(1)(i)(B) of

this section was completed within 1 year preceding date of application; or

(ii) A recommendation signed by a senior company official which—

(A) Provides a description of the applicant's experience and company qualifications program completed;

(B) Certifies that the applicant has witnessed ten rig moves either as an Observer in training or as a rig mover under supervision;

(C) Certifies that the individual has successfully directed, while under the supervision of an experienced rig mover, five rig moves of bottom bearing units; and

(D) Certifies that one of the rig moves required under paragraph (j)(1)(ii)(C) of this section was completed within 1 year preceding date of application; and

(2) Present evidence of training course completion as follows:

(i) A certificate from a Coast Guard-approved stability course approved for a License or MMC endorsement as OIM Bottom Bearing Units.

(ii) A certificate from a Coast Guard-approved survival suit and survival craft training course.

(iii) A certificate from a firefighting training course as required by § 11.201(h).

(k) An applicant for endorsement as OIM Bottom Bearing Units Underway who holds an unlimited License or MMC endorsement as Master or Chief Mate must satisfy the requirements in paragraph (j)(2) of this section and provide a company recommendation signed by a senior company official, which—

(1) Provides a description of the applicant's experience and qualifications;

(2) Certifies that the individual has successfully directed, while under the supervision of an experienced rig mover, three rig moves of bottom bearing units; and

(3) Certifies that one of the rig moves required under paragraph (k)(2) of this section was completed within 1 year preceding the date of application.

■ 93. Revise § 11.472 to read as follows:

§ 11.472 National officer endorsements as Barge Supervisor.

(a) To qualify for an endorsement as Barge Supervisor (BS), an applicant must—

(1) Present evidence of one of the following:

(i) Three years of employment assigned to MODUs including at least 168 days of service as Driller, Assistant Driller, Toolpusher, Assistant Toolpusher, Mechanic, Electrician, Crane Operator, Subsea Specialist, Ballast Control Operator (BCO), or

equivalent supervisory position on MODUs. At least 84 days of that service must have been as a BCO, or Barge Supervisor trainee.

(ii) A degree from a program in engineering or engineering technology that is accredited by the Accreditation Board for Engineering and Technology (ABET). The National Maritime Center will give consideration to accepting education credentials from programs having other than ABET accreditation. An applicant qualifying through a degree program must also have at least 168 days of service as Driller, Assistant Driller, Toolpusher, Assistant Toolpusher, Mechanic, Electrician, Crane Operator, Subsea Specialist, BCO, or equivalent supervisory position on MODUs. At least 84 days of that service must have been as a BCO, or Barge Supervisor trainee; and

(2) Present evidence of one of the following:

(i) A certificate from a Coast Guard-approved stability course approved for Barge Supervisor;

(ii) A certificate from a Coast Guard-approved survival suit and survival craft training course; or

(iii) A certificate from a firefighting training course as required by § 11.201(h).

(b) An applicant for an endorsement as Barge Supervisor who holds an unlimited license or MMC endorsement as Master or Mate must satisfy the requirements in paragraph (a)(2) of this section and have at least 84 days of service as BCO or Barge Supervisor trainee.

■ 94. Revise § 11.474 to read as follows:

§ 11.474 National officer endorsements as Ballast Control Operator.

(a) To qualify for an endorsement as Ballast Control Operator (BCO), an applicant must—

(1) Present evidence of one of the following:

(i) One year of employment assigned to MODUs, including at least 28 days of service as a trainee under the supervision of an individual holding a License or MMC endorsement as BCO.

(ii) A degree from a program in engineering or engineering technology that is accredited by the Accreditation Board for Engineering and Technology (ABET). The National Maritime Center will give consideration to accepting education credentials from programs having other than ABET accreditation. An applicant qualifying through a degree program must also have at least 28 days of service as a trainee under the supervision of an individual holding a License or MMC endorsement as BCO; and

(2) Present evidence of training course completion as follows:

(i) A certificate from a Coast Guard-approved stability course approved for Barge Supervisor or BCO.

(ii) A certificate from a Coast Guard-approved survival suit and survival craft training course.

(iii) A certificate from a firefighting training course as required by § 11.201(h).

(b) An applicant for an endorsement as BCO who holds an unlimited License or MMC endorsement as Master, Mate, Chief Engineer, or Assistant Engineer must satisfy the requirements in paragraph (a)(2) of this section and have at least 28 days of service as a trainee under the supervision of an individual holding an endorsement as BCO.

■ 95. Revise § 11.480 to read as follows:

§ 11.480 Radar Observer.

(a) This section contains the requirements that an applicant must meet to qualify as a Radar Observer.

(b) If an applicant meets the requirements of this section, one of the following Radar Observer endorsements will be added to their MMC:

(1) Radar Observer-Unlimited.

(2) Radar Observer-Inland Waters and Gulf Intracoastal Waterways (GIWW).

(3) Radar Observer-Rivers.

(c) Radar Observer-Unlimited is valid on all waters. Radar Observer-Inland Waters and GIWW is valid only for those waters other than the Great Lakes covered by the Inland Navigational Rules. Radar Observer-Rivers is valid only on any river, canal, or similar body of water designated by the OCMI, but not beyond the boundary line.

(d) Except as provided by paragraphs (f) or (g) of this section, each applicant for a Radar Observer endorsement or for renewal of a Radar Observer endorsement must complete the appropriate course approved by the Coast Guard, receive the appropriate certificate of training, and present the certificate or a copy of the certificate to the Coast Guard in person, by mail, fax, or other electronic means.

(e) A Radar Observer endorsement issued under this section is valid until the expiration of the mariner's MMC.

(f) A mariner may also renew their Radar Observer endorsement by providing evidence of meeting the requirements in § 10.227(e)(1)(v) of this subchapter.

(g) The Coast Guard will accept on-board training and experience through acceptable documentary evidence of 1 year of relevant sea service within the last 5 years in a position that routinely uses radar for navigation and collision avoidance purposes on vessels equipped

with radar as meeting the refresher or re-certification requirements of paragraph (d) of this section. This also applies to mariners applying for raises of grade or new endorsements under § 10.231 of this subchapter.

(h) An applicant for renewal of an MMC who does not provide evidence of meeting the renewal requirements of paragraph (d), (f), or (g) of this section will not have a Radar Observer endorsement placed on their MMC.

■ 96. Revise § 11.482 to read as follows:

§ 11.482 Assistance Towing.

(a) This section contains the requirements to qualify for an endorsement authorizing a mariner to engage in assistance towing. Except as noted in this paragraph, holders of MMC officer and OUPV endorsements must have an Assistance Towing endorsement to engage in assistance towing. Holders of endorsements as Master or Mate (Pilot) of Towing Vessels or Master or Mate endorsements authorizing service on inspected vessels of 200 GRT or more do not need the Assistance Towing endorsement.

(b) An applicant for an Assistance Towing endorsement must pass a written examination or complete a Coast Guard-approved course demonstrating their knowledge of assistance towing safety, equipment, and procedures.

(c) The holder of a License or MMC for Master, Mate, or operator endorsed for Assistance Towing is authorized to engage in assistance towing on any vessel within the scope of the License or MMC.

(d) The period of validity of the endorsement is the same as the License or MMC on which it is included, and it may be renewed with the MMC.

■ 97. Amend § 11.491 by revising paragraph (a) to read as follows:

§ 11.491 National officer endorsements for service on offshore supply vessels.

(a) Each officer endorsement for service on offshore supply vessels (OSVs) authorizes service on OSVs as defined in 46 U.S.C. 2101(19) and as interpreted under 46 U.S.C. 14104(b), subject to any restrictions placed on the License or MMC.

* * * * *

■ 98. Amend § 11.493 by revising the section heading and paragraphs (a) through (d) to read as follows:

§ 11.493 Master-OSV.

(a) The minimum service required to qualify an applicant for an endorsement as Master-OSV of less than 1,600 GRT/3,000 GT is 24 months of total service as Mate, Chief Mate, or Master of ocean or near-coastal and/or Great Lakes on

self-propelled vessels of more than 100 GRT. Service on inland waters may substitute for up to 50 percent of the required service. At least one-half of the required experience must be served as Chief Mate.

(b) The minimum service required to qualify an applicant for Master-OSV of 1,600 GRT/3,000 GT or more is 24 months of total service as Mate, Chief Mate, or Master of ocean or near-coastal and/or Great Lakes on self-propelled vessels of more than 100 GRT. At least one-half of the required experience must be served as Chief Mate and be obtained on vessels of 1,600 GRT/3,000 GT or more.

(c) If an applicant for Master-OSV of more than 1,600 GRT/3,000 GT does not have the service on vessels of 1,600 GRT/3,000 GT or more as required by paragraph (b) of this section, a tonnage limitation will be placed on the officer endorsement based on the applicant's qualifying experience. The endorsement will be limited to the maximum tonnage on which at least 25 percent of the required experience was obtained, or 150 percent of the maximum tonnage on which at least 50 percent of the service was obtained, whichever is higher. However, the minimum tonnage limitation calculated according to this paragraph will be 2,000 GRT. Limitations are in multiples of 1,000 GRT using the next higher figure when an intermediate tonnage is calculated. In no case will the limitation exceed 10,000 GRT/GT for OSVs unless the applicant meets the full requirements for an unlimited tonnage endorsement.

(d) A person holding an endorsement as Master-OSV may qualify for an STCW endorsement, according to §§ 11.305 and 11.311.

* * * * *

■ 99. Amend § 11.495 by revising the section heading and paragraphs (a) through (d) to read as follows:

§ 11.495 Chief Mate-OSV.

(a) The minimum service required to qualify an applicant for an endorsement as Chief Mate-OSV of less than 1,600 GRT/3,000 GT is 12 months of total service as Mate, Chief Mate, or Master of ocean or near-coastal and/or Great Lakes on self-propelled vessels of more than 100 GRT. Service on inland waters may substitute for up to 50 percent of the required service.

(b) The minimum service required to qualify an applicant for as Chief Mate-OSV of 1,600 GRT/3,000 GT or more is 12 months of total service as Mate, Chief Mate, or Master of ocean or near-coastal and/or Great Lakes on self-propelled vessels of more than 100 GRT. At least

one-half of the required experience must be obtained on vessels of 1,600 GRT/3,000 GT or more.

(c) If an applicant for as Chief Mate-OSV of 1,600 GRT/3,000 GT or more does not have the service on vessels of 1,600 GRT/3,000 GT or more as required by paragraph (b) of this section, a tonnage limitation will be placed on the officer endorsement based on the applicant's qualifying experience. The endorsement will be limited to the maximum tonnage on which at least 25 percent of the required experience was obtained, or 150 percent of the maximum tonnage on which at least 50 percent of the service was obtained, whichever is higher. However, the minimum tonnage limitation calculated according to this paragraph will be 2,000 GRT. Limitations are in multiples of 1,000 GRT using the next higher figure when an intermediate tonnage is calculated. In no case will the limitation exceed 10,000 GRT/GT for OSVs unless the applicant meets the full requirements for an unlimited tonnage endorsement.

(d) A person holding an endorsement as Chief Mate-OSV may qualify for an STCW endorsement, according to §§ 11.307 and 11.313.

* * * * *

■ 100. Amend § 11.497 by revising the section heading and paragraphs (a) and (b) to read as follows:

§ 11.497 Mate-OSV.

(a) The minimum service required to qualify an applicant for an endorsement as Mate-OSV is—

(1) Twenty-four months of total service in the deck department of ocean or near-coastal self-propelled, sail, or auxiliary sail vessels. Service on Great Lakes and inland waters may substitute for up to 1 year of the required service. One year of the required service must have been on vessels of more than 100 GRT; or

(2) One year of total service as part of an approved or accepted Mate-OSV training program.

(b) A person holding an endorsement as Mate-OSV may qualify for an STCW endorsement, according to § 11.309.

* * * * *

■ 101. Revise § 11.501 to read as follows:

§ 11.501 Grades and types of national engineer endorsements issued.

(a) National engineer endorsements are issued in the grades of—

- (1) Chief Engineer;
- (2) First Assistant Engineer;
- (3) Second Assistant Engineer;
- (4) Third Assistant Engineer;

- (5) Chief Engineer-Limited;
- (6) Assistant Engineer-Limited;
- (7) Designated Duty Engineer (DDE);
- (8) Chief Engineer Uninspected

Fishing Industry Vessels;

(9) Assistant Engineer Uninspected Fishing Industry Vessels;

(10) Chief Engineer-MODU;

(11) Assistant Engineer-MODU;

(12) Chief Engineer-OSV; and

(13) Assistant Engineer-OSV.

(b) Engineer endorsements issued in the grades of Chief Engineer-Limited and Assistant Engineer-Limited of steam, motor, and/or gas turbine-propelled vessels allow the holder to serve within any propulsion power limitations on vessels of unlimited tonnage on inland waters and of less than 1,600 GRT in ocean, near-coastal, or Great Lakes service in the following manner:

(1) Chief Engineer-Limited may serve on oceans and near-coastal waters.

(2) Assistant Engineer-Limited may serve on ocean and near-coastal waters.

(c) Engineer Licenses or MMC endorsements issued in the grades of Designated Duty Engineer of steam, motor, and/or gas turbine-propelled vessels allow the holder to serve within stated propulsion power limitations on vessels of less than 500 GRT in the following manner:

(1) Designated Duty Engineers-Limited to vessels of less than 1,000 HP or 4,000 HP may serve only on near-coastal or inland waters.

(2) Designated Duty Engineers-Unlimited may serve on any waters.

(d) An engineer officer License or MMC endorsement authorizes service on steam, motor, or gas turbine-propelled vessels or may authorize all modes of propulsion.

(e) A person holding an engineer License or MMC endorsement that is restricted to near-coastal waters may serve within the limitations of the License or MMC upon near-coastal, Great Lakes, and inland waters.

■ 102. Amend § 11.502 by revising paragraph (b) to read as follows:

§ 11.502 General requirements for national engineer endorsements.

* * * * *

(b) If an applicant desires to add a propulsion mode (steam, motor, or gas turbine) to their endorsement while holding a License or MMC officer endorsement in that grade, the following alternatives are acceptable:

(1) Four months of service as an observer on vessels of the new propulsion mode.

(2) Four months of service as an engineer officer at the operational level on vessels of the new propulsion mode.

(3) Six months of service as Oiler, Boiler Technician/Watertender, or Junior Engineer on vessels of the new propulsion mode.

(4) Completion of a Coast Guard-approved training course for this endorsement.

■ 103. Amend § 11.503 by revising paragraphs (a) and (c)(3) and (4) to read as follows:

§ 11.503 Propulsion power limitations for national endorsements.

(a) Engineer endorsements of all grades and types may be subject to propulsion power limitations. Other than as provided in § 11.524 for the Designated Duty Engineer (DDE), the propulsion power limitation placed on a License or MMC endorsement is based on the applicant's qualifying experience considering the total shaft propulsion power of each vessel on which the applicant has served.

* * * * *

(c) * * *

(3) Twelve months of service as Oiler or Junior Engineer while holding a License or MMC endorsement as Third Assistant Engineer or Assistant Engineer-Limited: Removal of all propulsion power limitations on Third Assistant Engineer or Assistant Engineer-Limited endorsement.

(4) Six months of service as Oiler or Junior Engineer while holding a License or MMC endorsement as Second Assistant Engineer: removal of all propulsion power limitations on Third Assistant Engineer endorsement.

* * * * *

■ 104. Revise § 11.504 to read as follows:

§ 11.504 Application of deck service for national limited engineer endorsements.

Service gained in the deck department on vessels of appropriate tonnage may substitute for up to 25 percent or 6 months, whichever is less, of the service requirement for an endorsement as Chief Engineer-Limited, Assistant Engineer-Limited, or DDE.

■ 105. Amend § 11.510 by revising the section heading and paragraph (a) to read as follows:

§ 11.510 Service requirements for national endorsement as Chief Engineer of steam, motor, and/or gas turbine-propelled vessels.

(a) The minimum service required to qualify an applicant for endorsement as Chief Engineer of steam, motor, and/or gas turbine-propelled vessels is—

(1) One year of service as First Assistant Engineer; or

(2) One year of service while holding a License or MMC endorsement as First

Assistant Engineer. A minimum of 6 months of this service must have been as First Assistant Engineer, and the remainder must be as Assistant Engineer. Service as an Assistant Engineer other than First Assistant Engineer is accepted on a two-for-one basis to a maximum of 6 months (2 days of service as a Second or Third Assistant Engineer equals 1 day of creditable service).

* * * * *

■ 106. Amend § 11.512 by revising the section heading and paragraph (a) to read as follows:

§ 11.512 Service requirements for national endorsement as First Assistant Engineer of steam, motor, and/or gas turbine-propelled vessels.

(a) The minimum service required to qualify an applicant for endorsement as First Assistant Engineer of steam, motor, and/or gas turbine-propelled vessels is—

(1) One year of service as an Assistant Engineer while holding a License or MMC with a Second Assistant Engineer endorsement; or

(2) One year of service as a Chief Engineer-Limited and completing the appropriate examination described in subpart I of this part.

* * * * *

■ 107. Amend § 11.514 by revising the section heading and paragraph (a) to read as follows:

§ 11.514 Service requirements for national endorsement as Second Assistant Engineer of steam, motor, and/or gas turbine-propelled vessels.

(a) The minimum service required to qualify an applicant for endorsement as Second Assistant Engineer of steam, motor, and/or gas turbine-propelled vessels is—

(1) One year of service as an Assistant Engineer, while holding a License or MMC endorsement as Third Assistant Engineer; or

(2) One year of service while holding a License or MMC endorsement as Third Assistant Engineer, which includes—

(i) A minimum of 6 months of service as Third Assistant Engineer; and

(ii) Additional service as a Qualified Member of the Engine Department (QMED), calculated on a two-for-one basis.

* * * * *

■ 108. Amend § 11.516 by revising the section heading and paragraph (a) to read as follows:

§ 11.516 Service requirements for national endorsement as Third Assistant Engineer of steam, motor, and/or gas turbine-propelled vessels.

(a) The minimum service required to qualify an applicant for endorsement as Third Assistant Engineer of steam, motor, and/or gas turbine-propelled vessels is—

(1) Three years of service in the engineroom of vessels, 2 years of which must have been as a Qualified Member of the Engine Department (QMED) or equivalent position;

(2) Three years of service as an apprentice to the machinist trade engaged in the construction or repair of marine, locomotive, or stationary engines, together with 1 year of service in the engineroom as Oiler, Boiler Technician/Watertender, or Junior Engineer;

(3) Graduation from—

(i) The U.S. Merchant Marine Academy (engineering curriculum);

(ii) The U.S. Coast Guard Academy and completion of an onboard engineer officer qualification program required by the service;

(iii) The U.S. Naval Academy and completion of an onboard engineer officer qualification program required by the service; or

(iv) The engineering class of a Maritime Academy approved by and conducted under the rules prescribed by the Maritime Administrator and listed in part 310 of this title;

(4) Graduation from the marine engineering course of a school of technology accredited by the Accreditation Board for Engineering and Technology, together with 3 months of service in the engine department of steam, motor, or gas turbine-propelled vessels;

(5) Graduation from the mechanical or electrical engineering course of a school of technology accredited by the ABET, together with 6 months of service in the engine department of steam, motor, or gas turbine-propelled vessels;

(6) Satisfactory completion of a comprehensive Apprentice Engineer training program approved by the Coast Guard; or

(7) One year of service as Assistant Engineer-Limited of self-propelled vessels and completion of the appropriate examination described in subpart I of this part.

* * * * *

■ 109. Amend § 11.518 by revising the section heading and paragraph (a) to read as follows:

§ 11.518 Service requirements for national endorsement as Chief Engineer-Limited of steam, motor, and/or gas turbine-propelled vessels.

(a) The minimum service required to qualify an applicant for endorsement as Chief Engineer-Limited of steam, motor, and/or gas turbine-propelled vessels is 5 years of total service in the engineroom of vessels. Two years of this service must have been as an engineer officer while holding an engineer officer endorsement. Thirty months of the service must have been as a Qualified Member of the Engine Department (QMED) or equivalent position.

* * * * *

■ 110. Amend § 11.522 by revising the section heading and paragraph (a) to read as follows:

§ 11.522 Service requirements for national endorsement as Assistant Engineer-Limited of steam, motor, and/or gas turbine-propelled vessels.

(a) The minimum service required to qualify an applicant for endorsement as Assistant Engineer-Limited of steam, motor, and/or gas turbine-propelled vessels is 3 years of service in the engineroom of vessels. Eighteen months of this service must have been as a Qualified Member of the Engine Department (QMED) or equivalent position.

* * * * *

■ 111. Amend § 11.524 by revising the section heading and paragraphs (a) and (b) to read as follows:

§ 11.524 Service requirements for national endorsement as Designated Duty Engineer of steam, motor, and/or gas turbine-propelled vessels.

(a) Designated Duty Engineer (DDE) endorsements are issued in three levels of propulsion power limitations dependent upon the total service of the applicant and completion of an appropriate examination. These endorsements are limited to vessels of less than 500 GRT on certain waters as specified in § 11.501.

(b) The service requirements for endorsements as DDE are—

(1) For DDE of steam, motor, and/or gas turbine-propelled vessels of unlimited propulsion power, the applicant must have 3 years of service in the engineroom. Eighteen months of this service must have been as a Qualified Member of the Engine Department (QMED) or equivalent position;

(2) For DDE of steam, motor, and/or gas turbine-propelled vessels of less than 4,000 HP/3,000 kW, the applicant must have 2 years of service in the engineroom. One year of this service

must have been as a QMED or equivalent position; and

(3) For DDE of steam, motor, and/or gas turbine-propelled vessels of less than 1,000 HP/750 kW, the applicant must have 1 year of service in the engineroom. Six months of this service must have been as a QMED or equivalent position.

* * * * *

■ 112. Amend § 11.530 by revising the section heading and paragraphs (a) through (d) to read as follows:

§ 11.530 Endorsements as Engineer of Uninspected Fishing Industry Vessels.

(a) This section applies to endorsements for Chief and Assistant Engineer of all vessels, however propelled, which are documented to engage in the fishing industry, with the exception of—

- (1) Wooden ships of primitive build;
- (2) Unrigged vessels; and
- (3) Vessels of less than 200 GRT.

(b) Endorsements as Chief Engineer and Assistant Engineer of Uninspected Fishing Industry Vessels are issued for ocean waters and with propulsion power limitations in accordance with the provisions of § 11.503.

(c) For an endorsement as Chief Engineer, the applicant must have served 4 years in the engineroom of vessels. One year of this service must have been as an Assistant Engineer Officer or equivalent position.

(d) For an endorsement as Assistant Engineer, an applicant must have served 3 years in the engineroom of vessels.

* * * * *

■ 113. Revise § 11.540 to read as follows:

§ 11.540 Endorsements as engineers of mobile offshore drilling units.

Endorsements as Chief Engineer-Mobile Offshore Drilling Unit (MODU) or Assistant Engineer-MODU authorize service on certain self-propelled or non-self-propelled units of unlimited propulsion power where authorized by the vessel's certificate of inspection.

■ 114. Amend § 11.542 by revising the section heading and paragraphs (a) and (b) to read as follows:

§ 11.542 Endorsement as Chief Engineer-MODU.

(a) To qualify for an endorsement as Chief Engineer-MODU an applicant must—

(1) Present evidence of one of the following:

(i) Six years of employment assigned to MODUs, including 3 years of employment as Mechanic, Motorman, Subsea Engineer, Electrician, Barge Engineer, Toolpusher, Unit

Superintendent, Crane Operator, or equivalent. Eighteen months of that employment must have been assigned to self-propelled or propulsion assisted units.

(ii) Two years of employment assigned to MODUs as an Assistant Engineer-MODU. Twelve months of that employment must have been assigned to self-propelled or propulsion assisted units; and

(2) Present evidence of completion of a firefighting training course as required by § 11.201(h).

(b) If an applicant successfully completes an examination and possesses the total required sea service for an endorsement as Chief Engineer-MODU, but does not possess the required sea service onboard self-propelled or propulsion assisted units, the Coast Guard may issue the applicant an endorsement limited to non-self-propelled units. The Coast Guard may remove the limitation upon presentation of satisfactory evidence of the required self-propelled sea service and completion of any additional required examination.

* * * * *

■ 115. Amend § 11.544 by revising the section heading and paragraphs (a) and (b) to read as follows:

§ 11.544 Endorsement as Assistant Engineer-MODU.

(a) To qualify for an endorsement as Assistant Engineer-MODU an applicant must—

(1) Present evidence of one of the following:

(i) Three years of employment assigned to MODUs, including 18 months of employment as Mechanic, Motorman, Subsea Engineer, Electrician, Barge Engineer, Toolpusher, Unit Superintendent, Crane Operator, or equivalent. Nine months of that employment must have been assigned to self-propelled or propulsion assisted unit.

(ii) Three years of employment in the machinist trade engaged in the construction or repair of diesel engines and 1 year of employment assigned to MODUs in the capacity of Mechanic, Motorman, Oiler, or equivalent. Nine months of that employment must have been assigned to self-propelled or propulsion assisted units.

(iii) A degree from a program in marine, mechanical, or electrical engineering technology that is accredited by the Accreditation Board for Engineering and Technology (ABET). The National Maritime Center will give consideration to accepting education credentials from programs having other than ABET accreditation. An applicant

qualifying through a degree program must also have at least 6 months of employment in any of the capacities listed in paragraph (a)(1)(i) of this section aboard self-propelled or propulsion-assisted units; and

(2) Present evidence of completion of a firefighting training course as required by § 11.201(h).

(b) If an applicant successfully completes an examination and possesses the total required sea service for an endorsement as an Assistant Engineer-MODU, but does not possess the required sea service onboard self-propelled or propulsion assisted units, the Coast Guard may issue the applicant an endorsement limited to non-self-propelled units. The Coast Guard may remove the limitation upon presentation of the satisfactory evidence of the required self-propelled sea service and completion of any additional required examination.

* * * * *

■ 116. Revise § 11.551 to read as follows:

§ 11.551 Endorsements for service on offshore supply vessels.

Each endorsement for service on offshore supply vessels (OSVs) as Chief Engineer-OSV or Engineer-OSV authorizes service on OSVs as defined in 46 U.S.C. 2101(19) and as interpreted under 46 U.S.C. 14104(b), subject to any restrictions placed on the MMC.

■ 117. Amend § 11.553 by revising the section heading and paragraphs (a) and (c) to read as follows:

§ 11.553 Chief Engineer-OSV.

(a) The minimum service required to qualify an applicant for an endorsement as Chief Engineer-OSV is 4 years of total service in the engineroom of vessels. One year of this service must have been as an engineer officer while holding an engineer officer endorsement. Two years of the service must have been as a Qualified Member of the Engine Department (QMED) or equivalent position.

* * * * *

(c) A person holding an endorsement as Chief Engineer-OSV may qualify for an STCW endorsement, according to §§ 11.325, 11.327, and 11.331.

* * * * *

■ 118. Amend § 11.555 by revising the section heading and paragraphs (a) through (d) to read as follows:

§ 11.555 Assistant Engineer-OSV.

(a) The minimum service required to qualify an applicant for an endorsement as Assistant Engineer-OSV of unlimited propulsion power is—

(1) Three years of service in the engineroom. Eighteen months of this service must have been as a Qualified Member of the Engine Department (QMED) or equivalent position; or

(2) One year of total service as part of an approved or accepted Assistant Engineer-OSV training program.

(b) The minimum service required to qualify an applicant for an endorsement as Assistant Engineer-OSV of less than 4,000 HP/3,000 kW, is 2 years of service in the engineroom. One year of this service must have been as a QMED or equivalent position.

(c) The minimum service required to qualify an applicant for an endorsement as Assistant Engineer-OSV of less than 1,000 HP/750 kW is 1 year of service in the engineroom. Six months of this service must have been as a QMED or equivalent position.

(d) A person holding an endorsement as Assistant Engineer-OSV may qualify for an STCW endorsement, according to §§ 11.329 and 11.333.

* * * * *

■ 119. Revise § 11.601 to read as follows:

§ 11.601 Applicability.

This subpart provides for endorsement as Radio Officer for employment on vessels, and for the issue of STCW endorsements for those qualified to serve as Radio Operator on vessels subject to the provisions on the Global Maritime Distress and Safety System (GMDSS) of Chapter IV of SOLAS (incorporated by reference, see § 11.102).

■ 120. Revise § 11.603 to read as follows:

§ 11.603 Requirements for Radio Officer endorsements.

Each applicant for an original endorsement or renewal of License must present a current Radiotelegraph Operator License (T) issued by the Federal Communications Commission. The applicant must enter on the endorsement application form the number, class, and date of issuance of their Federal Communications Commission License.

■ 121. Revise § 11.604 section heading to read as follows:

§ 11.604 Requirements for an STCW endorsement for Global Maritime Distress and Safety System (GMDSS) Radio Operator.

* * * * *

■ 122. Revise § 11.701 to read as follows:

§ 11.701 Scope of Pilot endorsements.

(a) An applicant for an endorsement as First-Class Pilot need not hold any other officer endorsement issued under this part.

(b) The issuance of an endorsement as First-Class Pilot to an individual qualifies that individual to serve as Pilot over the routes specified on the endorsement, subject to any limitations imposed under paragraph (c) of this section.

(c) The OCMI issuing an endorsement as First-Class Pilot imposes appropriate limitations commensurate with the experience of the applicant, with respect to class or type of vessel, tonnage, route, and waters.

(d) A License or MMC endorsement issued for service as a Master, Mate, or Operator of Uninspected Towing Vessels authorizes service as a Pilot under the provisions of § 15.812 of this subchapter. Therefore, First-Class Pilot endorsements will not be issued with tonnage limitations of 1,600 GRT or less.

■ 123. Revise § 11.703 to read as follows:

§ 11.703 Service requirements.

(a) The minimum service required to qualify an applicant for an endorsement as First-Class Pilot is predicated upon the nature of the waters for which pilotage is desired.

(1) *General routes (routes not restricted to rivers, canals and small lakes).* The applicant must have at least 36 months of service in the deck department of self-propelled vessels navigating on oceans, coastwise, and Great Lakes, or bays, sounds, and lakes other than the Great Lakes, as follows:

(i) Eighteen months of the 36 months of service must be performing bridge watchkeeping duties under the supervision of the Master or a qualified officer.

(ii) At least 12 months of the 18 months of service required in paragraph (a)(1)(i) of this section must be on vessels operating on the class of waters for which pilotage is desired.

(2) *River routes.* The applicant must have at least 36 months of service in the deck department of any vessel including at least 12 months of service on vessels operating on the waters of rivers while the applicant is performing bridge watchkeeping duties under the supervision of the Master or a qualified officer.

(3) *Canal and small lakes routes.* The applicant must have at least 24 months of service in the deck department of any vessel including at least 8 months of service on vessels operating on canals or small lakes.

(b) A graduate of the Great Lakes Maritime Academy in the deck class meets the service requirements of this section for an endorsement as First-Class Pilot on the Great Lakes.

(c) Completion of an approved or accepted Pilot training course may be substituted for a portion of the service requirements of this section in accordance with § 10.404 of this subchapter. Additionally, roundtrips made during this training may apply toward the route familiarization requirements of § 11.705. An individual using substituted service must have at least 9 months of shipboard service.

(d) An individual holding a License or MMC endorsement as Master or Mate of inspected self-propelled vessels of more than 1,600 GRT meets the service requirements of this section for an endorsement as First-Class Pilot.

■ 124. Amend § 11.705 by revising paragraphs (b) and (c) to read as follows:

§ 11.705 Route familiarization requirements.

* * * * *

(b) An applicant holding no other deck officer endorsement seeking an endorsement as First-Class Pilot must furnish evidence of having completed a minimum number of roundtrips, while serving as quartermaster, wheelsman, Able Seafarer, Apprentice Pilot, or in an equivalent capacity, standing regular watches at the wheel or in the pilot house as part of routine duties, over the route sought. Evidence of having completed a minimum number of roundtrips while serving as an observer, properly certified by the Master and/or Pilot of the vessel, is also acceptable. The range of roundtrips for an endorsement is a minimum of 12 roundtrips and a maximum of 20 roundtrips. An applicant may have additional routes added to the First-Class Pilot endorsement by meeting the requirements in paragraph (c) of this section.

(c) An applicant who currently holds a deck officer License or MMC endorsement seeking an endorsement as First-Class Pilot for a particular route must furnish evidence of having completed the number of roundtrips over the route, specified by the OCMI, within the range limitations of this paragraph, for the particular grade of existing License or MMC endorsement held. The range of roundtrips for an endorsement is a minimum of eight roundtrips and a maximum of 15 roundtrips.

* * * * *

■ 125. Revise § 11.707 to read as follows:

§ 11.707 Examination requirements.

(a) An applicant for an endorsement as First-Class Pilot, except as noted in paragraph (b) of this section, is required to pass the examination described in subpart I of this part.

(b) An applicant for an extension of route, or an applicant holding a License or MMC endorsement as Master or Mate authorized to serve on vessels of more than 1,600 GRT seeking an endorsement as First-Class Pilot, is required to pass those portions of the examination described in subpart I of this part that concern the specific route for which endorsement is sought.

■ 126. Amend § 11.709 by revising paragraph (b) introductory text and paragraphs (c) and (d) to read as follows:

§ 11.709 Annual physical examination requirements.

* * * * *

(b) Every person holding an MMC endorsement as First-Class Pilot, or a Master or Mate serving as a Pilot under § 15.812 of this subchapter, must have a thorough physical examination each year. This annual physical examination must be completed by the first day of the month following the anniversary of the individual's most recently completed Coast Guard-required physical examination. Each annual physical examination must meet the requirements specified in part 10, subpart C, of this subchapter and be recorded on the form CG-719K.

* * * * *

(c) An individual's First-Class Pilot endorsement becomes invalid on the first day of the month following the anniversary of the individual's most recently completed Coast Guard-required physical examination, if the person does not meet the physical examination requirement as provided in paragraph (b) of this section. The individual may not operate under the authority of that endorsement until a physical examination has been satisfactorily completed.

(d) A Master or Mate may not serve as a Pilot on a vessel 1,600 GRT or more under § 15.812 of this subchapter if the person does not meet the physical examination requirements provided in paragraph (b) of this section.

■ 127. Amend § 11.711 by revising paragraphs (a), (b), and (d) to read as follows:

§ 11.711 Tonnage requirements.

(a) In order to obtain a First-Class Pilot endorsement authorizing service on vessels of unlimited tonnage over a particular route, the applicant must have sufficient experience on vessels of more than 1,600 GRT.

(b) For purposes of this section, an applicant is considered to have sufficient experience if the applicant has 18 months of experience as Master, Mate, quartermaster, wheelsman, Able Seafarer, Apprentice Pilot, or in an equivalent capacity, standing regular watches at the wheel or in the pilothouse as part of routine duties, on vessels of 1,600 GRT or more, and two-thirds of the minimum number of roundtrips required for the route have been on vessels of 1,600 GRT or more.

* * * * *

(d) For purposes of this section, for experience with respect to tonnage on towing vessels, the combined gross tonnage of the towing vessels and the vessels towed will be considered. However, the Coast Guard may require that all or a portion of the required number of roundtrips be obtained on self-propelled vessels of 1,600 GRT or more, when the Coast Guard determines that due to the nature of the waters and the overall experience of the applicant, self-propelled vessel experience is necessary to obtain a First-Class Pilot endorsement that is not restricted to tug and barge combinations.

■ 128. Revise § 11.713 to read as follows:

§ 11.713 Requirements for maintaining current knowledge of waters to be navigated.

(a) If a First-Class Pilot has not served over a particular route within the past 60 months, that person's License or MMC endorsement is invalid for that route, and remains invalid until the individual has made one re-familiarization round trip over that route, except as provided in paragraph (b) of this section. Whether this requirement is satisfied or not has no effect on the renewal of other Licenses or MMC endorsements. Roundtrips made within the 90-day period preceding renewal will be valid for the duration of the renewed License or MMC endorsement.

(b) For certain long or extended routes, the OCMI may, at their discretion, allow the re-familiarization requirement to be satisfied by reviewing appropriate navigation charts, coast pilots tide and current tables, local Notice to Mariners, and any other materials that would provide the Pilot with current knowledge of the route. Persons using this method of re-familiarization must certify, when applying for renewal of their License or MMC endorsement, the material they have reviewed and the dates on which this was accomplished. Review within the 90-day period preceding renewal is

valid for the duration of the renewed MMC endorsement.

■ 129. Amend § 11.807 by revising paragraphs (a) and (d) to read as follows:

§ 11.807 Experience requirements for registry.

(a) The applicant for a certificate of registry as staff officer must submit evidence of experience as follows:

(1) *Chief Purser*. Two years of service aboard vessels performing duties relating to work in the Purser's office.

(2) *Purser*. One year of service aboard vessels performing duties relating to work in the Purser's office.

(3) *Senior Assistant Purser*. Six months of service aboard vessels performing duties relating to work in the Purser's office.

(4) *Junior Assistant Purser*. Previous experience not required.

(5) *Medical Doctor*. A valid License as physician or surgeon issued under the authority of a state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(6) *Professional Nurse*. A valid License as a registered nurse issued under authority of a state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(7) *Marine Physician Assistant*. Successful completion of an accredited course of instruction for a physician's assistant or nurse practitioner program.

(8) *Medical Technician*. A rating of at least hospital corpsman or health services technician, first class, in the U.S. Navy and U.S. Coast Guard, or an equivalent rating in the U.S. Army (not less than Staff Sergeant, Medical Department, U.S.A.), or in the U.S. Air Force (not less than Technical Sergeant, Medical Department, U.S.A.F.), and a period of satisfactory service of at least 1 month in a military hospital..

(d) In the event an applicant for an endorsement, other than Medical Doctor or Professional Nurse, presents evidence of other qualifications that, in the opinion of the Coast Guard, is equivalent to the experience requirements of this section and is consistent with the duties of a staff officer, the Coast Guard may issue the MMC.

■ 130. Amend § 11.821 by revising the section heading and paragraphs (a) through (c) to read as follows:

§ 11.821 High-Speed Craft Type-Rating.

(a) This section is only applicable to those persons who will be serving or have served upon those vessels built and operated in accordance with the International Code of Safety for High-Speed Craft (HSC Code).

(b) To qualify for a High-Speed Craft Type-Rating endorsement (TRE) for operating vessels to which the HSC Code applies, an applicant must—

(1) Hold a valid officer endorsement for vessels of commensurate grade, tonnage, route, and/or horsepower; and

(2) Present evidence of successful completion of a Coast Guard-approved Type Rating training program.

(c) A separate TRE will be issued for each type and class of high-speed craft. The original route will be as specified in the approved type rating program. Additional routes may be added to an existing TRE by completing at least 12 roundtrips over each route under the supervision of a type-rated Master on the class of high speed craft the TRE will be valid for. Six of the trips must be made during the hours of darkness or a "daylight only" restriction will be imposed.

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■ 131. Amend § 11.901 by revising paragraph (b)(1) to read as follows:

§ 11.901 General provisions.

* * * * *

(b) * * *

(1) Restricted routes for reduced service officer endorsements (Master or Mate of vessels of less than 200 GRT, OUPV, or Master or Mate (Pilot) of Towing Vessels).

* * * * *

■ 132. Amend § 11.903 by revising paragraphs (a) and (c) to read as follows:

§ 11.903 Officer endorsements requiring examinations.

(a) The following officer endorsements require examinations for issuance:

(1) Chief Mate of ocean or near-coastal self-propelled vessels of unlimited tonnage (examined at the management level).

(2) Third Mate of ocean or near-coastal self-propelled vessels of unlimited tonnage (examined at the operational level).

(3) Master of ocean or near-coastal self-propelled vessels of less than 1,600 GRT.

(4) Mate of ocean or near-coastal self-propelled vessels of less than 1,600 GRT.

(5) Master of near-coastal vessels less than 200 GRT.

(6) Mate of near-coastal vessels less than 200 GRT.

(7) Master of near-coastal vessels less than 100 GRT.

(8) Master of near-coastal vessels less than 100 GRT.

(9) Master of Great Lakes and inland vessels of unlimited tonnage.

(10) Mate of Great Lakes and inland vessels of unlimited tonnage.

(11) Master of inland vessels of unlimited tonnage.

(12) Master of river vessels of unlimited tonnage.

(13) Master of Great Lakes and inland/river vessels less than 500 GRT or less than 1,600 GRT.

(14) Mate of Great Lakes and inland/river vessels less than 500 GRT or less than 1,600 GRT.

(15) Master of Great Lakes and inland/river vessels less than 200 GRT.

(16) Mate of Great Lakes and inland/river vessels less than 200 GRT.

(17) Master of Great Lakes and inland.

(18) First-Class Pilot.

(19) Apprentice Mate of Towing Vessels.

(20) Apprentice Mate of Towing Vessels-Limited.

(21) Offshore Installation Manager.

(22) Barge Supervisor.

(23) Ballast Control Operator (BCO).

(24) Operator of Uninspected Passenger Vessels (OUPV).

(25) Master of Uninspected Fishing Industry Vessels.

(26) Mate of Uninspected Fishing Industry Vessels.

(27) Master-OSV.

(28) Chief Mate-OSV.

(29) Mate-OSV.

(30) First Assistant Engineer limited or unlimited propulsion power.

(31) Third Assistant Engineer limited or unlimited propulsion power.

(32) Chief Engineer-Limited steam/motor vessels.

(33) Assistant Engineer-Limited steam/motor vessels.

(34) Designated Duty Engineer steam/motor vessels.

(35) Chief Engineer Uninspected Fishing Industry Vessels.

(36) Assistant Engineer Uninspected Fishing Industry Vessels.

(37) Chief Engineer-MODU.

(38) Assistant Engineer-MODU.

(39) Chief Engineer-OSV.

(40) Assistant Engineer-OSV.

* * * * *

(c) The following officer endorsements do not require examinations:

(1) Master of oceans or near-coastal vessels of unlimited tonnage when upgrading from MMC officer endorsements, or a License as Chief Mate of oceans or near-coastal vessels of unlimited tonnage, provided the applicant has already been examined at the management level.

(2) Master of oceans or near-coastal vessels of unlimited tonnage when adding an endorsement as Offshore Installation Manager (OIM).

(3) Master of oceans or near-coastal self-propelled vessels of less than 200 GRT, when upgrading from Mate of near-coastal self-propelled vessels of less than 200 GRT. Master of oceans self-propelled vessels of less than 200 GRT will, however, require an examination in celestial navigation.

(4) Second Mate of oceans or near-coastal vessels when upgrading from Third Mate of oceans or near-coastal vessels, provided the applicant has already been examined at the operational level.

(5) Master of Great Lakes and inland vessels, or river vessels of less than 200 GRT when upgrading from Mate of less than 200 GRT on the same route.

(6) Chief Engineer-Unlimited, provided the applicant has already been examined at the management level.

(7) Chief Engineer-Limited to service on steam, motor, or gas turbine-propelled vessels of less than 10,000 HP/7,500 kW on near-coastal routes, provided the applicant has already been examined at the management level.

(8) Chief Engineer-Limited to service on steam, motor, and/or gas turbine-

propelled vessels of less than 4,000 HP/3,000 kW on near-coastal routes, provided the applicant has already been examined at the management level.

(9) Second Assistant Engineer when upgrading from Third Assistant Engineer, provided the applicant has already been examined at the operational level.

■ 133. Amend § 11.910 by revising table 1 to § 11.910 to read as follows:

§ 11.910 Subjects for deck officer endorsements.

* * * * *

TABLE 1 TO § 11.910—CODES FOR DECK OFFICER ENDORSEMENTS

Deck Officer Endorsements

1. Master/Chief Mate, oceans/near-coastal, unlimited tonnage.
2. Master, oceans/near-coastal, less than 500 GRT and less than 1,600 GRT.
3. Second Mate/Third Mate, oceans/near-coastal, unlimited tonnage, and Mate less than 500 GRT and less than 1600 GRT, oceans/near-coastal.
4. Master, oceans/near-coastal, and Mate, near-coastal, less than 200 GRT (includes Master, near-coastal, less than 100 GRT).
5. Operator of Uninspected Passenger Vessels, near-coastal.
6. Operator of Uninspected Passenger Vessels, Great Lakes/inland.
7. Apprentice Mate of Towing Vessels, ocean (domestic trade) and near-coastal routes.
8. Apprentice Mate of Towing Vessels, Great Lakes, and inland routes.
9. Apprentice Mate of Towing Vessels, Western Rivers.
10. Master, Great Lakes/inland, or Master, inland, unlimited tonnage.
11. Mate, Great Lakes/inland, unlimited tonnage.
12. Master, Great Lakes/inland, less than 500 GRT and less than 1,600 GRT.
13. Mate, Great Lakes/inland, less than 500 GRT and less than 1,600 GRT.
14. Master or Mate, Great Lakes/inland, less than 200 GRT (includes Master, Great Lakes/inland, less than 100 GRT).
15. Master, rivers, unlimited tonnage.
16. Master, rivers, less than 500 GRT and less than 1,600 GRT.
17. Mate, rivers, less than 500 GRT and less than 1,600 GRT.
18. Master or Mate, rivers, less than 200 GRT (includes Master, rivers, less than 100 GRT).
19. Master of Uninspected Fishing Industry Vessels, oceans/near-coastal.
20. Mate of Uninspected Fishing Industry Vessels, oceans/near-coastal.
21. First-Class Pilot.
22. Master-OSV.
23. Chief Mate-OSV.
24. Mate-OSV.

* * * * *

■ 134. Amend § 11.950 by revising table 1 to § 11.950 to read as follows:

§ 11.950 Examination subjects for engineer officer endorsements.

* * * * *

TABLE 1 TO § 11.950—CODES FOR ENGINEER OFFICER ENDORSEMENTS

1. First Assistant Engineer-Unlimited.
2. Third Assistant Engineer-Unlimited.
3. Chief Engineer-Limited.
4. Assistant Engineer-Limited.
5. Designated Duty Engineer-Unlimited.
6. Designated Duty Engineer 4,000 HP.
7. Designated Duty Engineer 1,000 HP.
8. Chief Engineer-Uninspected Fishing Industry Vessels.
9. Assistant Engineer-Uninspected Fishing Industry Vessels.
10. Chief Engineer-MODU.
11. Assistant Engineer-MODU.
12. Chief Engineer-OSV Unlimited.
13. Assistant Engineer-OSV Unlimited.
14. Chief Engineer-OSV 4,000 HP.
15. Assistant Engineer-OSV 4,000 HP.

* * * * *

■ 135. Amend § 11.1001 by revising paragraph (b) to read as follows:

§ 11.1001 Purpose of rules.

* * * * *

(b) Specific regulations on the use of non-U.S. credentialed officers and mariners with officer endorsements (except those of Master) are found in § 15.720 of this subchapter.

■ 136. Amend § 11.1005 by revising paragraphs (b) and (d)(3) to read as follows:

§ 11.1005 Employer application requirements.

* * * * *

(b) If a “Certificate attesting recognition” is issued to the applicant, the employer must maintain a detailed record of the seafarer’s total service on all authorized U.S.-flagged vessels, and must make that information available to the Coast Guard upon request.

* * * * *

(d) * * *

(3) Valid identification document, such as a passport or Seafarer’s Identity Document (SID).

* * * * *

■ 137. Amend § 11.1105 by revising paragraph (a) introductory text and paragraphs (a)(1)(iii) and (iv) to read as follows:

§ 11.1105 General requirements for officer endorsements.

(a) To serve on a passenger vessel on international voyages, Masters, deck officers, Chief Engineers, and engineer officers, must—

(1) * * *

(iii) Masters, Chief Engineer Officers, Chief Mates, Second Engineer Officers, and any person designated on muster lists of having responsibility for the safety of passengers in emergency situations onboard passenger ships must have completed approved training in crisis management and human behavior as specified in section A–V/2 of the STCW Code.

(iv) Masters, Chief Engineer Officers, Chief Mates, Second Engineer Officers, and every person assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings onboard Ro-Ro passenger ships must have completed approved training in passenger safety, cargo safety, and hull integrity as specified in section A–V/2 of the STCW Code; and

* * * * *

PART 12—REQUIREMENTS FOR RATING ENDORSEMENTS

■ 138. The authority citation for part 12 is revised to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, Chapter 73, 7503, 7505, 7701, and 70105; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 139. Amend § 12.103 by revising paragraph (a) and the introductory text of paragraph (b) to read as follows:

§ 12.103 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference material (IBR) is available for inspection at the Coast Guard and the National Archives and Records Administration (NARA). Contact Coast Guard at: Office of Merchant Mariner Credentialing (CG–MMC), U.S. Coast Guard, Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509; phone: 202–372–1492; website: https://www.dco.uscg.mil/nmc/merchant_mariner_credential/. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from:

(b) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, England; phone: +44 (0)20 7735 7611; website: www.imo.org.

* * * * *

§ 12.201 [Amended]

■ 140. Amend § 12.201 paragraph (a)(2) by removing the text “food handler’s” and adding, in its place, the text “Food Handler’s”.

■ 141. Revise § 12.401 to read as follows:

§ 12.401 General requirements for Able Seafarer endorsements.

(a) *General.* An Able Seafarer is any person below officer and above Ordinary Seafarer who holds a Merchant Mariner Credential (MMC) endorsed as Able Seafarer by the Coast Guard.

(b) *Categories.* The following categories of Able Seafarer endorsements are established:

- (1) Able Seafarer-Unlimited.
- (2) Able Seafarer-Limited.
- (3) Able Seafarer-Special.
- (4) Able Seafarer-OSV.
- (5) Able Seafarer-Sail.
- (6) Able Seafarer-Fishing Industry.

(c) *Requirements for certification.* To qualify for an endorsement as Able Seafarer, an applicant must—

- (1) Be at least 18 years of age;
- (2) Pass the prescribed physical and medical examination requirements specified in 46 CFR, part 10, subpart C;
- (3) Present evidence of having passed a chemical test for dangerous drugs or of qualifying for an exemption from

testing as described in § 16.220 of this subchapter;

(4) Meet the sea service or training requirements set forth in this part;

(5) Pass an examination for Able Seafarer;

(6) Qualify for an endorsement as Lifeboat Operator or Lifeboat Operator-Limited; and

(7) Speak and understand the English language as would be required in performing the general duties of Able Seafarer and during an emergency aboard ship.

(d) *Additional requirements.* (1) The holder of an MMC or MMD endorsed for the rating of Able Seafarer may serve in any rating in the deck department without obtaining an additional endorsement, provided—

(i) That the holder possesses the appropriate Able Seafarer endorsement for the service of the vessel; and

(ii) That the holder possesses the appropriate STCW endorsement when serving as an Able Seafarer-Deck or Ratings Forming Part of the Navigational Watch (RFPNW) on a seagoing ship.

(2) Any MMC endorsed as Able Seafarer will also be endorsed as Lifeboat Operator or Lifeboat Operator-Limited, as appropriate.

(3) The Able Seafarer endorsement will clearly describe the type of rating that it represents (see paragraph (a) of this section).

■ 142. Revise § 12.403 to read as follows:

§ 12.403 Service or training requirements for Able Seafarer endorsements.

(a) The minimum service required to qualify for the various categories of endorsement as Able Seafarer is as follows:

(1) *Able Seafarer-Unlimited.* Three years of service on deck on vessels operating on oceans or on the Great Lakes.

(2) *Able Seafarer-Limited.* Eighteen months of service on deck on vessels of 100 GRT or more which operate in a service not exclusively confined to the rivers and smaller inland lakes of the United States.

(3) *Able Seafarer-Special.* Twelve months of service on deck on vessels operating on oceans or the navigable waters of the United States, including the Great Lakes.

(4) *Able Seafarer-OSV.* Six months of service on deck on vessels operating on oceans or on the navigable waters of the United States, including the Great Lakes.

(5) *Able Seafarer-Sail.* Six months of service on deck on sailing school vessels, oceanographic research vessels powered primarily by sail, or equivalent

sailing vessels operating on oceans or on the navigable waters of the United States, including the Great Lakes.

(6) *Able Seafarer-Fishing Industry*. Six months of service on deck, not as a processor, onboard vessels operating on oceans or on the navigable waters of the United States, including the Great Lakes.

(b) Approved training programs may be substituted for the required periods of service on deck as follows:

(1) A graduate of a school ship may be qualified for a rating endorsement as Able Seafarer, without further service, upon satisfactory completion of the program of instruction. For this purpose, "school ship" is interpreted to mean an institution that offers a complete approved program of instruction, including a period of at-sea training, in the skills appropriate to the rating of Able Seafarer.

(2) Training programs, other than those classified as a school ship, may be substituted for up to one-third of the required service on deck. The Coast Guard will determine the service/training ratio for each program and may allow a maximum of 3 days of deck service credit for each day of instruction.

■ 143. Amend § 12.405 by revising the section heading and paragraphs (a) and (b)(2) to read as follows:

§ 12.405 Examination and demonstration of ability for Able Seafarer endorsements.

(a) Before an applicant is issued an endorsement as an Able Seafarer, he or she must prove, to the satisfaction of the Coast Guard, by oral or other means of examination, or by actual demonstration in a Coast Guard-approved course, their knowledge of seamanship and the ability to carry out effectively all the duties that may be required of an Able Seafarer, including those of a Lifeboat Operator or Lifeboat Operator-Limited.

(b) * * *

(2) The applicant's knowledge of commands in handling the wheel by obeying orders passed to them as helmsman, and knowledge of the use of the engine room telegraph.

* * * * *

■ 144. Revise § 12.407 to read as follows:

§ 12.407 General requirements for Lifeboat Operator endorsements.

(a) *General*. Every person fulfilling the manning requirements as Lifeboat Operator on any United States vessel must hold an endorsement as Lifeboat Operator. No endorsement as Lifeboat Operator is required of any person employed on any unrigged vessel, except on a seagoing barge and on a tank

barge navigating waters other than rivers and/or canals.

(b) *Requirements for certification*. (1) To qualify for an endorsement as Lifeboat Operator, an applicant must—

(i) Be at least 18 years of age;

(ii) Pass the prescribed physical and medical examination requirements specified in 46 CFR, part 10, subpart C; and

(iii) Present evidence of having passed a chemical test for dangerous drugs or as having qualified for an exemption for testing described in § 16.220 of this subchapter.

(2) To be eligible for an endorsement as Lifeboat Operator, an applicant must meet one of the following sea service requirements:

(i) At least 6 months of sea service in any department of vessels and the successful completion of an approved course.

(ii) At least 12 months of sea service in any department of vessels on ocean, coastwise, inland, and Great Lakes routes.

(3) Before an applicant is issued an endorsement as a Lifeboat Operator, they must prove, to the satisfaction of the Coast Guard, by oral or other means of examination, and by actual practical demonstration of abilities, their knowledge of seamanship and the ability to carry out effectively all the duties that may be required of a Lifeboat Operator. This requirement may be met by completion of an approved course in paragraph (b)(2)(i) of this section, provided the course includes actual practical demonstration of abilities.

(4) The practical demonstration must consist of a demonstration of the applicant's ability to—

(i) Take charge of a survival craft or rescue boat during and after launch;

(ii) Operate a survival craft engine;

(iii) Demonstrate the ability to row by actually pulling an oar in the boat;

(iv) Manage a survival craft and survivors after abandoning ship;

(v) Safely recover survival craft and rescue boats; and

(vi) Use locating and communication devices.

(5) The examination, whether administered orally or by other means, must be conducted only in the English language and must consist of questions regarding—

(i) Lifeboats and liferafts, the names of their essential parts, and a description of the required equipment;

(ii) The clearing away, swinging out, and lowering of lifeboats and liferafts, the handling of lifeboats under oars and sails, including questions relative to the proper handling of a boat in a heavy sea; and

(iii) The operation and functions of commonly used types of davits.

(6) An applicant, to be eligible for an endorsement as Lifeboat Operator, must be able to speak and understand the English language as would be required in the rating of Lifeboat Operator and in an emergency aboard ship.

■ 145. Revise § 12.409 to read as follows:

§ 12.409 General requirements for Lifeboat Operator-Limited endorsements.

(a) *General*. Every person fulfilling the manning requirements for Lifeboat Operator on any United States vessel fitted with liferafts, but not fitted with lifeboats, must hold an endorsement as Lifeboat Operator or as Lifeboat Operator-Limited. No endorsement as Lifeboat Operator or Lifeboat Operator-Limited is required of any person employed on any unrigged vessel, except on a seagoing barge and on a tank barge navigating waters other than rivers and/or canals.

(b) *Requirements for certification*. (1) To qualify for an endorsement as Lifeboat Operator-Limited, an applicant must—

(i) Be at least 18 years of age;

(ii) Pass the prescribed physical and medical examination requirements specified in 46 CFR part 10, subpart C; and

(iii) Present evidence of having passed a chemical test for dangerous drugs or of having qualified for an exemption for testing, as described in § 16.220 of this subchapter.

(2) An applicant, to be eligible for an endorsement as Lifeboat Operator-Limited, must meet one of the following sea service requirements:

(i) At least 12 months of sea service in any department of vessels on ocean, coastwise, inland, and Great Lakes routes.

(ii) At least 6 months of sea service in any department of vessels, and successful completion of an approved course.

(3) Before an applicant is issued an endorsement as a Lifeboat Operator-Limited, they must prove, to the satisfaction of the Coast Guard, by oral or other means of examination, and by actual practical demonstration of abilities, their knowledge of seamanship and ability to carry out effectively all the duties that may be required of a Lifeboat Operator-Limited.

(4) The practical demonstration must consist of a demonstration of the applicant's ability to—

(i) Take charge of a rescue boat, liferaft, or other lifesaving apparatus during and after launch;

(ii) Operate a rescue boat engine;

(iii) Manage a survival craft and survivors after abandoning ship;
(iv) Safely recover rescue boats; and
(v) Use locating and communication devices.

(5) The examination, whether administered orally or by other means, must be conducted only in the English language and must consist of questions regarding—

(i) Liferafts, rescue boats, and other survival craft except lifeboats, the names of their essential parts, and a description and use of the required equipment;

(ii) The clearing away, launching, and handling of rescue craft, except lifeboats; and

(iii) The operation and functions of commonly used launching devices for rescue boats and survival craft other than lifeboats.

(6) An applicant, to be eligible for an endorsement as Lifeboat Operator-Limited, must be able to speak and understand the English language as would be required in the rating of Lifeboat Operator-Limited and in an emergency aboard ship.

■ 146. Amend § 12.501 by revising the section heading and paragraphs (a) and (b) to read as follows:

§ 12.501 General requirements for a Qualified Member of the Engine Department.

(a) *General.* A Qualified Member of the Engine Department (QMED) is any

person below officer and above the rating of Coal Passer or Wiper, who holds an MMC or MMD endorsed as QMED by the Coast Guard.

(b) *Categories.* (1) Each QMED rating must be endorsed separately, unless the applicant qualifies for all QMED ratings, in which case the endorsement will read “QMED—any rating.” The ratings are—

- (i) Boiler Technician/Watertender;
- (ii) Oiler;
- (iii) Junior Engineer;
- (iv) Electrician/Refrigerating Engineer; and
- (v) Pump Technician/Machinist.

(2) The Coast Guard will no longer issue original endorsements for Deck Engineer, Deck/Engine Mechanic, or Engineman, or individual endorsements for Refrigerating Engineer, Machinist, Electrician, and Pump Technician. However, a mariner who holds any of these endorsements may continue to renew them as long as they are otherwise qualified.

(3) If the holder of an endorsement as Pump Technician only or Machinist only seeks the combined endorsement of Pump Technician/Machinist, the mariner must pass the examination described in table 1 to § 12.505(c).

(4) If the holder of an endorsement as Electrician only or Refrigerating Engineer only seeks the combined endorsement of Electrician/Refrigerating Engineer, the mariner must pass the

examination described in table 1 to § 12.505(c).

* * * * *

■ 147. Amend § 12.503 by revising paragraph (a) to read as follows:

§ 12.503 Service or training requirements.

(a) An applicant for an endorsement as Qualified Member of the Engine Department (QMED) must provide the Coast Guard with proof of qualification based on 6 months of service in a rating at least equal to that of Wiper or Coal Passer.

* * * * *

■ 148. Amend § 12.505 by revising paragraph (a) and table 1 to § 12.505(c) to read as follows:

§ 12.505 Examination requirements.

(a) Before an applicant is issued an endorsement as QMED in the rating of Oiler, Boiler Technician/Watertender, Junior Engineer, Pump Technician/Machinist, or Electrician/Refrigerating Engineer, they must prove, to the satisfaction of the Coast Guard, by oral or other means of examination, their knowledge of the subjects listed in paragraph (c) of this section.

* * * * *

(c) * * *

TABLE 1 TO § 12.505(c)—EXAMINATION SUBJECTS FOR QMED RATINGS

Subjects	Pump technician/ machinist	Boiler technician/ watertender	Oiler	Electrician/ refrigerating engineer	Junior engineer
General subjects:					
Auxiliary machinery	X	X	X	X	X
Basic safety procedures	X	X	X	X	X
Bearings	X	.....	X	X	X
Care of equipment and machine parts	X	X	X	X	X
Deck machinery	X	.....	.....	X	X
Drawings and tables	X	.....	.....	X	X
Heat exchangers	X	X	X	X	X
Hydraulic principles	X	.....	.....	X	X
Instrumentation principles	X	X	X	X	X
Lubrication principles	X	.....	X	X	X
Maintenance procedures	X	X	X	X	X
Measuring instruments	X	X	X	X	X
Pipes, fittings, and valves	X	X	X	X	X
Pollution prevention	X	X	X	X	X
Properties of fuel .....	.....	X	X	.....	X
Pumps, fans, and blowers	X	.....	.....	X	X
Refrigeration principles .....	.....	.....	X	X	X
Remote control equipment	X	X	X	X	X
Use of hand/power tools	X	X	X	X	X
Watch duties .....	.....	X	X	.....	X
Electrical subjects:					
A/C circuits .....	.....	.....	.....	X	X
Batteries .....	.....	.....	.....	X	X
Calculations .....	.....	.....	.....	X	X
Communication devices .....	.....	.....	.....	X	X
D/C circuits .....	.....	.....	.....	X	X
Distribution systems .....	.....	.....	.....	X	X

TABLE 1 TO § 12.505(c)—EXAMINATION SUBJECTS FOR QMED RATINGS—Continued

Subjects	Pump technician/ machinist	Boiler technician/ watertender	Oiler	Electrician/ refrigerating engineer	Junior engineer
Electronic principles .....	.....	.....	.....	X	X
Generation equipment .....	.....	.....	X	X	X
Maintenance .....	.....	.....	X	X	X
Measuring devices .....	.....	.....	.....	X	X
Motor controllers .....	.....	.....	.....	X	X
Motors .....	.....	.....	X	X	X
Safety	X	X	X	X	X
Troubleshooting .....	.....	.....	.....	X	.....
Safety and environmental protection subjects:					
Communications	X	X	X	X	X
Damage control	X	X	X	X	X
Elementary first aid	X	X	X	X	X
Emergency equipment	X	X	X	X	X
Environmental awareness	X	X	X	X	X
Fire prevention	X	X	X	X	X
Firefighting equipment	X	X	X	X	X
Firefighting principles	X	X	X	X	X
General safety	X	X	X	X	X
Hazardous materials	X	X	X	X	X
Shipboard equipment and systems subjects:					
Air conditioning .....	.....	.....	.....	X	X
Ballast	X	X	X	.....	X
Bilge	X	X	X	.....	X
Compressed air	X	X	X	X	X
Desalination .....	.....	.....	X	.....	X
Fuel oil storage/transfer .....	.....	X	X	.....	X
Fuel treatment .....	.....	X	X	.....	X
Heating/ventilation	X	.....	.....	X	X
Lubrication	X	.....	X	X	X
Potable water .....	.....	.....	X	.....	X
Refrigeration .....	.....	.....	X	X	X
Sanitary/sewage .....	.....	.....	X	.....	X
Steering .....	.....	.....	X	X	X
Steam propulsion subjects:					
Auxiliary turbines .....	.....	X	X	.....	X
Boiler fundamentals .....	.....	X	X	.....	X
Combustion principles .....	.....	X	X	.....	X
Condensate systems .....	.....	X	X	.....	X
Drive systems .....	.....	X	X	.....	X
Feedwater systems .....	.....	X	X	.....	X
Fuel service systems .....	.....	X	X	.....	X
Maintenance	X	X	X	.....	X
Safety	X	X	X	X	X
Steam fundamentals	X	X	X	.....	X
Turbine fundamentals .....	.....	X	X	.....	X
Motor propulsion subjects:					
Air-charge systems .....	.....	.....	X	.....	X
Cooling water systems .....	.....	.....	X	.....	X
Diesel engine principles	X	.....	X	.....	X
Drive systems	X	.....	X	.....	X
Fuel service systems .....	.....	.....	X	.....	X
Intake/exhaust .....	.....	.....	X	.....	X
Lubrication systems	X	.....	X	.....	X
Starting systems .....	.....	.....	X	.....	X
Waste heat/auxiliary boiler .....	.....	.....	X	.....	X

■ 149. Amend § 12.601 by revising paragraphs (a) and (b)(1)(i) to read as follows:

§ 12.601 General requirements for STCW rating endorsements.

(a) *General.* An applicant for any STCW endorsement must hold the appropriate national endorsement, unless otherwise specified. The Coast Guard will issue an STCW endorsement

to qualified applicants for any of the following ratings or qualifications:

- (1) Able Seafarer-Deck.
- (2) Ratings Forming Part of a Navigational Watch (RFPNW).
- (3) Able Seafarer-Engine.
- (4) Ratings Forming Part of an Engineering Watch in a manned engineroom or designated to perform duties in a periodically unmanned engineroom (RFPEW).

(5) Electro-technical Rating on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more.

(6) Proficiency in Survival Craft and Rescue Boats, other than Fast Rescue Boats (PSC).

(7) Proficiency in Survival Craft and Rescue Boats, other than lifeboats and Fast Rescue Boats (PSC-Limited).

(8) Proficiency in Fast Rescue Boats.

(9) Medical First-aid Provider.

(10) Person in Charge of Medical Care.
(11) GMDSS At-sea Maintainer.
(12) Vessel Personnel with Designated Security Duties.

(13) Security Awareness.

(b) * * *

(1) * * *

(i) *In-service experience:*

Documentation of successful completion of assessments, approved or accepted by the Coast Guard, and signed by a Qualified Assessor, deck or engineering, as appropriate.

* * * * *

■ 150. Amend § 12.602 by revising the section heading and paragraphs (a) introductory text and (b) introductory text to read as follows:

§ 12.602 Basic Training.

(a) Applicants seeking an STCW rating endorsement must provide evidence, with their application, of meeting the standard of competence for Basic Training (BT) as described below:

* * * * *

(b) Every 5 years, seafarers qualified in accordance with § 12.601(a) must

provide evidence of maintaining the standard of competence for Basic Training (BT).

* * * * *

■ 151. Amend § 12.603 by revising the section heading, paragraphs (a) and (b), and table 1 to § 12.603(d) to read as follows:

§ 12.603 Requirements to qualify for an STCW endorsement as Able Seafarer-Deck.

(a) To qualify for this endorsement as Able Seafarer-Deck, an applicant must—

(1) Be not less than 18 years of age;

(2) Meet the requirements for certification as Ratings Forming Part of a Navigational Watch (RFPNW);

(3) While qualified as an RFPNW, have seagoing service in the deck department of—

(i) Not less than 18 months; or

(ii) Not less than 12 months and have completed approved training;

(4) Provide evidence of meeting the standard of competence specified in Table A-II/5 of the STCW Code (incorporated by reference, see § 12.103); and

(5) Provide evidence of having satisfactorily completed approved training in—

(i) Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats (PSC); or

(ii) Proficiency in Survival Craft and Rescue Boats, other than lifeboats or Fast Rescue Boats-Limited (PSC-Limited), as appropriate.

(b) Seafarers holding a rating endorsement as Able Seafarer before January 1, 2017, will be eligible for this endorsement upon showing evidence of—

(1) Holding an endorsement as an RFPNW; and

(2) Having satisfactorily completed approved training in—

(i) Proficiency in Survival Craft and Rescue Boats, other than Fast Rescue Boats (PSC); or

(ii) Proficiency in Survival Craft and Rescue Boats, other than lifeboats or Fast Rescue Boats (PSC-Limited), as appropriate.

* * * * *

(d) * * *

TABLE 1 TO § 12.603(d)—STCW ENDORSEMENT AS ABLE SEAFARER-DECK

Entry path from national endorsements	Sea service under authority of the endorsement ¹	Competence—STCW Table A-II/4 ²	Competence—STCW Table A-II/5 ³	Training required by this section ⁴
Able Seafarer-Unlimited	None	Y	Y	N
Able Seafarer-Limited	None	Y	Y	N
Able Seafarer-Special	6 months ⁵	Y	Y	N
Able Seafarer-OSV	12 months ⁶	Y	Y	N
Able Seafarer-Sail	12 months ⁶	Y	Y	N
Able Seafarer-Fishing Industry	12 months ⁶	Y	Y	N

¹ This column provides the minimum additional service required of the seafarer already holding an RFPNW endorsement in order to meet the requirements of this section.

² Complete any items in paragraph (a)(2) of this section not previously satisfied.

³ Complete any items in paragraph (a)(4) of this section not previously satisfied.

⁴ Complete any items in paragraph (a)(5) of this section not previously satisfied.

⁵ The service may be reduced to 3 months if training has been completed as part of an approved training program meeting the requirements of paragraph (a)(4) of this section.

⁶ The service may be reduced to 6 months if training has been completed as part of an approved training program meeting the requirements of (a)(4) of this section.

■ 152. Amend § 12.605 by revising the section heading, paragraphs (a) introductory text and (a)(2)(i), and table 1 to § 12.605(c) to read as follows:

§ 12.605 Requirements to qualify for an STCW endorsement as Ratings Forming Part of a Navigational Watch

(a) To qualify for endorsement as Ratings Forming Part of a Navigational Watch (RFPNW) on a seagoing vessel of 500 GT or more, an applicant must—

* * * * *

(2) * * *

(i) Six months of seagoing service, which includes training and experience associated with navigational watchkeeping functions and involves the performance of duties carried out

under the supervision of the Master, Mate, or qualified STCW deck rating; or

* * * * *

(c) * * *

TABLE 1 TO § 12.605(c)—STCW ENDORSEMENT AS RFPNW

Entry path from national endorsements	Sea service under authority of the endorsement ¹	Competence—STCW Table A-II/4 ²
Able Seafarer-Unlimited.	None	Y
Able Seafarer-Limited.	None	Y
Able Seafarer-Special.	None	Y
Able Seafarer-OSV.	None	Y
Able Seafarer-Sail.	None	Y

TABLE 1 TO § 12.605(c)—STCW ENDORSEMENT AS RFPNW—Continued

Entry path from national endorsements	Sea service under authority of the endorsement ¹	Competence—STCW Table A-II/4 ²
Able Seafarer-Fishing Industry.	None	Y
Ordinary Seafarer.	6 mo. ³	Y

¹ This column provides the minimum additional service required of the seafarer in order to meet the requirements of this section.

² Complete any items in paragraph (a)(3) of this section not previously satisfied.

³ The service may be reduced to 2 months if training has been completed as part of an approved training program meeting the requirements of paragraph (a)(2)(ii) of this section.

■ 153. Amend § 12.607 by revising the section heading, paragraphs (a) introductory text, (a)(2), and (b), and table 1 to § 12.607(d) to read as follows:

§ 12.607 Requirements to qualify for an STCW endorsement as rating as Able Seafarer-Engine.

(a) To qualify for an STCW endorsement as an Able Seafarer-Engine, an applicant must—

* * * * *

(2) Meet the requirements for certification as a Ratings Forming Part of an Engineering Watch (RFPEW);

* * * * *

(b) Seafarers holding a rating endorsement as QMED, Junior Engineer, Electrician or Electrician/Refrigerating Engineer, Pump Technician or Pump Technician/Machinist, Refrigerating Engineer, or Machinist before January 1, 2017, will be eligible for this endorsement upon showing evidence of holding an endorsement as an RFPEW.

* * * * *

(d) * * *

TABLE 1 TO § 12.607(d)—STCW ENDORSEMENT AS ABLE SEAFARER-ENGINE

Domestic QMED endorsement	Additional sea service for AS-E
Engineman	None.
Deck Engine Mechanic.	None.
Electrician	6 months. ¹
Refrigerating Engineer.	6 months. ¹
Pump Technician	6 months. ¹
Machinist	6 months. ¹

¹ Service may be reduced to 3 months if training has been completed as part of an approved training program.

■ 154. Amend § 12.609 by revising the section heading and paragraph (a) introductory text to read as follows:

§ 12.609 Requirements to qualify for an STCW endorsement as Rating Forming Part of an Engineering Watch.

(a) To qualify for an STCW endorsement as Ratings Forming Part of an Engineering Watch (RFPEW) in a manned engineroom or to qualify to be designated to perform duties in a periodically unmanned engineroom, an applicant must—

* * * * *

■ 155. Amend § 12.611 by revising the section heading, paragraphs (a) introductory text, (a)(2)(i), and (b), and table 1 to § 12.611(c) to read as follows:

§ 12.611 Requirements to qualify for an STCW endorsement as Electro-technical Rating on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more.

(a) To qualify for an STCW endorsement as an Electro-technical Rating (ETR), an applicant must—

* * * * *

(2) * * *

(i) Twelve months of seagoing service, that includes training and experience associated with engine room watchkeeping functions and involves the performance of duties carried out under the supervision of an engineer officer, Electro-technical Officer, or a qualified STCW engine rating;

* * * * *

(b) An applicant who holds an STCW endorsement as Able Seafarer-Engine and a national rating endorsement as Electrician, Electrician/Refrigerating Engineer, or Junior Engineer will be issued the ETR endorsement upon completion of the requirements in Section A-III/7 of the STCW Code and evidence of completion of the training required in paragraph (a)(4) of this section.

(c) * * *

TABLE 1 TO § 12.611(c)—STCW ENDORSEMENT AS ELECTRO-TECHNICAL RATING

Entry path from national endorsements	Sea service under authority of the endorsement ¹	Competence—STCW Table A-III/7 ²
Electrician/Refrigerating Engineer.	None	Y
Junior Engineer ..	None	Y

¹ This column provides the minimum additional service required of the seafarer in order to meet the requirements of this section.

² Complete any items in paragraph (a)(3) of this section not previously satisfied.

■ 156. Amend § 12.613 by revising the section heading and paragraphs (a) and (c) to read as follows:

§ 12.613 Requirements to qualify for an STCW endorsement in Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats.

(a) To qualify for an STCW endorsement in Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats (PSC), the applicant must—

(1) Be at least 18 years of age;

(2) Meet the requirements for a Lifeboat Operator endorsement in § 12.407 and Table A-VI/2-1 of the STCW Code (incorporated by reference, see § 12.103); and

(3) Complete Basic Training (BT), found in § 12.602.

* * * * *

(c) Seafarers holding an MMD or MMC endorsement as Lifeboat Operator before January 1, 2017 will be eligible for this endorsement upon showing evidence of sea service of not less than 12 months within the last 60 months. The sea service must be completed prior to January 1, 2017.

■ 157. Amend § 12.615 by revising the section heading and paragraphs (a) and (c) to read as follows:

§ 12.615 Requirements to qualify for an STCW endorsement in Proficiency in Survival Craft and Rescue Boats other than Lifeboats and Fast Rescue Boats-Limited (PSC-Limited).

(a) To qualify for an STCW endorsement in Proficiency in Survival Craft and Rescue Boats other than Lifeboats and Fast Rescue Boats-Limited (PSC-Limited), the applicant must—

(1) Be at least 18 years of age;

(2) Meet the requirements for a Lifeboat Operator-Limited endorsement in § 12.409 and Table A-VI/2-1 of the STCW Code (incorporated by reference, see § 12.103); and

(3) Complete Basic Training (BT), found in § 12.601(c).

* * * * *

(c) Seafarers holding an MMD or MMC endorsement as Lifeboat Operator-Limited before January 1, 2017, will be eligible for this endorsement upon showing evidence of sea service of not less than 12 months within the last 60 months. The sea service must be completed prior to January 1, 2017.

■ 158. Amend § 12.617 by revising the section heading and paragraphs (a) and (b)(2)(i) to read as follows:

§ 12.617 Requirements to qualify for an STCW endorsement in Proficiency in Fast Rescue Boats.

(a) To qualify for an STCW endorsement in Proficiency in Fast Rescue Boats, an applicant must—

(1) Be not less than 18 years of age;

(2) Hold an endorsement in Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats (PSC) or in Proficiency in Survival Craft and Rescue Boats other than lifeboats and Fast Rescue Boats-Limited (PSC-Limited) under this subpart;

(3) Provide evidence of successful completion of a Coast Guard-approved or -accepted course; and

(4) Provide evidence of meeting the standard of competence specified in Table A-VI/2-2 of the STCW Code (incorporated by reference, see § 12.103).

(b) * * *

(2) * * *

(i) Taking charge of a Fast Rescue Boat during and after launch, including—

(A) Controlling safe launching, operating of the engine, and recovering a Fast Rescue Boat;

(B) Handling a Fast Rescue Boat in prevailing weather and sea conditions;

(C) Using communication and signaling equipment between the Fast Rescue Boat and a helicopter and a ship;

* * * * *

■ 159. Amend § 12.619 by revising the section heading and paragraphs (a) introductory text and (b) introductory text to read as follows:

§ 12.619 Requirements to qualify for an STCW endorsement as Medical First-aid Provider.

(a) To qualify for an STCW endorsement as Medical First-aid Provider, an applicant must—

* * * * *

(b) An applicant holding one of the following credentials is qualified for an endorsement as Medical First-aid Provider:

* * * * *

■ 160. Amend § 12.621 by revising the section heading and paragraphs (a) introductory text and (b) introductory text to read as follows:

§ 12.621 Requirements to qualify for an STCW endorsement as Person in Charge of Medical Care.

(a) To qualify for an STCW endorsement as Person in Charge of Medical Care, an applicant must—

* * * * *

(b) An applicant holding any of the following credentials is qualified for an endorsement as Person in Charge of Medical Care:

* * * * *

■ 161. Amend § 12.623 by revising the section heading, introductory text, and paragraphs (b)(2) and (c) to read as follows:

§ 12.623 Requirements to qualify for an STCW endorsement as Global Maritime Distress and Safety System At-sea Maintainer.

To qualify for an STCW endorsement as Global Maritime Distress and Safety System (GMDSS) At-sea Maintainer, an applicant must—

* * * * *

(b) * * *

(2) Passing an approved GMDSS At-sea Maintainer course; and

(c) Hold a valid Federal Communications Commission (FCC) certificate as GMDSS At-sea Maintainer.

■ 162. Amend § 12.625 by revising the section heading and paragraphs (a) and (b) introductory text to read as follows:

§ 12.625 Requirements to qualify for an STCW endorsement as Vessel Personnel with Designated Security Duties.

(a) An applicant for an STCW endorsement as Vessel Personnel with Designated Security Duties must—

* * * * *

(b) Until March 24, 2014, seafarers will be able to apply for an endorsement as Vessel Personnel with Designated Security Duties by—

* * * * *

■ 163. Amend § 12.627 by revising the section heading and paragraphs (a) introductory text and (b) introductory text to read as follows:

§ 12.627 Requirements to qualify for an STCW endorsement for Security Awareness.

(a) An applicant for an endorsement for Security Awareness must—

* * * * *

(b) Until March 24, 2014, seafarers will be able to apply for an endorsement in Security Awareness by—

* * * * *

■ 164. Revise § 12.701 to read as follows:

§ 12.701 Credentials required for entry-level and miscellaneous ratings.

Every person employed or engaged on a vessel subject to 46 U.S.C. 8701 must produce an MMC or MMD with the appropriate endorsement to the Master or Person in Charge (PIC), if appropriate, before signing shipping articles.

■ 165. Revise § 12.703 to read as follows:

§ 12.703 General requirements for entry-level ratings.

(a) Rating endorsements will be issued without professional examination to applicants in capacities other than Able Seafarer, Lifeboat Operator, Lifeboat Operator-Limited, tank vessel endorsement, or QMED, including—

(1) Ordinary Seafarer;

(2) Wiper;

(3) Steward's Department; and

(4) Steward's Department (F.H.).

(b) Holders of MMCs or MMDs endorsed as Ordinary Seafarer may serve in any unqualified rating in the deck or steward's department, except as a Food Handler (F.H.).

(c) Holders of MMCs or MMDs endorsed as Wiper may serve in any unqualified rating in the engine or steward's department, except as a Food Handler.

(d) Only MMCs or MMDs endorsed as Steward's Department (F.H.) will authorize the holder's service in any capacity in the steward's department, including Food Handler.

■ 166. Revise § 12.705 to read as follows:

§ 12.705 Endorsements for persons enrolled in a Maritime Administration-approved training program.

MMCs issued to individuals obtaining sea service as part of an approved training curriculum while enrolled at either the United States Merchant Marine Academy or a deck or engineering class of a Maritime Academy approved by and conducted under the rules prescribed by the Maritime Administrator and listed in 46 CFR part 310 will include an endorsement of Cadet-Deck or Cadet-Engine, as appropriate, and Lifeboat Operator. Individuals obtaining sea service as part of such an approved training curriculum must do so in the capacity of Cadet-Deck or Cadet-Engine, as appropriate, notwithstanding any other rating endorsements the individual may hold or any other capacity in which the individual may have previously served.

■ 167. Revise § 12.709 to read as follows:

§ 12.709 Apprentice Engineers.

(a) Persons enrolled in an engineer training program approved by the Coast Guard, and who present a letter or other documentary evidence that they are enrolled, may be issued an MMC endorsed as Apprentice Engineer and may be signed on ships as such. The endorsement as Apprentice Engineer may be in addition to other endorsements; however, this endorsement does not authorize the holder to replace any of the regular required crew.

(b) Persons holding the endorsement as Apprentice Engineer are deemed to be seafarers.

■ 168. Revise § 12.711 to read as follows:

§ 12.711 Apprentice Mate.

(a) A person enrolled in a Mate training program approved by the Coast Guard, and who presents a letter or other documentary evidence that they are enrolled, may be issued an MMC rating endorsement as Apprentice Mate and may be signed on a vessel in this capacity. The rating endorsement as Apprentice Mate may be in addition to other endorsements; however, this endorsement does not authorize the holder to replace any of the regular required crew.

(b) Persons holding the endorsement as Apprentice Mate are deemed to be seafarers.

■ 169. Amend § 12.805 by revising paragraphs (b) through (d) to read as follows:

§ 12.805 Employer requirements.

* * * * *

(b) If an MMC is issued to the applicant, the report and information required in paragraph (a)(2) of this section must be securely kept by the employer on the U.S.-flagged large passenger vessel on which the applicant is employed. The report and information must remain on the last U.S.-flagged large passenger vessel on which the applicant was employed until such time as the MMC is returned to the Coast Guard in accordance with paragraph (d) of this section.

(c) If an MMC or a Transportation Worker Identification Credential (TWIC) is issued to the applicant, each MMC and TWIC must be securely kept by the employer on the U.S.-flagged large passenger vessel on which the applicant is employed. The employer must maintain a detailed record of the seafarer's total service on all authorized U.S.-flagged large passenger vessels, and must make that information available to the Coast Guard upon request, to demonstrate that the limitations of § 12.811(c) have not been exceeded.

(d) In the event that the seafarer's MMC and/or TWIC expires, the seafarer's visa status terminates, the seafarer serves onboard the U.S.-flagged large passenger vessel(s) for 36 months in the aggregate as a nonimmigrant crewmember, the employer terminates employment of the seafarer, or if the seafarer otherwise ceases working with the employer, the employer must return the MMC to the Coast Guard and/or the TWIC to the Transportation Security Administration (TSA) within 10 days of the event.

* * * * *

■ 170. Amend § 12.809 by revising paragraphs (a) and (b) to read as follows:

§ 12.809 Citizenship and identity.

(a) Instead of the requirements of § 10.221 of this subchapter, a non-resident alien may apply for a Coast Guard-issued MMC, endorsed and valid only for service in the steward's department of a U.S.-flagged large passenger vessel, as defined in 46 U.S.C. 8103(k)(5)(B), if they are employable in the United States under the Immigration and Nationality Act (8 U.S.C. 1101, *et seq.*), including an alien crewmember described in section 101 (a)(15)(D)(i) of that Act.

(b) To meet the citizenship and identity requirements of this subpart, an applicant must present an unexpired passport issued by the government of

the country of which the applicant is a citizen or subject, and either a valid U.S. C-1/D Crewmember Visa or another valid U.S. visa or authority deemed acceptable by the Coast Guard.

* * * * *

■ 171. Revise § 12.811 to read as follows:

§ 12.811 Restrictions.

(a) An MMC issued to a non-resident alien under this subpart authorizes service only in the steward's department of the U.S.-flagged large passenger vessel(s), that is/are under the same common ownership and control as the foreign-flagged passenger vessel(s) on which the non-resident alien served to meet the requirements of § 12.807(a).

(1) The MMC will be endorsed for service in the steward's department, in accordance with § 12.703.

(2) The MMC may also be endorsed for service as a Food Handler if the applicant meets the requirements of § 12.703.

(3) No other rating or endorsement is authorized, except Lifeboat Operator or Lifeboat Operator-Limited, in which case all applicable requirements of this subchapter and the STCW Convention and STCW Code (incorporated by reference, see § 12.103) must be met.

(b) The following restrictions must be printed on the MMC, or be listed in an accompanying Coast Guard letter, or both:

(1) The name and official number of all U.S.-flagged vessels on which the non-resident alien may serve. Service is not authorized on any other U.S.-flagged vessel.

(2) Upon issuance, the MMC must remain in the custody of the employer at all times.

(3) Upon termination of employment, the MMC must be returned to the Coast Guard within 10 days, in accordance with § 12.805.

(4) A non-resident alien issued an MMC under this subpart may not perform watchstanding, engine room duty watch, or vessel navigation functions.

(5) A non-resident alien issued an MMC under this subpart may perform emergency-related duties, provided that -

(i) The emergency-related duties do not require any other rating or endorsement, except Lifeboat Operator or Lifeboat Operator-Limited as specified in paragraph (a)(3) of this section;

(ii) The non-resident alien has completed Familiarization and Basic Training (BT), as required in § 15.1105 of this subchapter;

(iii) If the non-resident alien serves as a Lifeboat Operator or Lifeboat Operator-Limited, they have the necessary Lifeboat Operator or Lifeboat Operator-Limited endorsement; and

(iv) The non-resident alien has completed the training for crewmembers on passenger ships performing duties involving safety or care for passengers, as required in § 15.1103 of this subchapter.

(c) A non-resident alien may only serve for an aggregate period of 36 months of actual service on all authorized U.S.-flagged large passenger vessels combined under the provisions of this subpart.

(d) Once this 36-month limitation is reached, the MMC becomes invalid and must be returned to the Coast Guard under § 12.805(d), and the non-resident alien is no longer authorized to serve in a position requiring an MMC on any U.S.-flagged large passenger vessel.

(e) An individual who successfully adjusts their immigration status to become either an alien lawfully admitted for permanent residence to the United States, or a citizen of the United States, may apply for an MMC, subject to the requirements of § 10.221 of this subchapter, without any restrictions or limitations imposed by this subpart.

■ 172. Revise and republish part 13, consisting of §§ 13.101 through 13.611, to read as follows:

PART 13—CERTIFICATION OF TANK VESSEL PERSONNEL

Subpart A—General

- § 13.101 Purpose.
- § 13.103 Incorporation by reference.
- § 13.105 Paperwork approval.
- § 13.106 Requirement to hold an MMC.
- § 13.107 Tank vessel endorsements: General.
- § 13.109 Tank vessel endorsements: Authorized cargoes.
- § 13.111 Restricted tank vessel endorsements.
- § 13.113 [Reserved]
- § 13.115 Chemical testing requirements.
- § 13.117 Re-issuance of expired tank vessel endorsements.
- § 13.119 Expiration of endorsements.
- § 13.120 Renewal of tank vessel endorsements.
- § 13.121 Courses for tank vessel endorsements.
- § 13.123 Recency of service or experience for original tank vessel endorsements.
- § 13.125 Physical and medical requirements.
- § 13.127 Service: General.
- § 13.129 Quick-reference table for tank vessel endorsements.

Subpart B—Requirements for Tank Vessel-PIC Endorsement

- § 13.201 Original application for Tank Vessel-PIC endorsement.

- § 13.203 Service requirements.
 § 13.205 Proof of service for Tank Vessel-PIC endorsement.

Subpart C—Requirements for Tank Barge-PIC Endorsement

- § 13.301 Original application for Tank Barge-PIC endorsement.
 § 13.303 Service requirements.
 § 13.305 Proof of service for Tank Barge-PIC.

Subpart D Requirements for Tank Vessel-Assistant Wndorsement.

- § 13.401 Original application for Tank Vessel-Assistant endorsement.
 § 13.403 Service requirements.
 § 13.405 Proof of service for Tank Vessel-Assistant endorsement.

Subpart E—Requirements for Tank Vessel-Engineer Wndorsement

- § 13.501 Original application for Tank Vessel-Engineer endorsement.
 § 13.503 Service requirements.
 § 13.505 Proof of service for Tank Vessel-Engineer endorsement.

Subpart F—Requirements for STCW Tank Vessel Endorsements

- § 13.601 General.
 § 13.603 Requirements to qualify for an STCW endorsement for Advanced Oil Tanker Cargo Operations.
 § 13.605 Requirements to qualify for an STCW endorsement for Advanced Chemical Tanker Cargo Operations.
 § 13.607 Requirements to qualify for an STCW endorsement for Advanced Liquefied Gas Tanker Cargo Operations.
 § 13.609 Requirements to qualify for an STCW endorsement for Basic Oil and Chemical Tanker Cargo Operations.
 § 13.611 Requirements to qualify for an STCW endorsement for Basic Liquefied Gas Tanker Cargo Operations.

Authority: 46 U.S.C. 3703, 7317, 8105, 8703, 9102; DHS Delegation No. 00170.1, Revision No. 01.4.

Subpart A—General

§ 13.101 Purpose.

This part describes the various tank vessel endorsements issued by the Coast Guard on a Merchant Mariner Credential (MMC).

(a) This part prescribes the requirements for the following endorsements:

- (1) Tank Vessel-PIC.
- (2) Tank Barge-PIC .
- (3) Restricted Tank Vessel-PIC.
- (4) Restricted Tank Barge-PIC .
- (5) Tank Vessel-Assistant.
- (6) Tank Vessel-Engineer.

(b) This part prescribes the requirements for the following STCW endorsements:

- (1) Advanced Oil Tanker Cargo Operation.
- (2) Advanced Chemical Tanker Cargo Operation.
- (3) Advanced Liquefied Gas Tanker Cargo Operation.

(4) Basic Oil and Chemical Tanker Cargo Operation.

(5) Basic Liquefied Gas Tanker Cargo Operation.

§ 13.103 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference material (IBR) is available for inspection at the Coast Guard and the National Archives and Records Administration (NARA). Contact Coast Guard at: Office of Merchant Mariner Credentialing (CG-MMC), U.S. Coast Guard, Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593-7509; phone: 202-372-1492; website: https://www.dco.uscg.mil/nmc/merchant_mariner_credential/. For information on the availability of this material at NARA, Error! Hyperlink reference not valid. visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from:

(b) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, England; phone: +44 (0)20 7735 7611; website: www.imo.org.

(1) The Seafarers' Training, Certification and Watchkeeping Code, as amended, 2011 (the STCW Code); approved for incorporation by reference in §§ 13.601, 13.603, 13.605, 13.607, 13.609, and 13.611; and

(2) [Reserved]

§ 13.105 Paperwork approval.

(a) This section lists the control numbers assigned by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 [Pub. L. 96-511] for the reporting and recordkeeping requirements in this part.

(b) OMB has assigned the following control numbers to the sections indicated:

(1) OMB 1625-0040—46 CFR 13.113, 13.115, 13.117, 13.201, 13.203, 13.205, 13.301, 13.303, 13.305, 13.401, 13.403, 13.405, 13.501, 13.503, 13.505.

(2) OMB 1625-0028—46 CFR 13.121, 13.207, 13.209, 13.307, 13.309, 13.407, 13.409, 13.507, 13.509.

§ 13.106 Requirement to hold an MMC.

An applicant for any endorsement in this part must also meet the requirements for the MMC on which the endorsement would appear. These requirements are set out in part 10 of this subchapter.

§ 13.107 Tank vessel endorsements: General.

(a) If an applicant meets the requirements of subpart B of this part, the Coast Guard may endorse their MMC as Tank Vessel-PIC with the appropriate cargo classification or classifications. A person holding this endorsement and meeting the other requirements of 33 CFR 155.710(a) may act as a PIC of a transfer of fuel oil, of a transfer of liquid cargo in bulk, or of cargo-tank cleaning on any tank vessel. That person may also act as a Tank Vessel-Engineer, provided they also hold an engineer License or engineer endorsement.

(b) If an applicant meets the requirements of subpart C of this part, the Coast Guard may endorse their MMC as Tank Barge-PIC with the appropriate cargo classification or classifications. A person holding this endorsement and meeting the other requirements of 33 CFR 155.710(b) may act as a PIC of a transfer of liquid cargo in bulk only on a tank barge.

(c) If an applicant meets the requirements of subpart D of this part, the Coast Guard may endorse their MMC as Tank Vessel-Assistant with the appropriate cargo classification or classifications. No person holding this endorsement may act as a PIC of any transfer of fuel oil, of any transfer of liquid cargo in bulk, or of cargo-tank cleaning unless they also hold an endorsement authorizing service as PIC. They may, however, without being directly supervised by the PIC, perform duties relative to cargo and cargo-handling equipment assigned by the PIC of transfers of fuel oil, of transfers of liquid cargo in bulk, or of cargo-tank cleaning. When performing these duties, they must maintain continuous two-way voice communications with the PIC.

(d) If an applicant meets the requirements of subpart E of this part, the Coast Guard may endorse their MMC as Tank Vessel-Engineer. No person holding this endorsement may act as a PIC or Tank Vessel-Assistant of any transfer of liquid cargo in bulk, or of cargo-tank cleaning unless they also hold an endorsement authorizing such service. A person holding this endorsement and acting in this capacity has the primary responsibility, on their self-propelled tank vessel carrying dangerous liquid (DL) or liquefied gas (LG), for maintaining both the cargo systems and equipment for transfer of liquid cargo in bulk. No person licensed or credentialed under part 11 of this chapter may serve as a Chief Engineer, First Assistant Engineer, or Cargo Engineer aboard an inspected self-propelled tank vessel when liquid cargo

in bulk or cargo residue is carried unless they hold an endorsement as Tank Vessel-Engineer or equivalent.

(e) If an applicant meets the requirements of § 13.111, the Coast Guard may place, on their MMC, an endorsement as a Tank Vessel-PIC restricted according to the definitions of “restricted tank vessel endorsement” in § 10.107 of this subchapter.

(f) This section does not apply to any person solely by reason of their involvement in bunkering or fueling.

§ 13.109 Tank vessel endorsements: Authorized cargoes.

(a) Each tank vessel endorsement described in § 13.107 will expressly limit the holder’s service under it to transfers involving one or both of the following cargo classifications:

(1) Dangerous liquid (DL).

(2) Liquefied gas (LG).

(b) No tank vessel endorsement is necessary to transfer the liquid cargoes in bulk listed in table 2 of part 153 of this subchapter when those cargoes are carried on barges not certified for ocean service.

§ 13.111 Restricted tank vessel endorsements.

(a) An applicant may apply for a tank vessel endorsement restricted to specific cargoes, specific vessels, or groups of vessels (such as uninspected towing vessels and oil spill response vessels), specific facilities, and/or specific employers. The Coast Guard will evaluate each application and may modify the applicable requirements for the endorsement, allowing for special circumstances and for whichever restrictions the endorsement will state.

(b) To qualify for a Restricted Tank Vessel-PIC endorsement, an applicant must meet §§ 13.201 (excluding paragraph (c)(4)), 13.203, and 13.205.

(1) Twenty-five percent of the service described in § 13.203(a) must have occurred within the past 5 years.

(2) Two of the transfers described in § 13.203(b) must have occurred within the past 5 years.

(c) To qualify for a Restricted Tank Barge-PIC endorsement, an applicant must meet §§ 13.301 (excluding paragraph (c)(4)), 13.303, and 13.305.

(1) Twenty-five percent of the service described in § 13.303(a) must have occurred within the past 5 years.

(2) Two of the transfers described in § 13.303(b) must have occurred within the past 5 years.

(d) To qualify for a Restricted Tank Barge-PIC endorsement restricted to a tank-cleaning and gas-freeing facility, an applicant must—

(1) Be at least 18 years old;

(2) Apply on a form provided by the Coast Guard;

(3) Present evidence of passing a physical and medical examination according to § 13.125;

(4) Present evidence in the form of a letter, which must be dated within the 5 years prior to the application for the credential, on company letterhead from the operator of the facility stating that OSHA considers the applicant a “competent person (as designated under 29 CFR 1915.7)” for the facility and that the applicant has the knowledge necessary to supervise tank-cleaning and gas-freeing; and

(5) Be capable of speaking and understanding, in English, all instructions needed to commence, conduct, and complete a transfer of cargo, and of reading and understanding the English found in the Declaration of Inspection, vessel response plans, and Cargo Information Cards.

(e) The Restricted Tank Barge-PIC endorsement restricted to a tank-cleaning and gas-freeing facility is valid only while the applicant is employed by the operator of the facility that provided the letter of service required by paragraph (d)(4) of this section, and this and any other appropriate restrictions will appear in the endorsement.

(f) A restricted Tank Vessel-PIC endorsement limited to operation on vessels inside the boundary line is not valid where STCW certification is required.

§ 13.113 [Reserved]

§ 13.115 Chemical testing requirements.

Each applicant for an original tank vessel endorsement must provide evidence of having passed a chemical test for dangerous drugs or of qualifying for an exemption from testing in § 16.220 of this subchapter as specified in § 10.225(b)(5) of this subchapter.

§ 13.117 Re-issuance of expired tank vessel endorsements.

Whenever an applicant applies for re-issuance of any tank vessel endorsement more than 12 months after expiration of the previous endorsement, the applicant must meet the requirements for an original endorsement.

§ 13.119 Expiration of endorsements.

A tank vessel endorsement is valid for the duration of the Merchant Mariner Credential (MMC) on which the endorsement appears.

§ 13.120 Renewal of tank vessel endorsements.

An applicant seeking renewal of a tank vessel endorsement or an STCW endorsement valid for service on tank

vessels must meet the requirements of § 10.227 of this subchapter, except § 10.227(e)(1), for renewing an MMC, and meet the following additional requirements:

(a) For endorsements as Tank Vessel-PIC, Advanced Oil and Chemical Tanker Cargo Operation; and Advanced Liquefied Gas Tanker Cargo Operations, present evidence of—

(1) At least 90 days of service during the preceding 5 years onboard a tank vessel for which the endorsement is valid, performing duties appropriate to the tank vessel endorsement held; and participation in at least two transfers of liquid cargo in bulk of the type for which the endorsement is valid within the preceding 5 years; or

(2) Completion of an approved course for Tankship: Dangerous Liquids or Tankship: Liquefied Gases, appropriate for the endorsement to be renewed, within the previous 5 years.

(b) For endorsements as Tank Vessel-Assistant, Basic Oil and Chemical Tanker Cargo Operation; and Basic Liquefied Gas Tanker Cargo Operations, present evidence of—

(1) At least 90 days of service during the preceding 5 years onboard a tank vessel for which the endorsement is valid, performing duties appropriate to the tank vessel endorsement held; or

(2) Completion of an approved course for Tankship: Dangerous Liquids or Tankship: Liquefied Gases, appropriate for the endorsement to be renewed, within the previous 5 years.

(c) For endorsements as Tank Barge-PIC, present evidence of—

(1) Participation in at least two transfers of liquid cargo in bulk of the type for which the endorsement is valid, within the preceding 5 years; or

(2) Completion of a course approved for this purpose, appropriate for the endorsement to be renewed, within the previous 5 years.

(d) For endorsements as Tank Vessel-Engineer, present evidence of—

(1) At least 90 days of service during the preceding 5 years onboard a tank vessel for which the endorsement is valid, performing duties appropriate to the tank vessel endorsement held; or

(2) Completion of a course approved for this purpose, appropriate for the endorsement to be renewed, within the previous 5 years.

§ 13.121 Courses for tank vessel endorsements.

(a) This section prescribes the requirements, beyond those in §§ 10.302 and 10.304 of this subchapter, applicable to schools offering courses required for a tank vessel endorsement and courses that are a substitute for

experience with transfers of liquid cargo in bulk required for the endorsement.

(b) A course that uses simulated transfers to train students in loading and discharging tank vessels may replace up to two loadings and two discharges, one commencement and one completion of loading, and one commencement and one completion of discharge required for a Tank Vessel-PIC or Tank Barge-PIC endorsement. The request for approval of the course must specify those segments of a transfer that the course will simulate. The letter from the Coast Guard approving the course will state the number and kind of segments that the course will replace.

(c) The Liquid Cargo course required for an endorsement as—

(1) Tank Vessel-PIC DL is Tankship: Dangerous Liquids;

(2) Tank Barge-PIC DL is Tank Barge: Dangerous Liquids;

(3) Tank Vessel-PIC LG is Tankship: Liquefied Gases;

(4) Tank barge-PIC LG is Tank Barge: Liquefied Gases;

(5) Tank Vessel-Assistant DL is Tankship: Familiarization (Dangerous Liquids);

(6) Tank Vessel-Assistant LG is Tankship: Familiarization (Liquefied Gases);

(7) Tank Vessel-Engineer DL is Tankship: Dangerous Liquids; and

(8) Tank Vessel-Engineer LG is Tankship: Liquefied Gases.

(d) The firefighting course required for an endorsement as—

(1) Tank Barge-PIC is Tank Barge: Firefighting or Basic Firefighting; and

(2) Tank Vessel-PIC, Tank Vessel-Assistant, and Tank Vessel-Engineer is basic firefighting.

(e) The Coast Guard will evaluate and approve the curricula of courses to ensure adequate coverage of the required subjects. Training may employ classroom instruction, demonstrations, or simulated or actual operations.

(1) The course curricula for Tankship Familiarization must consist of the topics identified in table 1 to § 13.121(e).

(2) The course curricula for Tank Vessel-PIC, Tank Barge-PIC, and Tank Vessel-Engineer endorsements must consist of the topics identified in table 2 to § 13.121(e).

(3) The course curricula for firefighting courses must consist of the topics identified in table 3 to § 13.121(e).

TABLE 1 TO § 13.121(e)

Tankship familiarization topics	1	2
Basic knowledge of tankers:		
Types of oil and chemical vessels or liquefied gas tanker vessels	X	X
General arrangement and construction	X	X
Basic knowledge of cargo operations:		
Piping systems and valves	X	X
Cargo pumps and cargo handling equipment	X	X
Loading and unloading and care in transit	X	X
Tank cleaning, purging, gas-freeing and inerting	X	X
Basic knowledge of the physical properties of oil and chemicals:		
Pressure and temperature, including vapor pressure/temperature relationship	X	.....
Types of electrostatic charge generation	X	.....
chemical symbols	X	.....
Basic knowledge of the physical properties of liquefied gases, including:		
Properties and characteristics .....	.....	X
Pressure and temperature, including vapor pressure/temperature relationship .....	.....	X
Types of electrostatic charge generation .....	.....	X
Chemical symbols .....	.....	X
Knowledge and understanding of tanker safety culture and safety management	X	X
Basic knowledge of the hazards associated with tanker operations, including:		
Health hazards	X	X
Environmental hazards	X	X
Reactivity hazards	X	X
Corrosion hazards	X	X
Explosion and flammability hazards	X	X
Sources of ignition	X	X
Electrostatic hazards	X	X
Toxicity hazards	X	X
Vapor leaks and clouds	X	X
Extremely low temperatures .....	.....	X
Pressure hazards .....	.....	X
Basic knowledge of hazard controls:		
Inerting, water padding, drying agents and monitoring techniques	X	X
Anti-static measures	X	X
Ventilation	X	X
Segregation	X	X
Cargo inhibition	X	X
Importance of cargo compatibility	X	X
Atmospheric control	X	X
Gas testing	X	X
Understanding of information on a Material Safety Data Sheet (MSDS)	X	X
Function and proper use of gas-measuring instruments and similar equipment	X	X
Proper use of safety equipment and protective devices, including:		
Breathing apparatus and tank-evacuating equipment	X	X
Protective clothing and equipment	X	X
Resuscitators	X	X
Rescue and escape equipment	X	X

TABLE 1 TO § 13.121(e)—Continued

Tankship familiarization topics	1	2
Basic knowledge of safe working practices and procedures in accordance with legislation and industry guidelines and personal shipboard safety relevant to oil and chemical tankers, including:		
Precautions to be taken when entering enclosed spaces	X	X
Precautions to be taken before and during repair and maintenance work	X	X
Safety measures for hot and cold work	X	X
Electrical safety	X	X
Ship/shore safety checklist	X	X
Basic knowledge of first aid with reference to a Material Safety Data Sheet (MSDS)	X	X
Basic knowledge of emergency procedures, including emergency shutdown	X	X
Basic knowledge of the effects of oil and chemical pollution on human and marine life	X	X
Basic knowledge of shipboard procedures to prevent pollution	X	X
Basic knowledge of measures to be taken in the event of spillage, including the need to:		
Report relevant information to the responsible persons	X	X
Assist in implementing shipboard spill-containment procedures	X	X
prevent brittle fracture	X	.....

Column 1—Tankship Familiarization (Dangerous Liquids).
Column 2—Tankship Familiarization (Liquefied Gases).

TABLE 2 TO § 13.121(e)

Tankship and tank barge course topics	1	2	3	4
General characteristics, compatibility, reaction, firefighting procedures, and safety precautions for the cargoes of:				
Bulk liquids defined as Dangerous Liquids in 46 CFR Part 13	X	X	.....	.....
Bulk liquefied gases & their vapors defined as Liquefied Gases in 46 CFR Part 13 .....	.....	.....	X	X
Knowledge and understanding of the physical and chemical properties of oil and chemical cargoes	X	.....	.....	.....
Physical phenomena of liquefied gas, including:				
Basic concept .....	.....	.....	X	X
Compression and expansion .....	.....	.....	X	X
Mechanism of heat transfer .....	.....	.....	X	X
Potential hazards of liquefied gas, including:				
Chemical and physical properties .....	.....	.....	X	X
Combustion characteristics .....	.....	.....	X	X
Results of gas release to the atmosphere .....	.....	.....	X	X
Health hazards (skin contact, inhalation, and ingestion) .....	.....	.....	X	X
Control of flammability range with inert gas .....	.....	.....	X	X
Thermal stress in structure and piping of vessel .....	.....	.....	X	X
Cargo systems, including:				
Principles of containment systems	X	X	X	X
Construction, materials, coating, & insulation of cargo tanks .....	.....	.....	X	X
General arrangement of cargo tanks	X	X	X	X
Venting and vapor-control systems	X	X	X	X
Cargo-handling systems, including:				
Piping systems, valves, pumps, and expansion systems	X	X	X	X
Operating characteristics	X	X	X	X
Instrumentation systems, including:				
Cargo-level indicators	X	X	X	X
Gas-detecting systems	X	.....	X	X
Temperature-monitoring systems, cargo	X	.....	X	X
Temperature-monitoring systems, hull .....	.....	.....	X	X
Automatic-shutdown systems	X	.....	X	X
Auxiliary systems, including:				
Ventilation, inerting	X	X	X	X
Valves, including:				
Quick-closing	X	X	X	X
Remote-control	X	X	X	X
Pneumatic	X	X	X	X
Excess-flow	X	X	X	X
Safety-relief	X	X	X	X
Pressure-vacuum	X	X	X	X
Heating-systems: cofferdams & ballast tanks .....	.....	.....	X	X
Operations connected with the loading and discharging of cargo, including:				
Lining up the cargo and vapor-control systems	X	X	X	X
Pre-transfer inspections and completion of the Declaration of Inspection	X	X	X	X
Hooking up of cargo hose, loading arms, and grounding-strap	X	X	X	X
Starting of liquid flow	X	X	X	X
Calculation of loading rates	X	.....	X	.....
Discussion of loading	X	X	X	X

TABLE 2 TO § 13.121(e)—Continued

Tankship and tank barge course topics	1	2	3	4
Ballasting and deballasting	X	X	X	X
Topping off of the cargo tanks	X	X	X	X
Discussion of discharging	X	X	X	X
Stripping of the cargo tanks	X	X	.....	.....
Monitoring of transfers	X	X	X	X
Gauging of cargo tanks	X	X	X	X
Disconnecting of cargo hoses or loading arms	X	X	X	X
Cargo-tank-cleaning procedures and precautions	X	X	.....	.....
Slop arrangements	X	.....	.....	.....
Ship-to-ship transfers	X	.....	.....	.....
Operating procedures and sequence for:				
Inerting of cargo tanks and void spaces	X	X	X	X
Cooldown and warmup of cargo tanks .....	.....	.....	X	X
Gas-freeing	X	X	X	X
Loaded or ballasted voyages	X	.....	X	.....
Testing of cargo-tank atmospheres for oxygen & cargo vapor	X	X	X	X
Stability and stress considerations connected with loading and discharging of cargo	X	X	X	X
Loadline, draft, and trim	X	X	X	X
Disposal of boil-off, including:				
System design .....	.....	.....	X	X
Safety features .....	.....	.....	X	X
Stability-letter requirements	X	.....	X	.....
Emergency procedures, including notice to appropriate authorities, for:				
Fire	X	X	X	X
Collision	X	X	X	X
Grounding	X	X	X	X
Equipment failure	X	X	X	X
Leaks and spills	X	X	X	.....
Structural failure	X	X	X	X
Emergency discharge of cargo	X	X	X	X
Entering cargo tanks	X	X	X	X
Emergency shutdown of cargo-handling	X	X	X	X
Emergency systems for closing cargo tanks	X	X	.....	.....
Rules & regulations (international and Federal, for all tank vessels) on conducting operations and preventing pollution	X	X	X	X
Pollution prevention, including:				
Procedures to prevent air and water pollution	X	X	X	X
Measures to take in event of spillage	X	X	X	X
Danger from drift of vapor cloud	X	X	X	X
Environmental protection equipment, including oil discharge monitoring equipment	X	.....	.....	.....
Terminology for tankships carrying oil and chemicals	X	.....	.....	.....
Terminology for tank barges carrying oil and chemicals .....	.....	X	.....	.....
Terminology for tankships carrying liquefied gases .....	.....	.....	X	.....
Terminology for tank barges carrying liquefied gases .....	.....	.....	.....	X
Principles & procedures of crude-oil-washing (COW) systems, including:				
Purpose	X	.....	.....	.....
Equipment and design	X	.....	.....	.....
Operations	X	.....	.....	.....
Safety precautions	X	.....	.....	.....
Maintenance of plant and equipment	X	.....	.....	.....
Principles & procedures of the inert-gas systems (IGSs), including:				
Purpose	X	.....	X	.....
Equipment and design	X	.....	X	.....
Operations	X	.....	X	.....
Safety precautions	X	.....	X	.....
Maintenance of plant and equipment	X	.....	X	.....
Principles & procedures of vapor-control systems, including:				
Purpose	X	X	X	X
Principles	X	X	X	X
Coast Guard regulations	X	X	X	X
Hazards	X	X	X	X
Active system components	X	X	X	X
Passive system components	X	X	X	X
Operating procedures, including:				
Testing and inspection requirements	X	X	X	X
Pre-transfer procedures	X	X	X	X
Connecting sequence	X	X	X	X
Start-up sequence	X	X	X	X
Normal operations	X	X	X	X
Loading and unloading plans	X	.....	.....	.....

TABLE 2 TO § 13.121(e)—Continued

Tankship and tank barge course topics	1	2	3	4
Emergency procedures	X	X	X	X
Cargo-hazard-information systems	X	X	X	X
Safe entry into confined spaces, including:				
Testing tank atmospheres for oxygen & hydrocarbon vapors	X	X	.....	.....
Definition and hazards of confined spaces	X	X	X	X
Cargo tanks and pumprooms	X	X	X	X
Evaluation and assessment of risks and hazards	X	X	X	X
Safety precautions and procedures	X	X	X	X
Enclosed space rescue	X	.....	.....	.....
Personnel protective equipment (PPE) and clothing	X	X	X	X
Maintenance of PPE	X	X	X	X
Dangers of skin contact	X	X	X	X
Inhalation of vapors	X	X	.....	.....
Electricity and static electricity—hazards and precautions	X	X	X	X
Emergency procedures	X	X	X	X
Federal regulations, national standards & industry guidelines	X	X	X	X
Inspections by marine chemists & competent persons, including hot-work permits & procedures	X	X	X	X
Vessel response plans:				
Purpose, content, and location of information	X	X	X	X
Procedures for notice and mitigation of spills	X	X	X	X
Geographic-specific appendices	X	X	X	X
Vessel-specific appendices	X	X	X	X
Emergency-action checklist	X	X	X	X

Column 1—Tankship: Dangerous Liquids.

Column 2—Tank Barge: Dangerous Liquids.

Column 3—Tankship: Liquefied Gases.

Column 4—Tank Barge: Liquefied Gases.

TABLE 3 TO § 13.121(e)

Firefighting course topics	1	2
Elements of fire (Fire triangle):		
Fuel	X	X
Source of ignition	X	X
Oxygen	X	X
Ignition sources (general):		
Chemical .....	.....	X
Biological .....	.....	X
Physical .....	.....	X
Ignition sources applicable to barges	X	.....
Definitions of flammability and combustibility:		
Flammability	X	X
Ignition point	X	X
Burning temperature	X	X
Burning speed .....	.....	X
Thermal value .....	.....	X
Lower flammable limit	X	X
Upper flammable limit	X	X
Flammable range	X	X
Inerting .....	.....	X
Static electricity	X	X
Flash point	X	X
Auto-ignition	X	X
Spread of fire:		
By radiation	X	X
By convection	X	X
By conduction	X	X
Reactivity	X	X
Fire classifications and applicable extinguishing agents	X	X
Main causes of fires:		
Oil leakage	X	X
Smoking	X	X
Overheating pumps	X	X
Galley appliances .....	.....	X
Spontaneous ignition	X	X
Hot work	X	X
Electrical apparatus .....	.....	X
Reaction, self-heating, and auto-ignition .....	.....	X
Fire prevention:		

TABLE 3 TO § 13.121(e)—Continued

Firefighting course topics	1	2
General	X	X
Fire hazards of DL and LG	X	X
Fire detection:		
Fire- and smoke-detection systems		X
Automatic fire alarms		X
Firefighting equipment:		
Fire mains, hydrants		X
International shore-connection		X
Smothering-installations, carbon dioxide (CO ₂), foam * * *		X
Pressure-water spray system in special-category spaces		X
Automatic sprinkler system		X
Emergency fire pump, emergency generator		X
Chemical-powder applicants		X
General outline of required and mobile apparatus		X
Boiler Technician's outfit, personal equipment		X
Breathing apparatus		X
Resuscitation apparatus		X
Smoke helmet or mask		X
Fireproof life-line and harness		X
Fire hose, nozzles, connections, and fire axes		X
Fire blankets		X
Portable fire extinguishers	X	X
Limitations of portable and semiportable extinguishers	X	X
Emergency procedures:		
Arrangements:		
Escape routes	X	X
Means of gas-freeing tanks	X	X
Class A, B, and C divisions		X
Inert-gas system		X
Ship firefighting organization:		
General alarms		X
Fire-control plans, muster stations, and duties		X
Communications		X
Periodic shipboard drills		X
Patrol system		X
Basic firefighting techniques:		
Sounding alarm	X	X
Locating and isolating fires	X	X
Stopping leakage of cargo	X	X
Jettisoning		X
Inhibiting		X
Cooling		X
Smothering		X
Sizing up situation	X	
Locating information on cargo	X	
Extinguishing	X	X
Extinguishing with portable units	X	X
Setting reflash watch	X	X
Using additional personnel	X	X
Firefighting extinguishing-agents:		
Water (solid jet, spray, fog, and flooding)		X
Foam (high, medium and low expansion)		X
Carbon dioxide (CO ₂)	X	X
Aqueous-film-forming foam (AFFF)		X
Dry chemicals	X	X
Use of extinguisher on:		
Flammable and combustible liquids	X	X
Manifold-flange fire	X	X
Drip-pan fire	X	X
Pump fire	X	X
Drills for typical fires on barges	X	
Field exercises:		
Extinguish small fires using portable extinguishers:		
Electrical	X	X
Manifold-flange	X	X
Drip-pan	X	X
Pump	X	X
Use self-contained breathing apparatus (SCBA)		X
Extinguish extensive fires with water		X
Extinguish fires with foam, or chemical		X
Fight fire in smoke-filled enclosed space wearing SCBA		X
Extinguish fire with water fog in an enclosed space with heavy smoke		X

TABLE 3 TO § 13.121(e)—Continued

Firefighting course topics	1	2
Extinguish oil fire with fog applicator and spray nozzles, dry-chemical, or foam applicators		X
Effect a rescue in a smoke-filled space while wearing breathing apparatus		X

Column 1—Tank Barge-PIC.

Column 2—Tank Vessel-PIC, Tank Vessel-Engineer, and Tank Vessel-Assistant.

§ 13.123 Recency of service or experience for original tank vessel endorsements.

An applicant for an original tank vessel endorsement in subpart B, C, D, or E of this part must have obtained at least 25 percent of the qualifying service and, if the endorsement requires transfers, at least two of the qualifying transfers, within 5 years of the date of application.

§ 13.125 Physical and medical requirements.

Each applicant for an original tank vessel endorsement must meet the physical requirements of part 10, subpart C, of this subchapter.

§ 13.127 Service: General.

(a) A service letter must be signed by the owner, operator, Master, or Chief Engineer of the vessel and must specify the following:

(1) The name of the vessel, official number for the vessel, and date of service for each vessel.

(2) For endorsements as Tank Vessel-PIC, Tank Barge-PIC, and Tank Vessel-Assistant, the classification of cargo (DL, LG, or, for a restricted endorsement, a specific product) handled while the applicant accumulated the service.

(3) The dates, the numbers and kinds of transfers the applicant has participated in, the ports or terminals, if applicable, and the number of transfers that involved commencement or completion of loading or discharge.

(4) For endorsements as Tank Vessel-PIC or Tank Barge-PIC, that the applicant has demonstrated to the satisfaction of the signer that they are fully capable of supervising transfers of liquid cargo, including—

(i) Pre-transfer inspection;

(ii) Pre-transfer conference and execution of the Declaration of Inspection;

(iii) Connection of cargo hoses or loading-arms;

(iv) Line-up of the cargo system for loading and discharge;

(v) Start of liquid flow during loading;

(vi) Start of cargo pump and increase of pressure to normal discharge pressure;

(vii) Calculation of loading-rates;

(viii) Monitoring;

(ix) Topping-off of cargo tanks during loading;

(x) Stripping of cargo tanks;

(xi) Ballasting and deballasting, if appropriate;

(xii) Disconnection of the cargo hoses or loading-arms; and

(xiii) Securing of cargo systems.

(5) For endorsements as Tank Vessel-Engineer, that the applicant has demonstrated to the satisfaction of the signer that they are fully capable of supervising transfers of fuel oil, including—

(i) Pre-transfer inspection;

(ii) Pre-transfer conference and execution of the Declaration of Inspection;

(iii) Connection of hoses or loading-arms;

(iv) Line-up of the piping system for loading and transfer of fuel oil;

(v) Start of liquid flow during loading;

(vi) Calculation of loading rates;

(vii) Monitoring;

(viii) Topping-off of tanks during loading;

(ix) Disconnection of the hoses or loading arms; and

(x) Securing of fuel oil systems.

(b) In determining the numbers and kinds of transfers that the applicant has participated in under paragraph (a)(3) of this section, the following rules apply:

(1) A transfer must involve the loading or discharge from at least one of the vessel's cargo tanks to or from a shore facility or another vessel. A shift of cargo from one tank to another tank is not a transfer for this purpose.

(2) Regardless of how long the transfer lasts beyond 4 hours, it counts as only one transfer.

(3) A transfer must include both a commencement and a completion.

(4) Regardless of how many tanks or products are being loaded or discharged at the same time, a person may receive credit for only one transfer, one loading, and one discharge conducted during each watch.

(5) Credit for a transfer during a watch of less than 4 hours accrues only if the watch includes either the connection and the commencement of transfer or the completion of transfer and the disconnection.

(6) Credit for a commencement of loading accrues only if the applicant participates in the pre-transfer inspection, the pre-transfer conference including execution of the Declaration of Inspection, the connection of hoses or loading-arms, the line-up of the system for the loading, the start of liquid flow, and the calculation of loading-rates, where applicable.

(7) Credit for a commencement of discharge accrues only if the applicant participates in the pre-transfer inspection, the pre-transfer conference including execution of the Declaration of Inspection, the connection of hoses or loading-arms, the line-up of the cargo system for the discharge, the start of the pump or pumps and increase of pressure to normal pressure for discharge, and the monitoring of discharge rates.

(8) Credit for a completion of transfer, whether loading or discharge, accrues only if the applicant participates in the topping-off at the loading port, or in the stripping of cargo tanks and the commencement of ballasting, if required by the vessel's transfer procedures, at the discharge port.

(9) Personnel desiring credit for transfers during off-duty hours may satisfy requirements of competence through incremental training periods that include segments of transfers. The cumulative number of transfers must equal the minimum specified in §§ 13.203(b) or 13.303(b) of this subchapter.

(c) Service on Articulated Tug Barges (ATBs). Service on ATBs with an aggregate tonnage of 1,600 GRT or more will be creditable on a case-by-case basis and with prior authorization by the Coast Guard, provided the ATB equipment is comparable to tank vessel equipment. The Coast Guard may issue blanket authorizations for classes of ATBs.

§ 13.129 Quick-reference table for tank vessel endorsements.

Table 1 to § 13.129 provides a guide to the requirements for various tank vessel endorsements. Provisions in the reference sections are controlling.

TABLE 1 TO § 13.129

Category	Minimum age	Physical required	Service	Recency of service	Proof of service	Firefighting	Cargo training	English language
Tank Vessel-PIC Subpart B.	18; 13.201(a)	Yes; Part 10, subpart C ...	13.203	13.123	13.205	13.201(c)(3)	13.201(c)(4)	13.201(d).
Tank Barge-PIC Subpart C.	18; 13.301(a)	Yes; Part 10, subpart C ...	13.303	13.123	13.305	13.301(c)(3)	13.301(c)(4)	13.301(d).
Tank Vessel-Assistant Subpart D.	18; 13.401(a)	Yes; Part 10, subpart C ...	13.401(e)(2)	13.123	13.405	13.401(d)	13.401(e)(1)	13.401(f).
Tank Vessel-Engineer Subpart E.	18; 13.501(a)	Yes; Part 10, subpart C ...	13.503	13.123	13.505	13.501(c)(3)	13.501(c)(4)	13.501(d).
Restricted Tank Vessel-PIC.	18; 13.111(b)	Yes; Part 10, subpart C ...	13.111(b)	13.111(b)	13.111(b)	13.111(b)	No	13.111(b).
Restricted Tank Barge-PIC.	18; 13.111(c)	Yes; Part 10, subpart C ...	13.111(c)	13.111(c)	13.111(c)	13.111(c)	No	13.111(c).
Restricted Tank Barge-PIC, Facility.	18; 13.111(d)(1)	Yes; Part 10, subpart C ...	13.111(d)(4)	No	13.111(d)(4)	No	No	13.111(d)(5).

Subpart B—Requirements for Tank Vessel-PIC Endorsement

§ 13.201 Original application for Tank Vessel-PIC endorsement.

Each applicant for an original Tank Vessel-PIC endorsement must—

- (a) Be at least 18 years old;
- (b) Apply on a form provided by the Coast Guard;
- (c) Present evidence of—
 - (1) Passing a physical and medical examination in accordance with § 13.125;
 - (2) Service on tankships in accordance with § 13.203;
 - (3) Completion of an approved firefighting course that provides training in the subjects listed in table 3 to § 13.121(e) completed within 5 years of the date of application for the endorsement, unless they have previously submitted such a certificate for tank vessel endorsement or officer endorsement on an MMC; and
 - (4) Completion of an approved course for Tankship: Dangerous Liquids or Tankship: Liquefied Gases appropriate to the endorsement applied for within the previous 5 years. A course certificate used for original issuance or renewal of an endorsement cannot be used for a subsequent renewal of the same endorsement; and
 - (d) Be capable of speaking and understanding, in English, all instructions needed to commence, conduct, and complete a transfer of cargo, and be capable of reading and understanding the English language found in the Declaration of Inspection, vessel response plans, and Material Safety Data Sheet.

§ 13.203 Service requirements.

Each applicant for a Tank Vessel-PIC endorsement for DL or LG must meet the requirements of either paragraphs (a) and (b) or paragraph (c) of this section.

- (a) Each applicant must present evidence of—

- (1) At least 90 days of service as a deck officer or an engineering officer on one or more tankships or self-propelled tank vessels certified to carry DL or LG appropriate to the endorsement applied for;

- (2) At least 90 days of rating or cadet service on deck or in the engine department on one or more tankships or self-propelled tank vessels certified to carry DL or LG appropriate to the endorsement applied for; or

- (3) A combination of the service in paragraphs (a) (1) and (2) of this section.

- (b) Each applicant must present evidence of participation, under the supervision of a Tank Vessel-PIC, in at least 10 transfers of liquid cargo in bulk of the classification desired on tankships or self-propelled tank vessels, including at least—

- (1) Five loadings and five discharges;
- (2) Two commencements of loading and two completions of loading; and
- (3) Two commencements of discharge and two completions of discharge.

- (c) Each applicant already holding an MMC endorsed as Tank Vessel-PIC for DL and seeking an endorsement for LG, or the converse, must—

- (1) Provide evidence of at least half the service required by paragraph (a) of this section; and

- (2) Comply with paragraph (b) of this section, except that they need provide evidence of only three loadings and three discharges along with evidence of compliance with paragraphs (b)(2) and (3) of this section.

§ 13.205 Proof of service for Tank Vessel-PIC endorsement.

Proof of service must be provided in a letter on company letterhead from the owner, operator, or Master of the vessel on which the applicant obtained the service. The letter must contain the information described in § 13.127(a).

Subpart C—Requirements for Tank Barge-PIC Endorsement

§ 13.301 Original application for Tank Barge-PIC endorsement.

Each applicant for a Tank Barge-PIC endorsement must—

- (a) Be at least 18 years old;
- (b) Apply on a form provided by the Coast Guard;

- (c) Present evidence of—

- (1) Passing a physical and medical examination according to § 13.125;

- (2) Service on tank vessels in accordance with § 13.303;

- (3) Completion of an approved Tank Barge: Firefighting course providing training in the subjects identified in table 3 to § 13.121(e) completed within 5 years of the date of application for the endorsement, unless they have previously submitted such a certificate for a tank vessel endorsement or officer endorsement on an MMC; and

- (4) Completion of an approved Tank Barge: Dangerous Liquids or Tank Barge: Liquefied Gases course appropriate for the endorsement applied for within the previous 5 years. A course certificate used for original issuance or renewal of an endorsement cannot be used for a subsequent renewal of the same endorsement; and

- (d) Be capable of speaking, and understanding, in English, all instructions needed to commence, conduct, and complete a transfer of cargo, and be capable of reading and understanding the English language found in the Declaration of Inspection, vessel response plans, and Material Safety Data Sheet.

§ 13.303 Service requirements.

Each applicant for a Tank Barge-PIC endorsement for DL or LG must meet the requirements of either paragraphs (a) and (b) or paragraph (c) of this section.

- (a) Each applicant must present evidence of—

- (1) At least 60 days of service, whether by shore-based or by vessel-

based personnel, on one or more tank vessels certified to carry DL or LG appropriate to the endorsement applied for; or

(2) At least 6 months of closely related service directly involved with tank barges appropriate to the endorsement applied for; and

(b) Participation, under the supervision of a Tank Vessel-PIC or Tank Barge-PIC, in at least 10 transfers of liquid cargo in bulk of the classification desired on any tank vessel, including at least—

(1) Five loadings and five discharges;

(2) Two commencements of loading and two completions of loading; and

(3) Two commencements of discharge and two completions of discharge.

(c) Each applicant already holding an MMC endorsed as Tank Barge-PIC for DL and seeking an endorsement for LG, or the converse, must—

(1) Provide evidence of at least half the service required by paragraph (a) of this section; and

(2) Comply with paragraph (b) of this section, except that they need provide evidence of only three loadings and three discharges along with evidence of compliance with paragraphs (b)(2) and (3) of this section.

§ 13.305 Proof of service for Tank Barge-PIC.

Proof of service must be provided in a letter on company letterhead from the owner or operator of a terminal; the owner or operator of a tank barge; the owner, operator, or Master of a tank vessel; or the employer of shore-based PICs. The letter must contain the information required by § 13.127(a), excluding paragraph (a)(4)(vii).

Subpart D—Requirements for Tank Vessel-Assistant Endorsement

§ 13.401 Original application for Tank Vessel-Assistant endorsement.

Each applicant for a Tank Vessel-Assistant endorsement must—

(a) Be at least 18 years old;

(b) Apply on a form provided by the Coast Guard;

(c) Present evidence of passing a physical and medical examination according to § 13.125;

(d) Present evidence of completion of an approved firefighting course providing training in the subjects identified in table 3 to § 13.121(e) completed within 5 years of the date of application for the endorsement, unless they have previously submitted such a certificate for a tank vessel endorsement or officer endorsement on an MMC;

(e) Present evidence of either—

(1) Completion of an approved Tankship Familiarization course

providing training in the subjects identified in table 1 to § 13.121(e) within the previous 5 years. A course certificate used for original issuance or renewal of an endorsement cannot be used for a subsequent renewal of the same endorsement; or

(2) At least 90 days of deck service on tankships or self-propelled tank vessels certified to carry DL or LG appropriate to the endorsement applied for and successfully complete a professional examination for the topics identified in table 1 to § 13.121(e); and

(f) Be capable of speaking and understanding, in English, all instructions needed to commence, conduct, and complete a transfer of cargo.

§ 13.403 Service requirements.

(a) Each applicant already holding an MMC endorsed as Tank Vessel-Assistant for DL and seeking one for LG, or the converse, must—

(1) Provide evidence of at least half the service required in § 13.401(e)(2) and successfully complete a professional examination for the topics identified in table 1 to § 13.121(e) appropriate to the endorsement applied for; or

(2) Complete a course in DL or LG appropriate to the endorsement applied for as prescribed in § 13.401(e)(1).

(b) [Reserved]

§ 13.405 Proof of service for Tank Vessel-Assistant endorsement.

Service must be proved by either—

(a) A letter on company letterhead from the owner, operator, or Master of a tankship or self-propelled tank vessel. The letter must specify—

(1) The name of the vessel(s), the applicable dates, and the port(s) or terminal(s);

(2) The classification of cargo (DL or LG) carried while the applicant accumulated the service;

(3) The number of days of deck service the applicant accumulated on the tankship or self-propelled tank vessel; and

(4) That the applicant has demonstrated an understanding of cargo transfer and a sense of responsibility that, in the opinion of the signer, will allow the applicant to safely carry out duties respecting cargo transfer and transfer equipment assigned by the PIC of the transfer without direct supervision by the PIC; or

(b) Certificates of Discharge from tankships with the appropriate classification of cargo (DL, LG, or both); and a letter on company letterhead from the owner, operator, or Master of one of the tankships or self-propelled tank

vessels stating that they have demonstrated—

(1) An understanding of cargo transfers; and

(2) A sense of responsibility that, in the opinion of the signer, will allow them to safely carry out duties respecting cargo and its equipment assigned by the PIC of the transfer without direct supervision by the PIC.

Subpart E—Requirements for Tank Vessel-Engineer Endorsement

§ 13.501 Original application for Tank Vessel-Engineer endorsement.

Each applicant for a Tank Vessel-Engineer endorsement must—

(a) Be at least 18 years old;

(b) Apply on a form provided by the Coast Guard;

(c) Present evidence of—

(1) Passing a physical and medical examination according to § 13.125;

(2) Service on tankships and self-propelled tank vessels in accordance with § 13.503;

(3) Completion of an approved firefighting course providing training in the subjects identified in table 3 to § 13.121(e) completed within 5 years of the date of application for the endorsement, unless they have previously submitted such a certificate for a tank vessel endorsement or officer endorsement on an MMC; and

(4) Completion of an approved Tankship course in dangerous liquids or liquefied gases, appropriate for the endorsement applied for within the previous 5 years. A course certificate used for original issuance or renewal of an endorsement cannot be used for a subsequent renewal of the same endorsement; and

(d) Be capable of speaking and understanding, in English, all instructions needed to commence, conduct, and complete a transfer of cargo or fuel.

§ 13.503 Service requirements.

(a) Each applicant for a Tank Vessel-Engineer endorsement must present evidence of at least—

(1) 90 days of service as an engineering officer on tankships or self-propelled tank vessels certified to carry DL or LG appropriate to the endorsement applied for;

(2) 90 days of rating or cadet service in the engine department on tankships or self-propelled tank vessels certified to carry DL or LG appropriate to the endorsement applied for; or

(3) A combination of the service in paragraphs (a) (1) and (2) of this section.

(b) Each applicant already holding an MMC endorsed as Tank Vessel-Engineer

for DL and seeking an endorsement for LG, or the converse, must prove at least half the service required by paragraph (a) of this section.

§ 13.505 Proof of service for Tank Vessel-Engineer endorsement.

(a) Service must be proved by a letter on company letterhead from the owner, operator, Master, or Chief Engineer of a tankship or self-propelled tank vessel. The letter must specify—

(1) The classification of cargo (DL, LG, or both) carried while the applicant accumulated the service; and

(2) The number of days of officer, rating, and cadet service in the engine department on tankships or self-propelled tank vessels; or

(b) Service must be proved by certificates of discharge from tankships or self-propelled tank vessels with the appropriate classification of cargo (DL, LG, or both).

Subpart F—Requirements for STCW Tank Vessel Endorsements

§ 13.601 General.

(a) When all tank vessel endorsements are issued, renewed, or otherwise modified, the Coast Guard will determine, upon request, whether the applicant meets the requirements for an STCW tank vessel endorsement for service on seagoing vessels. If the applicant is qualified, the Coast Guard will issue the appropriate endorsement. An applicant for any STCW endorsement must hold the appropriate national endorsement unless otherwise specified.

(b) Applicants for an STCW tank vessel endorsement must—

(1) Meet the training and service requirements for the endorsement sought; and

(2) Meet the appropriate standard of competence identified in the STCW Code (incorporated by reference, see § 13.103).

(c) The Coast Guard will accept the following as proof of meeting the standards of competence:

(1) In-service experience: Documentation of successful completion of assessments, approved or accepted by the Coast Guard, and signed by a qualified assessor, deck or engineering, as appropriate.

(2) Training ship experience: Documentation of successful completion of an approved training program involving formal training and assessment onboard a school ship.

(3) Simulator training: Documentation of successful completion of training and assessment from a Coast Guard-approved course involving maritime simulation.

(4) Training program: Documentation of successful completion of an approved training program involving formal training and assessments.

(d) The Coast Guard will publish guidelines that should be used to document successful demonstrations of competence. Organizations may develop alternative assessment documentation for demonstrations of competence; however, such documentation must be approved by the Coast Guard prior to its use and submittal with an application.

§ 13.603 Requirements to qualify for an STCW endorsement for Advanced Oil Tanker Cargo Operations.

(a) Every applicant for an endorsement in Advanced Oil Tanker Cargo Operations must—

(1) Qualify for a national endorsement as Tank Vessel-PIC Dangerous Liquids (DL);

(2) Meet the standards of competence identified in Table A-V/1-1-2 of the STCW Code (incorporated by reference, see § 13.103); and

(3) Provide evidence of 90 days of sea service onboard oil tankers. The Coast Guard will accept service submitted to qualify for a national endorsement as required in § 13.203, provided that the service was on oil tankers.

(b) Applicants may qualify for an endorsement in Advanced Oil Tanker Cargo Operations with a limitation to non-self-propelled vessels. To qualify for this endorsement, an applicant must—

(1) Hold a national endorsement as Tank Barge-PIC DL;

(2) Provide evidence of meeting the standards of competence identified in Table A-V/1-1-2 of the STCW Code; and

(3) Provide evidence of at least 90 days of service, whether shore-based or vessel-based, on one or more oil tankers. The Coast Guard will accept service submitted to qualify for a national endorsement required in § 13.303, provided that the service was on oil tankers.

(c) Applicants may qualify for an endorsement in Advanced Oil Tanker Cargo Operations with a limitation to maintenance and repair of cargo equipment. To qualify for this endorsement, an applicant must—

(1) Qualify for a national endorsement as Tank Vessel-Engineer;

(2) Provide evidence of meeting the standards of competence identified in Table A-V/1-1-2 of the STCW Code applicable to maintenance and repair of cargo equipment; and

(3) Provide evidence of—

(i) At least 90 days of service as an engineering officer on oil tankers;

(ii) At least 90 days of rating or cadet service on deck or in the engine department on oil tankers; or

(iii) A combination of the service in paragraphs (c)(3)(i) and (c)(3)(ii) of this section.

(d) Applicants holding an endorsement in Advanced Chemical Tanker Cargo Operations or Advanced Liquefied Gas Tanker Cargo Operations may qualify for an endorsement in Advanced Oil Tanker Cargo Operations by completing, in a supernumerary capacity, an approved training program onboard oil tankers. The program must be at least 1 month and include at least three loading and three discharge operations.

§ 13.605 Requirements to qualify for an STCW endorsement for Advanced Chemical Tanker Cargo Operations.

(a) Every applicant for an endorsement in Advanced Chemical Tanker Cargo Operations must:

(1) Qualify for a national endorsement as Tank Vessel-PIC DL;

(2) Meet the standards of competence identified in Table A-V/1-1-3 of the STCW Code (incorporated by reference, see § 13.103); and

(3) Provide evidence of 90 days of sea service onboard chemical tankers. The Coast Guard will accept service submitted to qualify for a national endorsement as required in § 13.203, provided that the service was on chemical tankers.

(b) Applicants may qualify for an endorsement in Advanced Chemical Tanker Cargo Operations with a limitation to non-self-propelled vessels. To qualify for this endorsement, an applicant must:

(1) Qualify for a national endorsement as Tank Barge-PIC DL;

(2) Provide evidence of meeting the standards of competence identified in Table A-V/1-1-3 of the STCW Code; and

(3) Provide evidence of at least 90 days of service, whether shore-based or vessel-based, on chemical tankers. The Coast Guard will accept service submitted to qualify for a national endorsement as required in § 13.303, provided that the service was on chemical tankers.

(c) Applicants may qualify for an endorsement in Advanced Chemical Tanker Cargo Operations with a limitation to maintenance and repair of cargo equipment. To qualify for this endorsement, an applicant must:

(1) Qualify for a national endorsement as Tank Vessel-Engineer;

(2) Provide evidence of meeting the standards of competence identified in Table A-V/1-1-3 of the STCW Code

applicable to maintenance and repair of cargo equipment; and

(3) Provide evidence of—

- (i) At least 90 days of service as an engineering officer on chemical tankers;
- (ii) At least 90 days of rating or cadet service on deck or in the engine department on chemical tankers; or
- (iii) A combination of the service in paragraphs (c)(3)(i) and (c)(3)(ii) of this section.

(d) Applicants holding an endorsement in Advanced Oil Tanker Cargo Operations or Advanced Liquefied Gas Tanker Cargo Operations may qualify for an endorsement in Advanced Chemical Tanker Cargo Operations by completing, in a supernumerary capacity, an approved training program onboard chemical tankers. The program must be at least 1 month and include at least three loading and three discharge operations.

§ 13.607 Requirements to qualify for an STCW endorsement for Advanced Liquefied Gas Tanker Cargo Operations.

(a) Every applicant for an endorsement in Advanced Liquefied Gas Tanker Cargo Operations must:

- (1) Qualify for a national endorsement as Tank Vessel-PIC LG;
- (2) Meet the standards of competence identified in Tables A-V/1-2-2 of the STCW Code (incorporated by reference, see § 13.103); and

(3) Provide evidence of 90 days of service on liquefied gas tankers. The Coast Guard will accept service submitted to qualify for a national endorsement as required in § 13.203, provided that the service was on liquefied gas tankers.

(b) Applicants may qualify for an endorsement in Advanced Liquefied Gas Tanker Cargo Operations with a limitation to non-self-propelled vessels. To qualify for this endorsement, an applicant must:

- (1) Qualify for a national endorsement as Tank Barge-PIC LG;
- (2) Provide evidence of meeting the standards of competence identified in Table A-V/1-2-2 of the STCW Code; and

(3) Provide evidence of at least 90 days of service, whether shore-based or vessel-based, on liquefied gas tankers. The Coast Guard will accept service submitted to qualify for a national endorsement as required in § 13.303, provided that the service was on liquefied gas tankers.

(c) Applicants may qualify for an endorsement in Advanced Liquefied Gas Tanker Cargo Operations with a limitation to maintenance and repair of cargo equipment. To qualify for this endorsement, an applicant must:

(1) Qualify for a national endorsement as Tank Vessel-Engineer;

(2) Provide evidence of meeting the standards of competence identified in Table A-V/1-2-2 of the STCW Code applicable to maintenance and repair of cargo equipment; and

(3) Provide evidence of—

- (i) At least 90 days of service as an engineering officer on liquefied gas tankers;
- (ii) At least 90 days of rating or cadet service on deck or in the engine department on liquefied gas tankers; or
- (iii) A combination of the service in paragraphs (c)(3)(i) and (c)(3)(ii) of this section.

(d) Applicants holding an endorsement in Advanced Oil Tanker Cargo Operations or Advanced Chemical Tanker Cargo Operations may qualify for an endorsement in Advanced Liquefied Gas Tanker Cargo Operations by completing, in a supernumerary capacity, an approved training program onboard liquefied gas tankers. The program must be at least 1 month and include at least three loading and three discharge operations.

§ 13.609 Requirements to qualify for an STCW endorsement for Basic Oil and Chemical Tanker Cargo Operations.

(a) Every applicant for an endorsement in Basic Oil and Chemical Tanker Operations must:

- (1) Qualify for a national endorsement as Tank Vessel-Assistant DL; and
- (2) Provide evidence of meeting the standards of competence identified in Table A-V/1-1-1 of the STCW Code (incorporated by reference, see § 13.103).

(b) [Reserved]

§ 13.611 Requirements to qualify for an STCW endorsement for Basic Liquefied Gas Tanker Cargo Operations.

(a) Every applicant for an endorsement in Basic Liquefied Gas Tanker Operations must:

- (1) Qualify for a national endorsement as Tank Vessel-Assistant LG; and
- (2) Provide evidence of meeting the standards of competence identified in Table A-V/1-2-1 of the STCW Code (incorporated by reference, see § 13.103).

(b) [Reserved]

■ 173. Revise and republish part 15, consisting of §§ 15.101 through 15.1113, to read as follows:

PART 15—MANNING REQUIREMENTS

Subpart A—Purpose and Applicability

- § 15.101 Purpose of regulations.
- § 15.102 Paperwork approval.
- § 15.103 Incorporation by reference.
- § 15.105 General.

Subpart B—C [Reserved]

Subpart D—Manning Requirements; All Vessels

- § 15.401 Employment and service within restrictions of credential.
- § 15.403 When credentials for ratings are required.
- § 15.404 Requirements for serving onboard a vessel.
- § 15.405 Familiarity with vessel characteristics.
- § 15.410 Credentialed individuals for assistance towing vessels.
- § 15.415 [Reserved]

Subpart E—Manning Requirements; Inspected Vessels

- § 15.501 Certificate of inspection.
- § 15.505 Changes in the certificate of inspection.
- § 15.510 Right of appeal.
- § 15.515 Compliance with certificate of inspection.
- § 15.520 Mobile offshore drilling units (MODUs).
- § 15.525 Additional manning requirements for tank vessels.
- § 15.530 Large passenger vessels.
- § 15.535 Towing vessels.

Subpart F—Manning Requirements; Uninspected Vessels

- § 15.601 General.
- § 15.605 Credentialed operators for uninspected passenger vessels.
- § 15.610 Master and Mate (Pilot) of uninspected towing vessels.

Subpart G—Limitations and Qualifying Factors

- § 15.701 Officers Competency Certificates Convention, 1936.
- § 15.705 Watches.
- § 15.710 Working hours.
- § 15.715 Automated vessels.
- § 15.720 Use of non-U.S.-credentialed personnel.
- § 15.725 Sailing short.
- § 15.730 Language requirements.

Subpart H—Computations

- § 15.801 General.
- § 15.805 Master.
- § 15.810 Mates.
- § 15.812 Pilots.
- § 15.815 Radar Observers.
- § 15.816 Automatic radar plotting aids (ARPA).
- § 15.817 Global Maritime Distress and Safety System (GMDSS) Radio Operator.
- § 15.818 Global Maritime Distress and Safety System (GMDSS) At-sea Maintainer.
- § 15.820 Chief Engineer.
- § 15.825 Engineers.
- § 15.830 Radio Officers.
- § 15.835 Staff officers.
- § 15.840 Able Seafarers.
- § 15.845 Lifeboat Operators.
- § 15.850 Lookouts.
- § 15.855 Cabin watchmen and fire patrolmen.
- § 15.860 Tank vessel endorsements.
- § 15.865 Qualified member of the engine department (QMED).

Subpart I—Equivalents

- § 15.901 Inspected vessels of less than 100 GRT.
- § 15.905 Uninspected passenger vessels.
- § 15.910 Towing vessels.
- § 15.915 Engineer officer endorsements.

Subpart J—Vessels in Foreign Trade

- § 15.1001 General.
- § 15.1010 California.
- § 15.1020 Hawaii.
- § 15.1030 New York and New Jersey.
- § 15.1040 Massachusetts.
- § 15.1050 North Carolina.

Subpart K—Vessels Subject to Requirements of STCW

- § 15.1101 General.
- § 15.1103 Employment and service within the restrictions of an STCW endorsement or of a certificate of training.
- § 15.1105 Familiarization and Basic Training (BT).
- § 15.1107 Maintenance of merchant mariners' records by owner or operator.
- § 15.1109 Watches.
- § 15.1111 Work hours and rest periods.
- § 15.1113 Security personnel.

Authority: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8103, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 8906 and 9102; sec. 617, Pub. L. 111–281, 124 Stat. 2905; and DHS Delegation No. 00170.1, Revision No. 01.4.

Subpart A—Purpose and Applicability**§ 15.101 Purpose of regulations.**

The purpose of this part is to set forth uniform minimum requirements for the manning of vessels. In general, they implement, interpret, or apply the specific statutory manning requirements in title 46, U.S.C., implement various international conventions which affect merchant marine personnel, and provide the means for establishing the complement necessary for safe operation of vessels.

§ 15.102 Paperwork approval.

(a) This section lists the control numbers assigned by the Office of Management and Budget under the Paper Reduction Act of 1980 (Pub. L. 96–511) for the reporting and recordkeeping requirements in this part.

(b) The following control numbers have been assigned to the sections indicated:

- (1) OMB 1625–0079—46 CFR 15.1107.
- (2) [Reserved]

§ 15.103 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the Coast Guard and the National Archives and Records

Administration (NARA). Contact Coast Guard at: Office of Merchant Mariner Credentialing (CG–MMC), U.S. Coast Guard, Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509, 202–372–1492; website: https://www.dco.uscg.mil/nmc/merchant_mariner_credential/. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from:

(b) International Maritime Organization (IMO), 4 Albert Embankment, London, SE1 7SR England, phone: +44 (0)20 7735 7611; website: www.imo.org.

(1) The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, 2011 (STCW Convention); incorporation by reference approved for §§ 15.403, 15.404, 15.1103, 15.1105, and 15.1109.

(2) The Seafarers' Training, Certification and Watchkeeping Code, as amended, 2011 (STCW Code); incorporation by reference approved for § 15.1109.

(3) The International Convention for the Safety of Life at Sea, 1974 (SOLAS); incorporation by reference approved for §§ 15.818 and 15.1103.

§ 15.105 General.

(a) The regulations in this part apply to all vessels that are subject to the manning requirements contained in the navigation and shipping laws of the United States, including uninspected vessels (46 U.S.C. 7101–9308).

(b) The navigation and shipping laws state that a vessel may not be operated unless certain manning requirements are met. In addition to establishing a minimum number of officers and rated crew to be carried onboard certain vessels, they establish minimum qualifications concerning Licenses and MMC endorsements, citizenship, and conditions of employment. It is the responsibility of the owner, charterer, managing operator, Master, or Person in Charge or in command of the vessel to ensure that appropriate personnel are carried to meet the requirements of the applicable navigation and shipping laws and regulations.

(c) Inspected vessels are issued a Certificate of Inspection (COI) which indicates the minimum complement of officers and crew (including Lifeboat Operators) considered necessary for safe operation. The COI complements the statutory requirements but does not supersede them.

(d) Uninspected vessels operating on an international voyage may be issued a safe manning certificate indicating the minimum complement of qualified mariners necessary for safe operation.

(e) The regulations in subpart K of this part apply to seagoing vessels subject to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW).

(f) Persons serving on any of the following vessels, or any owner or operator of any of these vessels, do not need to meet the requirements of subpart K of this part, because the vessels are exempt from application of STCW:

(1) Fishing vessels as defined in 46 U.S.C. 2101(12).

(2) Fishing vessels used as fish-tender vessels as defined in 46 U.S.C. 2101(14).

(3) Barges as defined in 46 U.S.C. 102, including non-self-propelled Mobile Offshore Drilling Units.

(4) Vessels operating exclusively on the Great Lakes or on the inland waters of the U.S. in the Straits of Juan de Fuca or on the Inside Passage between Puget Sound and Cape Spencer.

(5) Pilot vessels engaged on pilotage duty.

(g) Owners and operators, and personnel serving on the following small vessels engaged exclusively on domestic, near-coastal voyages are in compliance with subpart K of this part and are, therefore, not subject to further requirements for the purposes of the STCW Convention:

(1) Small passenger vessels subject to subchapter T or K of this chapter.

(2) Vessels of less than 200 GRT, other than passenger vessels subject to subchapter H of this chapter.

(3) Uninspected passenger vessels (UPVs) as defined in 46 U.S.C. 2101(42)(B).

(h) Personnel serving on vessels identified in paragraphs (g)(1) and (2) of this section may be issued, without additional proof of qualification, an appropriate STCW endorsement on their License or MMC when the Coast Guard determines that such an endorsement is necessary to enable the vessel to engage on a single international voyage of a non-routine nature. The STCW endorsement will be expressly limited to service on the vessel or the class of vessels and will not establish qualification for any other purpose.

Subpart B–C [Reserved]**Subpart D—Manning Requirements;
All Vessels****§ 15.401 Employment and service within restrictions of credential.**

(a) A person may not employ or engage an individual, and an individual may not serve, in a position in which an individual is required by law or regulation to hold a Transportation Worker Identification Credential (TWIC) and/or Merchant Mariner Credential (MMC), unless the individual holds all credentials required, as appropriate, authorizing service in the capacity in which the individual is engaged or employed, and the individual serves within any restrictions placed on the credential. An individual holding an active MMC issued by the Coast Guard must also hold a valid TWIC issued by the Transportation Security Administration unless the individual is exempt under § 10.203(b)(1) of this subchapter.

(b) A person may not employ or engage an individual, and an individual may not serve in a position in which it is required by law or regulation that the individual hold an MMC endorsed with a national endorsement, as well as a corresponding STCW endorsement for service outside the boundary line.

(c) A person may not employ or engage an individual in a position required to hold an MMC unless that individual maintains a current medical certificate. Medical certificates must be issued and will remain current for the following periods of time, unless otherwise noted on the certificate:

(1) Two years for individuals serving on vessels to which STCW applies unless the mariner is under the age of 18, in which case the maximum period of validity will be 1 year.

(2) Five years for all other mariners.

(d) Each individual referred to in paragraph (a) of this section must hold an MMC that serves as identification, with an appropriate endorsement for the position in which the seafarer serves, and the MMC, along with a valid medical certificate, must be presented to the Master of the vessel at the time of employment or before signing Articles of Agreement.

(e) Each individual below the grades of officer and staff officer employed on any U.S.-flagged merchant vessel of 100 GRT or more must possess a valid MMC issued by the Coast Guard, except as noted below:

(1) Mariners on vessels navigating exclusively on rivers and lakes, except the Great Lakes, as defined in § 10.107 of this subchapter.

(2) Mariners below the rank of officer employed on any non-self-propelled vessel, except seagoing barges and barges to which 46 U.S.C. chapter 37 applies.

(3) Personnel not designated with any safety or security duties onboard casino vessels.

(f) Every person employed on a vessel with dual tonnages (both domestic and international) must hold a credential authorizing service appropriate to the tonnage scheme under which the vessel is manned and operating.

§ 15.403 When credentials for ratings are required.

(a) Every seafarer referred to in this section, when required, must produce a valid MMC with all applicable rating endorsements for the position sought, a valid TWIC unless the mariner is exempt under § 10.203(b)(2) of this subchapter, and a valid medical certificate, to the Master of the vessel at the time of employment or before signing Articles of Agreement. Seafarers who do not possess one of these credentials may be employed at a foreign port or place within the limitations specified in § 15.720.

(b)(1) Every person below the grades of officer and staff officer employed on any U.S.-flagged merchant vessel of 100 GRT or more, except those navigating rivers exclusively and the smaller inland lakes, must possess a valid MMC, along with a valid medical certificate, with all appropriate endorsements for the positions served.

(2) No endorsements are required of any person below the rank of officer employed on any barges except seagoing barges and barges to which 46 U.S.C. chapter 37 applies.

(3) No endorsements are required of any person below the rank of officer employed on any sail vessel of less than 500 net tons while not carrying passengers for hire and while not operating outside the line dividing inland waters from the high seas. 33 U.S.C. 151.

(c) Each person serving as an Able Seafarer-Deck or a Rating Forming Part of a Navigational Watch (RFPNW) on a seagoing vessel of 500 GT or more must hold an STCW endorsement certifying them as qualified to perform the navigational function at the support level, in accordance with the STCW Convention (incorporated by reference, see § 15.103).

(d) Each person serving as an Able Seafarer-Engine or an RFPEW on a seagoing vessel driven by main propulsion machinery of 1,000 HP/750 kW propulsion power or more must hold an STCW endorsement certifying

them as qualified to perform the marine-engineering function at the support level, in accordance with the STCW Convention.

(e) Notwithstanding any other rule in this part, no person subject to this part serving on any of the following vessels needs an STCW endorsement:

(1) Vessels exempted from the application of the STCW Convention, including—

(i) Fishing vessels as defined in 46 U.S.C. 2101(11)(a);

(ii) Fishing vessels used as fish-tender vessels as defined in 46 U.S.C. 2101(11)(c);

(iii) Barges as defined in 46 U.S.C. 102, including non-self-propelled mobile offshore-drilling units;

(iv) Vessels operating exclusively on the Great Lakes; or

(v) Pilot vessels engaged in pilotage duty.

(2) Vessels not subject to any obligation under the STCW Convention due to their special operating conditions as small vessels engaged in domestic, near-coastal voyages, including—

(i) Small passenger vessels subject to subchapter T or K of this chapter;

(ii) Vessels of less than 200 GRT (other than passenger vessels subject to subchapter H of this chapter); or

(iii) Uninspected passenger vessels as defined in 46 U.S.C. 2101(42)(B).

§ 15.404 Requirements for serving onboard a vessel.

(a) *Ratings Forming Part of a Navigational Watch (RFPNW)*. Each person serving as an RFPNW on a seagoing vessel of 500 GT or more, subject to the STCW Convention (incorporated by reference, see § 15.103), must hold an STCW endorsement attesting to their qualifications to perform the navigational function at the support level.

(b) *Able Seafarer*. Each person serving as a rating as Able Seafarer on a U.S.-flagged vessel must hold an MMC endorsed as Able Seafarer, except that no credential as Able Seafarer is required of any person employed on any tug or towboat on the bays and sounds connected directly with the seas, or on any barges except seagoing barges or tank barges. Each person serving as an Able Seafarer on a seagoing vessel subject to the STCW Convention must also hold an STCW endorsement as Able Seafarer-Deck.

(c) *Ratings Forming Part of an Engineering Watch (RFPEW)*. Each person serving as an RFPEW in a manned engine room or designated to perform duties in a periodically unmanned engine room, on a seagoing

vessel driven by main propulsion machinery of 1,000 HP/750 kW propulsion power or more, must hold an STCW endorsement attesting to their qualifications to perform the marine-engineering function at the support level.

(d) *Qualified Member of the Engine Department (QMED)*. (1) The holder of an MMC endorsed with one or more QMED ratings may serve in any unqualified rating in the engine department without obtaining an additional endorsement.

(2) A QMED may serve as a qualified rating in the engine department only in the specific ratings endorsed on their MMC.

(3) Persons serving on vessels subject to the STCW Convention as Junior Engineer, Pump Technician/Machinist, or Electrician/Refrigeration Engineer must also hold an STCW endorsement as Able Seafarer-Engine.

(e) *Lifeboat Operator*. Every person assigned duties as a Lifeboat Operator must hold a credential attesting to such proficiency. Persons serving on vessels subject to the STCW Convention must also hold an STCW endorsement in Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats (PSC).

(f) *Lifeboat Operator-Limited*. Every person assigned duties onboard a vessel that is not required to carry lifeboats and is required to employ a Lifeboat Operator must hold an endorsement as either Lifeboat Operator or Lifeboat Operator-Limited. Persons serving on vessels subject to the STCW Convention must also hold an STCW endorsement in Proficiency in Survival Craft and Rescue Boats other than Lifeboats and Fast Rescue Boats-Limited (PSC-Limited).

(g) *Fast Rescue Boats*. Every person engaged or employed in a position requiring Proficiency in Fast Rescue Boats must hold an endorsement attesting to such proficiency.

(h) *Entry level*. Every person employed in a rating other than Able Seafarer or QMED on a U.S. flagged vessel on which MMCs are required must hold an MMC endorsed as Wiper, Ordinary Seafarer, Steward's Department, or Steward's Department Food Handler (F.H.).

(i) *Person in Charge of Medical Care*. Every person designated to take charge of medical care onboard vessels subject to the STCW Convention must hold an MMC endorsed as Person in Charge of Medical Care.

(j) *Medical First-aid Provider*. Every person designated to provide medical first aid onboard vessels subject to the STCW Convention must hold an MMC

endorsed as Medical First-aid Provider or a deck or engineer officer endorsement.

(k) *GMDSS Radio Operator or Maintainer*. Every person responsible for the operation or shipboard maintenance of GMDSS radio equipment onboard vessels subject to the STCW Convention must hold an MMC endorsed as GMDSS Radio Operator or GMDSS Radio Maintainer, as appropriate.

§ 15.405 Familiarity with vessel characteristics.

Each credentialed crewmember must become familiar with the relevant characteristics of the vessel appropriate to their duties and responsibilities prior to assuming those duties and responsibilities. As appropriate, these may include, but are not limited to, general arrangement of the vessel, maneuvering characteristics, proper operation of the installed navigation equipment, proper operation of firefighting and lifesaving equipment, stability and loading characteristics, emergency duties, and main propulsion and auxiliary machinery, including steering gear systems and controls.

§ 15.410 Credentialed individuals for assistance towing vessels.

Every assistance towing vessel must be under the direction and control of an individual holding a License or MMC authorizing them to engage in assistance towing under the provisions of § 11.482 of this subchapter.

§ 15.415 [Reserved]

Subpart E—Manning Requirements; Inspected Vessels

§ 15.501 Certificate of inspection.

(a) The certificate of inspection (COI) issued by an Officer in Charge, Marine Inspection (OCMI), to a vessel required to be inspected under 46 U.S.C. 3301 specifies the minimum complement of officers and crew necessary for the safe operation of the vessel.

(b) The manning requirements for a particular vessel are determined by the OCMI after consideration of the applicable laws, the regulations in this part, and all other factors involved, such as: emergency situations, size and type of vessel, installed equipment, proposed routes of operation including frequency of port calls, cargo carried, type of service in which employed, degree of automation, use of labor saving devices, and the organizational structure of the vessel.

§ 15.505 Changes in the certificate of inspection.

All requests for changes in manning as indicated on the COI must be sent to—

(a) The Officer in Charge, Marine Inspection (OCMI) who last issued the COI; or

(b) The OCMI conducting the inspection, if the request is made in conjunction with an inspection for certification.

§ 15.510 Right of appeal.

Any person directly affected by a decision or action taken under this part, by or on behalf of the Coast Guard, may appeal in accordance with subpart 1.03 of this chapter.

§ 15.515 Compliance with certificate of inspection.

(a) Except as provided by § 15.725, no vessel may be navigated unless it has in its service and onboard the crew complement required by the COI.

(b) Any time passengers are embarked on a passenger vessel, the vessel must have the crew complement required by the COI, whether the vessel is underway, at anchor, made fast to shore, or aground. However, the Master may allow reduced crew for limited or special operating conditions subject to the approval of the OCMI.

(c) No vessel subject to inspection under 46 U.S.C. 3301 will be navigated unless it is under the direction and control of an individual who holds an appropriate License or officer endorsement on their MMC.

§ 15.520 Mobile offshore drilling units (MODUs).

(a) The requirements in this section for MODUs supplement other requirements in this part.

(b) The OCMI determines the minimum number of officers and crew (including Lifeboat Operators) required for the safe operation of inspected MODUs. In addition to other factors listed in this part, the specialized nature of the MODU is considered in determining the specific manning levels.

(c) A License or officer endorsement on an MMC as Offshore Installation Manager (OIM), Barge Supervisor (BS), or Ballast Control Operator (BCO) authorizes service only on MODUs. A License or endorsement as OIM is restricted to the MODU type and mode of operation specified on the credential.

(d) When underway, a self-propelled MODU, other than a drillship, must be under the command of an individual who holds a License as Master endorsed as OIM, or an MMC endorsed as Master

and OIM. When not underway, such a vessel must be under the command of an individual holding the appropriate OIM credential.

(e) A drillship must be under the command of an individual who holds a License or MMC officer endorsement as Master. When a drillship is on location, or is maintaining its position with a dynamic positioning system, the individual in command must hold a License as Master endorsed as OIM or an MMC with Master and OIM officer endorsements.

(f) A non-self-propelled MODU must be under the command of an individual who holds a License or MMC officer endorsement as OIM.

(g) An individual serving as Mate on a self-propelled surface unit when underway, other than a drillship, must hold an appropriate License, or an MMC endorsed as Mate and BS or BCO. When not underway, such a vessel may substitute an individual holding the appropriate BS or BCO endorsement for the Mate, if permitted by the cognizant OCMI.

(h) An individual holding a License or MMC officer endorsement as BS is required on a non-self-propelled surface unit other than a drillship.

(i) An individual holding a License or MMC officer endorsement as BS may serve as BCO.

(j) The OCMI issuing the MODU's COI may authorize the substitution of Chief or Assistant Engineer-MODU for Chief or Assistant Engineer, respectively, on self-propelled or propulsion-assisted surface units, except drillships. The OCMI may also authorize the substitution of Assistant Engineer-MODU for Assistant Engineer on drillships.

(k) Requirements in this part concerning Radar Observers do not apply to non-self-propelled MODUs.

(l) A surface MODU underway or on location, when afloat and equipped with a ballast control room, must have that ballast control room manned by an individual holding a License or MMC officer endorsement authorizing service as BCO.

§ 15.525 Additional manning requirements for tank vessels.

Parts 31 and 35 of this subchapter contain additional manning requirements applicable to tank vessels.

§ 15.530 Large passenger vessels.

(a) The owner or operator of a U.S.-flagged large passenger vessel must ensure that any non-resident alien holding a Coast Guard-issued MMC described in part 12, subpart H of this subchapter is provided the rights,

protections, and benefits of the International Labor Organization's Merchant Shipping (Minimum Standards) Convention of 1976.

(b) On U.S.-flagged large passenger vessels, non-resident aliens holding a Coast Guard-issued MMC described in part 12, subpart H of this subchapter—

(1) May only be employed in the steward's department on the vessel(s) specified on the MMC or accompanying Coast Guard letter under § 12.811 of this subchapter;

(2) May only be employed for an aggregate period of 36 months of actual service on all authorized U.S.-flagged large passenger vessels combined, under § 12.811 of this subchapter;

(3) May not perform watchstanding, engine room duty watch, or vessel navigation functions, under § 12.811 of this subchapter; and

(4) May perform emergency-related duties only if, under § 12.811 of this subchapter—

(i) The emergency-related duties do not require any other rating or endorsement, except Lifeboat Operator as specified in § 12.811 of this subchapter;

(ii) The non-resident alien has completed familiarization and Basic Training, as required in § 15.1105;

(iii) The non-resident alien, if serving as a Lifeboat Operator, has the necessary Lifeboat Operator's endorsement; and

(iv) The non-resident alien has completed the training for crewmembers on passenger ships performing duties involving safety or care for passengers, as required in part 12, subpart I of this subchapter.

(c) No more than 25 percent of the total number of ratings on a U.S.-flagged large passenger vessel may be aliens, whether admitted to the United States for permanent residence or authorized for employment in the United States as non-resident aliens.

(d) The owner or operator of a U.S.-flagged large passenger vessel employing non-resident aliens holding Coast Guard-issued MMCs described in part 12, subpart H of this subchapter must—

(1) Retain custody of all non-resident alien MMCs for the duration of employment, under § 12.811 of this subchapter; and

(2) Return all non-resident alien MMCs to the Coast Guard upon termination of employment, under § 12.811 of this subchapter.

(e) The owner or operator of a U.S.-flagged large passenger vessel employing non-resident aliens holding Coast Guard-issued MMCs described in part 12, subpart H of this subchapter is subject to the civil penalty provisions

specified in 46 U.S.C. 8103(f), for any violation of this section.

§ 15.535 Towing vessels.

(a) *Applicability.* Except as provided in this paragraph (a), the requirements in this section apply to a towing vessel subject to subchapter M of this chapter. Vessels subject to this section must also meet the requirements in § 15.515(c). A towing vessel at least 8 meters (26 feet) in length, measured from end to end over the deck (excluding sheer), that is not subject to subchapter M must meet the requirements in paragraph (b) of this section if it is—

(1) A seagoing towing vessel of 300 gross tons or more subject to the provisions of subchapter I of this chapter;

(2) A vessel inspected under other subchapters of this chapter that may perform occasional towing; or

(3) A public vessel as defined in 46 U.S.C. 2101.

(b) *Towing vessels 8 meters or more in length.* Every towing vessel of at least 8 meters (26 feet) in length, measured from end to end over the deck (excluding sheer), must be under the direction and control of a person holding a MMC endorsed as Master or Mate (Pilot) of Towing Vessels or as Master or Mate of vessels of greater than 200 gross register tons, holding a completed Towing Officer Assessment Record signed by a designated examiner indicating that the officer is proficient in the operation of towing vessels upon the appropriate route.

(c) *Towing Vessels of Any Length on the Lower Mississippi River.* In addition to the requirements of paragraph (b) of this section, any towing vessel operating in the pilotage waters of the Lower Mississippi River must be under the control of an officer who holds either a First-Class Pilot's endorsement for that route, or MMC officer endorsement for the Western Rivers, or who meets the requirements of either paragraph (c)(1) or (2) of this section, as applicable.

(1) *Moving tank or hazardous material barges.* To operate a towing vessel with tank barges or a tow of barges carrying hazardous material regulated under subchapter N or O of this chapter, the officer in charge of the towing vessel must have completed at least 12 round trips over this route as an observer, with at least 3 of those trips during hours of darkness, and must provide evidence to the Coast Guard upon request that at least 1 of the 12 round trips occurred within the last 5 years.

(2) *Moving uninspected barges or no barges.* To operate a towing vessel without barges or a tow of uninspected barges, the officer in charge of the

towing vessel must have completed at least 4 round trips over this route as an observer, with at least 1 of those trips during hours of darkness, and must provide evidence to the Coast Guard upon request that at least 1 of the 4 round trips occurred within the last 5 years.

Subpart F—Manning Requirements; Uninspected Vessels

§ 15.601 General.

The following sections of subparts F, G, and H of this part contain provisions concerning manning of uninspected vessels; §§ 15.701, 15.705, 15.710, 15.720, 15.730, 15.801, 15.805, 15.810, 15.820, 15.825, 15.840, 15.850, 15.855, 15.905, 15.910, and 15.915.

§ 15.605 Credentialed operators for uninspected passenger vessels.

Each uninspected passenger vessel (UPV) must be under the direction and control of an individual credentialed by the Coast Guard, as follows:

(a) Every UPV of 100 GRT or more, as defined by 46 U.S.C. 2101(53)(A), must be under the command of an individual holding a License or MMC endorsed as Master. When navigated, it must be under the direction and control of a credentialed Master, Pilot, or Mate.

(b) Every self-propelled UPV as defined by 46 U.S.C. 2101(53)(B) must be under the direction and control of an individual holding a License or MMC endorsed as or equivalent to an Operator of an Uninspected Passenger Vessel (OUPV).

(c) Personnel serving on UPVs engaged on international voyages must meet the requirements of subpart K of this part.

§ 15.610 Master and Mate (Pilot) of uninspected towing vessels.

(a) The requirements in this section apply to towing vessels, except for—

(1) Towing vessels that are subject to subchapter M in accordance with § 136.105 of this subchapter;

(2) Towing vessels that are seagoing and 300 gross or more tons subject to the provisions of subchapter I of this chapter;

(3) Towing vessels that are inspected under other subchapters of this chapter that may perform occasional towing; and

(4) Towing vessels that are public vessels as defined in 46 U.S.C. 2101.

(b) Except as provided in this paragraph, every towing vessel of at least 8 meters (26 feet) in length, measured from end to end over the deck (excluding sheer), must be under the direction and control of a person holding a License or MMC officer

endorsement as Master or Mate (Pilot) of Towing Vessels, or as Master or Mate of vessels of greater than 200 GRT, holding either an endorsement on their License or MMC for towing vessels or a completed Towing Officer Assessment Record (TOAR) signed by a designated examiner indicating that the officer is proficient in the operation of towing vessels. This requirement does not apply to any vessel engaged in assistance towing.

(c) Any towing vessel operating in the pilotage waters of the Lower Mississippi River must be under the control of an officer meeting the requirements of paragraph (b) of this section who holds either a First-Class Pilot's endorsement for that route or MMC officer endorsement for the Western Rivers, or who meets the requirements of paragraph (b) of this section and meets the requirements of either paragraph (c)(1) or (2) of this section as applicable:

(1) To operate a towing vessel with tank barges, or a tow of barges carrying hazardous materials regulated under subchapters N or O of this chapter, an officer in charge of the towing vessel must have completed 12 roundtrips over this route as an observer, with at least three of those trips during hours of darkness, and provide evidence to the Coast Guard that at least one of the 12 roundtrips was completed within the last 5 years.

(2) To operate a towing vessel without barges, or a tow of uninspected barges, an officer in charge of the towing vessel must have completed at least four round trips over this route as an observer, with at least one of those trips during hours of darkness, and provide evidence to the Coast Guard that at least one of the four roundtrips was within the last 5 years.

Subpart G—Limitations and Qualifying Factors

§ 15.701 Officers Competency Certificates Convention, 1936.

(a) This section implements the Officers Competency Certificates Convention, 1936 (see 46 U.S.C. 8304), and applies to each vessel documented under the laws of the United States navigating seaward of the Boundary Lines in part 7 of this chapter, except:

- (1) A public vessel;
- (2) A wooden vessel of primitive build, such as a dhow or junk;
- (3) A barge; or
- (4) A vessel of less than 200 gross tons.

(b) The Master, Mates and engineers on any vessel to which this section applies must hold a License or MMC officer endorsement to serve in that capacity issued by the Coast Guard

under parts 10 and 11 of this subchapter.

(c) A vessel to which this section applies, or a foreign flagged vessel to which the Officers Competency Certificates Convention applies, may be detained by a designated official until that official is satisfied that the vessel is in compliance with the Convention.

Designated official includes Coast Guard officers, Coast Guard petty officers and officers or employees of the Customs and Border Protection Service.

(d) Whenever a vessel is detained, the owner, charterer, managing operator, agent, Master, or individual in charge may appeal the detention within 5 days under the provisions of § 2.01–70 of this chapter.

§ 15.705 Watches.

(a) 46 U.S.C. 8104 applies to the establishment of watches aboard certain U.S. vessels. The establishment of adequate watches is the responsibility of the vessel's Master. The Coast Guard interprets the term “watch” to be the direct performance of vessel operations, whether deck or engine, where such operations would routinely be controlled and performed in a scheduled and fixed rotation. The performance of maintenance or work necessary to the vessel's safe operation on a daily basis does not in itself constitute the establishment of a watch. The minimum safe manning levels specified in a vessel's COI or other safe manning document take into consideration routine maintenance requirements and ability of the crew to perform all operational evolutions, including emergencies, as well as those functions which may be assigned to persons in watches.

(b) Subject to exceptions, 46 U.S.C. 8104 requires that when a Master of a seagoing vessel of more than 100 GRT establishes watches for the officers, sailors, and Oilers, “the personnel shall be divided, when at sea, into at least three watches and shall be kept on duty successively to perform ordinary work incidental to the operation and management of the vessel.” Solely for the purposes of this part, the Coast Guard interprets “sailors” to mean those members of the deck department other than officers, whose duties involve the mechanics of conducting the ship on its voyage, such as helmsman (wheelman), lookout, etc., and which are necessary to the maintenance of a continuous watch. The term “sailors” is not interpreted to include Able Seafarers and Ordinary Seafarers not performing these duties.

(c)(1) Subject to exceptions, 46 U.S.C. 8104(g) permits the officers and crew members to be divided into two watches

when at sea and engaged on a voyage of less than 600 miles on the following categories of vessels—

- (i) Towing vessel;
- (ii) Offshore supply vessel, except as provided by paragraph (c)(2) of this section; or
- (iii) Barge.

(2) Paragraph (c)(1) of this section applies to an OSV of at least 6,000 GT ITC (500 GRT if GT ITC is not assigned), as defined in § 125.160 of this subchapter, if the individuals engaged on the vessel are in compliance with the work hours and rest period requirements in § 15.1111.

(d) Subject to exceptions, 46 U.S.C. 8104(h) permits a Master or Mate (Pilot) operating a towing vessel that is at least 8 meters (26 feet) in length measured from end to end over the deck (excluding sheer) to work not more than 12 hours in a consecutive 24-hour period except in an emergency. The Coast Guard interprets this, in conjunction with other provisions of the law, to permit Masters or Mates (Pilots) serving as operators of towing vessels that are not subject to the provisions of the Officers' Competency Certificates Convention, 1936 (see 46 U.S.C. 8304), to be divided into two watches regardless of the length of the voyage.

(e) Fish processing vessels are subject to various provisions of 46 U.S.C. 8104 concerning watches, including—

(1) For fish processing vessels that entered into service before January 1, 1988, the following watch requirements apply to the officers and deck crew:

- (i) If more than 5,000 GRT—three watches.
- (ii) If more than 1,600 GRT and not more than 5,000 GRT—two watches.
- (iii) If not more than 1,600 GRT—no watch division specified; or

(2) For fish processing vessels that entered into service after December 31, 1987, the following watch requirements apply to the officers and deck crew:

- (i) If more than 5,000 GRT—three watches.
- (ii) If not more than 5,000 GRT and having more than 16 individuals onboard, primarily employed in the preparation of fish or fish products—two watches.
- (iii) If not more than 5,000 GRT and having not more than 16 individuals onboard, primarily employed in the preparation of fish or fish products—no watch division specified.

(f) Properly manned uninspected passenger vessels of at least 100 GRT—

- (1) Which are underway for no more than 12 hours in any 24-hour period, and which are adequately moored, anchored, or otherwise secured in a harbor of safe refuge for the remainder

of that 24-hour period, may operate with one navigational watch;

(2) Which are underway more than 12 hours in any 24-hour period, must provide a minimum of a two-watch system;

(3) In no case may the crew of any watch work more than 12 hours in any 24-hour period, except in an emergency.

§ 15.710 Working hours.

In addition to prescribing watch requirements, 46 U.S.C. 8104 sets limitations on the working hours of credentialed officers and crew members, prescribes certain rest periods, and prohibits unnecessary work on Sundays and certain holidays when the vessel is in a safe harbor. It is the responsibility of the Master or Person in Charge to ensure that these limitations are met. However, under 46 U.S.C. 8104(f), the Master or other credentialed officer can require any part of the crew to work when, in their judgment, they are needed for:

- (a) Maneuvering, shifting berth, mooring, unmooring;
- (b) Performing work necessary for the safety of the vessel, or the vessel's passengers, crew, or cargo;
- (c) Saving of life onboard another vessel in jeopardy; or,
- (d) Performing fire, lifeboat, or other drills in port or at sea.

§ 15.715 Automated vessels.

(a) Coast Guard acceptance of automated systems to replace specific personnel or to reduce overall crew requirements is predicated upon the capabilities of the system, the system's demonstrated and continuing reliability, and a planned maintenance program that ensures continued safe operation of the vessel.

(b) The OCMI considers the capabilities of an automated system in establishing initial manning levels; however, until the system is proven reliable, a manning level adequate to operate in a continuously attended mode will be specified on a vessel's COI. It remains the responsibility of the vessel's Master to determine when a continuous watch is necessary.

§ 15.720 Use of non-U.S.-credentialed personnel.

(a) United States vessels which need to replace one or more persons while on a foreign voyage and outside the jurisdiction of the United States, in order to meet manning requirements, may use non-U.S. credentialed personnel without a TWIC, except for the positions of Master and Radio Officer, until the vessel returns to a port at which in the most expeditious

manner replacements who are citizens of the United States can be obtained.

(b) The citizenship requirements of 46 U.S.C. 8103(a) and (b) and the TWIC requirement of 46 U.S.C. 70105 are waived, except for the requirement that the Master must be a U.S. citizen holding a TWIC, with respect to the following vessels:

(1) A U.S.-documented offshore supply vessel (OSV) (as that term is defined in 46 U.S.C. 2101(19)) that is operating from a foreign port; and

(2) A U.S.-documented mobile offshore drilling unit (MODU) (as that term is defined in 46 U.S.C. 2101(15a)) that is operating beyond the water above the U.S. Outer Continental Shelf.

(c) The waiver provided in paragraph (b) of this section does not apply to any vessel operating in water above the U.S. Outer Continental Shelf (as that term is defined in 43 U.S.C. 1331(a)).

(d) The Master must assure that any replacements of crewmembers by non-U.S. citizens made in accordance with this section will be with an individual who holds a credential that required experience, training, and other qualifications equivalent to the U.S. credential required for the position and that the person possesses or will possess the training required to communicate to the extent required by § 15.730.

(e) Non-U.S.-credentialed officers serving onboard vessels subject to STCW must hold a "Certificate attesting recognition" in accordance with part 11, subpart J of this subchapter. A mariner may serve for a period not to exceed 3 months onboard the vessel while the Coast Guard is processing their application for such a certificate.

§ 15.725 Sailing short.

Whenever a vessel is deprived of the service of a member of its complement, and the Master or Person in Charge is unable to find appropriate credentialed personnel to man the vessel, the Master or Person in Charge may proceed on the voyage, having determined the vessel is sufficiently manned for the voyage. A report of sailing short must be filed with the OCMI having cognizance for inspection in the area in which the vessel is operating, or the OCMI within whose jurisdiction the voyage is completed. The report must explain the cause of each deficiency and be submitted within 12 hours after arrival at the next port. The actions of the Master or Person in Charge in such instances are subject to review and it must be shown the vacancy was not due to the consent, fault or collusion of the Master or other individuals specified in 46 U.S.C. 8101(e). A civil penalty may be assessed against the Master or Person

in Charge for failure to submit the report.

§ 15.730 Language requirements.

(a) The provisions of 46 U.S.C. 8702 relating to language apply generally to vessels of at least 100 GRT except:

- (1) Vessels operating on rivers and lakes except the Great Lakes;
- (2) A manned barge except a seagoing barge or a barge to which chapter 37 of 46 U.S.C. applies;
- (3) A fishing vessel, fish tender vessel, whaling vessel, or yacht;
- (4) A sailing school vessel with respect to sailing school instructors and sailing school students;
- (5) An oceanographic research vessel with respect to scientific personnel;
- (6) A fish processing vessel which entered into service before January 1, 1988, and is not more than 1,600 GRT or which entered into service after December 31, 1987, and has not more than 16 individuals onboard primarily employed in the preparation of fish or fish products; and
- (7) All fish processing vessels with respect to those personnel primarily employed in the preparation of fish or fish products or in a support position not related to navigation.

(b) 46 U.S.C. 8702(b) requires that onboard vessels departing U.S. ports 75 percent of the crew in each department onboard is able to understand any order spoken by the officers.

(c) The words able to understand any order spoken by the officers relates to any order to a member of the crew when directing the performance of that person's duties and orders relating to emergency situations such as used for response to a fire or in using lifesaving equipment. It is not expected that a member of the deck department understand terminology normally used only in the engine room or vice versa.

(d) Whenever information is presented to the Coast Guard that a vessel fails to comply with the specified language requirements the Coast Guard investigates the allegation to determine its validity. In determining if an allegation is factual, the Coast Guard may require a demonstration by the officers and crew that appropriate orders are understood. The demonstration will require that orders be spoken to the individual members of the crew by the officers in the language ordinarily and customarily used by the officers. The orders must be spoken directly by the officer to the crew member and not through an interpreter. Signs, gestures, or signals may not be used in the test. The Coast Guard representative will specify the orders to be given and will include not only daily

routine but orders involving emergencies, either of a departmental or of a general nature. This test will be conducted, if possible, at a time reasonably in advance of the vessel's departure, to avoid delays.

Subpart H—Computations

§ 15.801 General.

The OCMI will determine the specific manning levels for vessels required to have certificates of inspection by part B of subtitle II of title 46 U.S.C. The Masters or individuals in command of all vessels, whether required to be inspected under 46 U.S.C. 3301 or not, are responsible for properly manning vessels in accordance with the applicable laws, regulations, and international conventions.

§ 15.805 Master.

(a) There must be an individual holding an appropriate License as or a valid MMC with endorsement as Master in command of each of the following vessels:

- (1) Every self-propelled, seagoing documented vessel of 200 GRT and over.
- (2) Every self-propelled inspected vessel;
- (3) Every inspected passenger vessel;
- (4) Every inspected small passenger vessel; and
- (5) Every towing vessel of at least 8 meters (26 feet) or more in length must be in command of a Master of Towing Vessels, or a mariner holding a License or MMC endorsed as Master of inspected, self-propelled vessels greater than 200 GRT holding either—
 - (i) A completed Towing Officer's Assessment Record (TOAR), bearing the signature of a Designated Examiner and stating that the Examiner found the candidate proficient; or
 - (ii) A License or MMC endorsed for Master of Towing Vessels.
- (6) Every uninspected passenger vessel of at least 100 GRT.
- (7) Every uninspected passenger vessel engaged on an international voyage.

(b) On vessels subject to STCW, the individual meeting the requirement of this section must also hold an STCW endorsement as Master with the appropriate tonnage for the vessel which he or she is operating, except as noted in § 15.105(g) for vessels on domestic near-coastal voyages.

(c) Every vessel documented under the laws of the United States, other than a vessel with only a recreational endorsement, must be under the command of a U.S. citizen.

§ 15.810 Mates.

(a) The OCMI determines the minimum number of Mates required for the safe operation of inspected vessels.

(b) The minimum number of mariners holding a License or MMC officer endorsement as Mate required to be carried on every inspected, self-propelled, seagoing and Great Lakes vessel, and every inspected, seagoing, passenger vessel must not be less than the following, except when reductions are authorized under paragraph (e) of this section:

(1) Vessels of 1,000 GRT or more (except MODUs)—three Mates (except when on a voyage of less than 400 miles from port of departure to port of final destination—two Mates).

(2) MODUs of 1,000 GRT or more:

(i) Three Mates when on a voyage of more than 72 hours.

(ii) Two Mates when on a voyage of more than 16 but not more than 72 hours.

(iii) One Mate when on a voyage of not more than 16 hours.

(3) Vessels of 100 GRT or more but less than 1,000 GRT—two Mates (except vessels of at least 100 but less than 200 GRT on voyages which do not exceed 24 hours in duration—one Mate).

(4) All vessels of less than 100 GRT—one Mate (except vessels on voyages not exceeding 12 hours in duration may, if the OCMI determines it to be safe, be operated without Mates).

(5) An offshore supply vessel of 100 GRT (100 GT ITC if GRT is not assigned) or more, but less than 6,000 GT ITC (500 GRT if GT ITC is not assigned) as defined in § 125.160 of this subchapter—one credentialed Mate (except when on a voyage of at least 600 miles—two credentialed Mates). A voyage includes the accrued distance from port of departure to port of arrival and does not include stops at offshore points.

(6) An offshore supply vessel of at least 6,000 GT ITC (500 GRT if GT ITC is not assigned) as defined in § 125.160 of this chapter—two credentialed Mates provided that the OSV meets the requirements in § 15.1111 (except when on a voyage of more than 600 miles—three credentialed Mates). A voyage includes the accrued distance from the vessel's port of departure to the vessel's port of arrival. Stops at offshore points or facilities do not constitute separate voyages; stops at offshore points or facilities are included in the total accrued distance between the vessel's port of departure and the vessel's port of arrival.

(c) An individual in charge of the navigation or maneuvering of a self-propelled, uninspected, documented,

seagoing vessel of 200 GRT or over must hold an appropriate License or MMC authorizing service as Mate.

(d) Each Person in Charge of the navigation or maneuvering of a towing vessel of at least 8 meters (26 feet) in length must satisfy the requirements of § 15.805(a)(5) or hold a License or MMC authorizing service as either—

(1) Mate (Pilot) of Towing Vessels; or

(2) Mate of inspected self-propelled vessels greater than 200 GRT within any other restrictions on the officer's License or MMC, holding either—

(i) A completed TOAR bearing the signature from a Designated Examiner (DE) and stating that the DE found the candidate proficient; or

(ii) A License or MMC with officer endorsement for towing vessels.

(e) The OCMI may increase the minimum number of Mates indicated in paragraph (b) of this section where they determine that the vessel's characteristics, route, or other operating conditions create special circumstances warranting an increase.

(f) The Commandant will consider reductions to the number of Mates required by this section when special circumstances allowing a vessel to be safely operated can be demonstrated.

(g) On vessels subject to STCW, the individual meeting the requirement of this section must also hold an STCW endorsement as Officer in Charge of a Navigational Watch with the appropriate tonnage for the vessel which they are operating, except as noted in § 15.105 (g) for vessels on domestic near-coastal voyages.

§ 15.812 Pilots.

(a) Except as specified in paragraph (f) of this section, the following vessels, not sailing on register, when underway on the navigable waters of the United States, must be under the direction and control of an individual qualified to serve as Pilot under paragraph (b) or (c) of this section, as appropriate:

(1) Coastwise seagoing vessels propelled by machinery and subject to inspection under 46 U.S.C. Chapter 33, and coastwise seagoing tank barges subject to inspection under 46 U.S.C. Chapter 37.

(2) Vessels that are not authorized by their COI to proceed beyond the Boundary Line established in part 7 of this chapter, are in excess of 1,600 GRT propelled by machinery, and are subject to inspection under 46 U.S.C. Chapter 33.

(3) Vessels operating on the Great Lakes, that are propelled by machinery and subject to inspection under 46 U.S.C. Chapter 33, or are tank barges subject to inspection under 46 U.S.C. Chapter 37.

(b) The following individuals may serve as a Pilot on a vessel subject to paragraph (a) of this section, when underway on the navigable waters of the United States that are designated areas:

(1) An individual holding a valid First-Class Pilot's License or MMC officer endorsement as First-Class Pilot, operating within the restrictions of their credential, may serve as Pilot on any vessel to which this section applies.

(2) An individual holding a valid License or MMC officer endorsement as Master or Mate, employed aboard a vessel within the restrictions of their credential, may serve as Pilot on a vessel of not more than 1,600 GRT propelled by machinery, described in paragraphs (a)(1) and (3) of this section, provided they are—

(i) At least 21 years old;

(ii) Able to show current knowledge of the waters to be navigated, as required in § 11.713 of this subchapter; and

(iii) Able to provide evidence of completing a minimum of four roundtrips over the route to be traversed while in the wheelhouse as watchstander or observer. At least one of the roundtrips must be made during the hours of darkness if the route is to be traversed during darkness.

(3) An individual holding a valid License or MMC officer endorsement as Master, Mate, or operator employed aboard a vessel within the restrictions of their credential, may serve as Pilot on a tank barge or tank barges totaling not more than 10,000 GRT/GT, described in paragraphs (a)(1) and (3) of this section, provided they—

(i) Are at least 21 years old

(ii) Are able to show current knowledge of the waters to be navigated, as required in § 11.713 of this subchapter

(iii) Have a current physical examination in accordance with the provisions of § 11.709 of this subchapter

(iv) Have at least 6 months of service in the deck department on towing vessels engaged in towing operations; and

(v) Provide evidence of completing a minimum of 12 roundtrips over the route to be traversed, as an observer or under instruction in the wheelhouse. At least three of the roundtrips must be made during the hours of darkness if the route is to be traversed during darkness

(c) An individual holding a valid License or MMC officer endorsement as Master, Mate, or operator, employed aboard a vessel within the restrictions of their credential, may serve as a Pilot for a vessel subject to paragraphs (a)(1) and (2) of this section, when underway on the navigable waters of the United States that are not designated areas of pilotage waters, provided they—

(1) Are at least 21 years old

(2) Are able to show current knowledge of the waters to be navigated, as required in § 11.713 of this subchapter; and

(3) Have a current physical examination in accordance with the provisions of § 11.709 of this subchapter

(d) In any instance in which the qualifications of a person satisfying the requirements for pilotage through the provisions of this subpart are questioned by the Coast Guard, the individual must, within a reasonable time, provide the Coast Guard with documentation proving compliance with the applicable portions of paragraphs (b) and (c) of this section

(e) Federal pilotage requirements contained in paragraphs (a) through (d) of this section are summarized in the following two quick reference tables

(1) Table 1 to § 15.812(e)(1) provides a guide to the pilotage requirements for inspected, self-propelled vessels.

TABLE 1 TO § 15.812(e)(1)—QUICK REFERENCE TABLE FOR FEDERAL PILOTAGE REQUIREMENTS FOR U.S.-INSPECTED, SELF-PROPELLED VESSELS, NOT SAILING ON REGISTER

	Designated areas of pilotage waters (routes for which First-Class Pilot's licenses or MMC officer endorsements are issued)	Non-designated areas of pilotage waters (between the 3-mile line and the start of traditional pilotage routes)
Inspected self-propelled vessels greater than 1,600 GRT, authorized by their COI to proceed beyond the Boundary Line, or operating on the Great Lakes.	First-Class Pilot	Master or Mate may serve as Pilot if they— 1. Are at least 21 years old; 2. Have an annual physical exam; and 3. Maintain current knowledge of the waters to be navigated. ¹

TABLE 1 TO § 15.812(e)(1)—QUICK REFERENCE TABLE FOR FEDERAL PILOTAGE REQUIREMENTS FOR U.S.-INSPECTED, SELF-PROPELLED VESSELS, NOT SAILING ON REGISTER—Continued

	Designated areas of pilotage waters (routes for which First-Class Pilot's licenses or MMC officer endorsements are issued)	Non-designated areas of pilotage waters (between the 3-mile line and the start of traditional pilotage routes)
Inspected self-propelled vessels not more than 1,600 GRT, authorized by their COI to proceed beyond the Boundary Line, or operating on the Great Lakes.	First-Class Pilot, or Master or Mate may serve as Pilot if they— 1. Are at least 21 years old; 2. Maintain current knowledge of the waters to be navigated; and ¹ 3. Have four roundtrips over the route. ² First-Class Pilot	Master or Mate may serve as Pilot if they— 1. Are at least 21 years old; and 2. Maintain current knowledge of the waters to be navigated. ¹
Inspected self-propelled vessels greater than 1,600 GRT, not authorized by their COI to proceed beyond the Boundary Line (inland route vessels); other than vessels operating on the Great Lakes.	First-Class Pilot	Master or Mate may serve as Pilot if they— 1. Are at least 21 years old; 2. Have an annual physical exam; and 3. Maintain current knowledge of the waters to be navigated. ¹
Inspected self-propelled vessels not more than 1,600 GRT, not authorized by their COI to proceed beyond the Boundary Line (inland route vessels); other than vessels operating on the Great Lakes.	No pilotage requirement	No pilotage requirement.

¹ One roundtrip within the past 60 months.² If the route is to be traversed during darkness, one of the four roundtrips must be made during darkness.

(2) Table 2 to § 15.812(e)(2) provides a guide to the pilotage requirements for tank barges.

TABLE 2 TO § 15.812(e)(2)—QUICK REFERENCE TABLE FOR FEDERAL PILOTAGE REQUIREMENTS FOR U.S.-INSPECTED TANK BARGES, NOT SAILING ON REGISTER

	Designated areas of pilotage waters (routes for which First-Class Pilot's Licenses or MMC officer endorsements are issued)	Non-designated areas of pilotage waters (between the 3-mile line and the start of traditional pilotage routes)
Tank Barges greater than 10,000 GRT/GT, authorized by their COI to proceed beyond the Boundary Line, or operating on the Great Lakes.	First-Class Pilot	Master, Mate, or Master, Mate (Pilot) of Towing Vessels may serve as Pilot if they: 1. Are at least 21 years old; 2. Have an annual physical exam; ² 3. Maintain current knowledge of the waters to be navigated; ¹ and 4. Have at least 6 months' service in the deck department on towing vessels engaged in towing operations.
Tank Barges 10,000 GRT/GT or less, authorized by their COI to proceed beyond the Boundary Line, or operating on the Great Lakes.	First-Class Pilot, or Master, Mate, or Master, Mate (Pilot) of Towing Vessels may serve as Pilot if they: 1. Are at least 21 years old; 2. Have an annual physical exam; ² 3. Maintain current knowledge of the waters to be navigated; ¹ 4. Have at least 6 months' service in the deck department on towing vessels engaged in towing operations; and 5. Have 12 roundtrips over the route. ³ No pilotage requirement	No pilotage requirement.
Tank Barges authorized by their COI for inland routes only (lakes, bays, and sounds/ivers); other than vessels operating on the Great Lakes.	No pilotage requirement	No pilotage requirement.

¹ One roundtrip within the past 60 months.² Annual physical exam does not apply to an individual who will serve as a Pilot of a tank barge of less than 1,600 GRT.³ If the route is to be traversed during darkness, three of the 12 roundtrips must be made during darkness.

(f) In Prince William Sound, Alaska, coastwise seagoing vessels over 1,600 GRT and propelled by machinery and subject to inspection under 46 U.S.C. Chapter 37 must—

(1) When operating from 60°49' north latitude to the Port of Valdez, be under the direction and control of an individual holding a valid License or MMC endorsed as Pilot who—

(i) Is operating under the authority of a License or MMC;

(ii) Holds a License issued by the State of Alaska; and

(iii) Is not a crewmember of the vessel; and

(2) Navigate with either two credentialed deck officers on the bridge or an individual holding a valid License or MMC endorsed as Pilot, when operating south of 60°49' north latitude and in the approaches through Hinchinbrook Entrance and in the area bounded—

(i) On the West by a line 1 mile west of the western boundary of the Traffic Separation Scheme

(ii) On the East by 146°00' West longitude;

(iii) On the North by 60°49' North latitude; and

(iv) On the South by that area of Hinchinbrook Entrance within the territorial sea bounded by 60°07' North latitude and 146°31.5' West longitude

§ 15.815 Radar Observers.

(a) Each person in the required complement of deck officers, including the Master, on inspected vessels of 300 GRT or over which are radar equipped, must hold an endorsement as Radar Observer.

(b) Each person who is employed or serves as Pilot in accordance with Federal law onboard radar-equipped vessels of 8 meters (26 feet) or more in length must hold an endorsement as Radar Observer.

(c) Each person having to hold a License or MMC officer endorsement under 46 U.S.C. 8904(a) for employment or service as Master or Mate onboard a towing vessel of 26 meters (85 feet) or more in length must, if the vessel is equipped with radar, hold an endorsement as Radar Observer.

(d) Until July 22, 2024, a person may satisfy the requirements in paragraph (a), (b), or (c) by having immediately available a valid course completion certificate from an appropriate Coast Guard-approved or accepted radar course that was issued within the previous 5 years.

§ 15.816 Automatic radar plotting aids (ARPA).

Every person in the required complement of deck officers, including the Master, on seagoing vessels equipped with automatic radar plotting aids (ARPA), except those vessels listed in § 15.105(f) and (g), must hold an appropriate STCW endorsement valid for vessels equipped with ARPA.

§ 15.817 Global Maritime Distress and Safety System (GMDSS) Radio Operator.

Every person in the required complement of deck officers, including the Master, on seagoing vessels equipped with a GMDSS, except those vessels listed in § 15.105(f) and (g), must provide evidence of a valid STCW endorsement as GMDSS Radio Operator.

§ 15.818 Global Maritime Distress and Safety System (GMDSS) At-sea Maintainer.

Every person employed or engaged to maintain GMDSS equipment at sea, when the service of a person so designated is used to meet the maintenance requirements of SOLAS Regulation IV/15 (incorporated by reference, see § 15.103), must provide documentary evidence that they are competent to maintain GMDSS equipment at sea.

§ 15.820 Chief Engineer.

(a) There must be an individual holding an MMC or License endorsed as Chief Engineer or other credential authorizing service as Chief Engineer employed onboard the following

mechanically propelled inspected vessels:

(1) Seagoing or Great Lakes vessels of 200 GRT and over;

(2) Offshore supply vessels of more than 200 GRT;

(3) Inland (other than Great Lakes) vessels of 300 GRT or more, if the OCMi determines that an individual with a license or the appropriate MMC officer endorsement responsible for the vessel's mechanical propulsion is necessary.

(b) On vessels subject to STCW, the individual meeting the requirement of this section must also hold an STCW endorsement as Chief Engineer with the appropriate propulsion power for the vessel upon which they are operating, except as noted in § 15.105(g) for vessels on domestic near-coastal voyages.

(c) An individual engaged or employed to perform the duties of Chief Engineer on a mechanically propelled, uninspected, seagoing, documented vessel of 200 GRT or more must hold an appropriately endorsed License or MMC authorizing service as a Chief Engineer.

§ 15.825 Engineers.

(a) An individual in charge of an engineering watch on a mechanically propelled, seagoing, documented vessel of 200 GRT or more, other than an individual described in § 15.820, must hold an appropriately endorsed License or MMC authorizing service as an Assistant Engineer.

(b) On vessels subject to STCW, the individual meeting the requirement of this section must also hold an STCW endorsement as Officer in Charge of an Engineering Watch with the appropriate propulsion power for the vessel upon which they are operating, except as noted in § 15.105(g) for vessels on domestic near-coastal voyages.

(c) An offshore supply vessel of at least 6,000 GT ITC (500 GRT if GT ITC is not assigned) as defined in § 125.160 of this chapter, for which the Coast Guard has accepted the use of automated systems to replace specific personnel pursuant to subpart 62.50 of this chapter, must carry at least one credentialed Assistant Engineer, in addition to the individual described in § 15.820.

(d) The OCMi determines the minimum number of credentialed engineers required for the safe operation of inspected vessels.

§ 15.830 Radio Officers.

Radio Officers are required on certain merchant vessels of the United States. The determination of when a Radio Officer is required is based on the Federal Communications Commission

requirements as found in 47 CFR parts 13 and 80.

§ 15.835 Staff officers.

Staff officers, when carried, must be registered as specified in part 11 of this subchapter.

§ 15.840 Able Seafarers.

(a) With certain exceptions, 46 U.S.C. 8702 applies to all vessels of at least 100 GRT. At least 65 percent of the deck crew of these vessels, excluding individuals serving as officers, must be Able Seafarers. For vessels permitted to maintain a two-watch system, the percentage of Able Seafarers may be reduced to 50 percent.

(b) Able Seafarers are rated as: Unlimited, Limited, Special, OSV, Sail, and Fishing Industry, under the provisions of part 12 of this subchapter. 46 U.S.C. 7312 specifies the categories of Able Seafarers (*i.e.*, Unlimited, Limited, etc.) necessary to meet the requirements of 46 U.S.C. 8702.

(c) On vessels subject to STCW, the individual meeting the requirement of this section must also hold an STCW endorsement as Rating Forming Part of a Navigational Watch (RFPNW) or Able Seafarer-Deck (according to § 15.404(a) and (b)), except as noted in § 15.105 (g) for vessels on domestic near-coastal voyages.

(d) It is the responsibility of the Master or Person in Charge (PIC) to ensure that the Able Seafarers in the service of the vessel meet the requirements of 46 U.S.C. 7312 and 8702.

§ 15.845 Lifeboat Operators.

(a) The number of Lifeboat Operators required for a vessel is specified in part 199 of this chapter; however, on vessels not equipped with lifeboats, a Lifeboat Operator may be replaced by a Lifeboat Operator-Limited.

(b) On vessels subject to STCW, the individual meeting the requirement of this section must also hold an STCW endorsement for Proficiency in Survival Craft, except as noted in § 15.105 (g) for vessels on domestic near-coastal voyages.

§ 15.850 Lookouts.

(a) The requirements for the maintenance of a proper lookout are specified in Rule 5 of the International Regulations for Preventing Collisions at Sea, 1972 (33 U.S.C. 1602(c)), and Rule 5 of the Inland Navigational Rules Act of 1980 (33 CFR part 83). Lookout is a function to be performed by a member of a navigational watch.

(b) On vessels subject to STCW, the individual meeting the requirement of

this section must also hold at least an STCW deck endorsement as Rating Forming Part of a Navigational Watch (RFPNW), except as noted in § 15.105(g) for vessels on domestic near-coastal voyages.

§ 15.855 Cabin watchmen and fire patrolmen.

(a) On vessels carrying passengers at night, the Master or Person in Charge must ensure that a suitable number of watchmen are in the vicinity of the cabins or staterooms and on each deck, to guard against and give alarm in case of fire or other danger.

(b) On a fish processing vessel of more than 100 GRT, there must be a suitable number of watchmen trained in firefighting onboard when hot work is being done, to guard against and give alarm in case of a fire.

(c) For the watchmen described in paragraph (a) of this section, the owner or operator of an uninspected passenger vessel not more than 300 GRT may substitute the use of fire detectors, heat detectors, smoke detectors, and high-

water alarms with audible- and visual-warning indicators, in addition to other required safety alarms, only when each of the following conditions are met:

(1) Fire detectors are located in each space containing machinery or fuel tanks per § 181.400(c) of this chapter.

(2) All grills, broilers, and deep-fat fryers are fitted with a grease extraction hood per § 181.425 of this chapter.

(3) Heat and/or smoke detectors are located in each galley, public accommodation space, enclosed passageway, berthing space, and all crew spaces.

(4) High-water alarms are located in each space with a through hull fitting below the deepest load waterline, a machinery space bilge, bilge well, shaft alley bilge, or other space subject to flooding from sea water piping within the space, and a space below the waterline with non-watertight closure such as a space with a non-watertight hatch on the main deck.

(5) Each alarm has an audible- and visual-alarm indicator located at the normal operating station and, if the

normal operating position is not continually manned and not navigating underway, in an alternate location that must provide the crew, and may at all times provide the passengers, immediate warning of a hazardous condition.

(6) The vessel is underway for no more than 12 hours in any 24-hour period, and the Master of the vessel has chosen to operate with less than a three-watch system in accordance with § 15.705.

§ 15.860 Tank vessel endorsements.

(a) The OCMI enters on the COI issued to each manned tank vessel subject to the regulations in this chapter the number of crewmembers required to hold valid MMCs with the proper tank vessel endorsement. Table 1 to § 15.860(a) of this section provides the minimum requirements for manned tank vessels. Table 2 to § 15.860(a) of this section provides the tank vessel endorsements required for personnel aboard tankships.

TABLE 1 TO § 15.860(a)—MINIMUM REQUIREMENTS FOR MANNED TANK VESSELS

Tank vessels	Tank vessel-PIC	Tank Vessel-assistant	Tank Vessel-engineer	Tank Vessel-PIC or tank barge-PIC
Tankship Certified for Voyages Beyond Boundary Line:				
Over 5,000 GRT	2	3	2	
5,000 GRT or less	2	.....	12	
Tankship Not Certified for Voyages Beyond Boundary Line	² 2			
Tank Barge .....	.....	.....	.....	² 2

¹ If only one engineer is required, then only one Tank Vessel-Engineer is required.

² If the total crew complement is one or two persons, then only one Tank Vessel-PIC is required.

³ If the total crew complement is one or two persons, then only one Tank Vessel-PIC or Tank Barge-PIC is required.

TABLE 2 TO § 15.860(a)—TANK VESSEL ENDORSEMENTS REQUIRED FOR PERSONNEL ABOARD TANKSHIPS

[Endorsement for the classification of the bulk liquid cargo or residues carried]

Tankship certified for voyages beyond boundary line	Tank vessel-PIC		Tank vessel-engineer	Tank vessel-assistant
Master	X			
Chief Mate	X			
Chief Engineer	X	or	X	
First Assistant Engineer	X	or	X	
Cargo Engineer	X	or	X	
Credentialed officer Acting as PIC of Transfer of Liquid Cargo in Bulk	X			
Credentialed Officer or Crewmember Not Directly Supervised by PIC .....	.....	.....	.....	X

(b) For each tankship of more than 5,000 GRT certified for voyages beyond the boundary line as described in part 7 of this chapter—

(1) At least two Tank Vessel-PICs or Restricted Tank Vessel-PICs must be carried;

(2) At least three Tank Vessel-Assistants must be carried; and

(3) At least two Tank Vessel-Engineers must be carried.

(c) For each tankship of 5,000 GRT or less certified for voyages beyond the boundary line, as described in part 7 of this chapter

(1) At least two Tank Vessel-PICs or Restricted Tank Vessel-PICs must be carried; and

(2) At least two Tank Vessel-Engineers must be carried, unless only one engineer is required, in which case at

least one Tank Vessel-Engineer must be carried.

(d) For each tankship not certified for voyages beyond the boundary line, as described in part 7 of this chapter, if the total crew complement is—

(1) One or two, at least one Tank Vessel-PIC or Restricted Tank Vessel-PIC must be carried; or

(2) More than two, at least two Tank Vessel-PICs or Restricted Tank Vessel-PICs must be carried.

(e) For each Tank Barge-PIC manned under § 31.15–5 of this chapter, if the total crew complement is—

(1) One or two, at least one Tank Vessel-PIC, restricted Tank Vessel-PIC, Tank Barge-PIC, or Restricted Tank Barge-PIC must be carried; or

(2) More than two, at least two Tank Vessel-PICs, Restricted Tank Vessel-PICs, Tank Barge-PICs, or Restricted Tank Barge-PICs must be carried.

(f) The following personnel aboard each tankship certified for voyages beyond the boundary line, as described in part 7 of this chapter, must hold valid MMCs, endorsed as follows:

(1) The Master and Chief Mate must each hold a Tank Vessel-PIC or Restricted Tank Vessel-PIC endorsement.

(2) The Chief, First Assistant, and cargo engineers must each hold a Tank Vessel-Engineer or Tank Vessel-PIC endorsement.

(3) Each credentialed officer acting as the PIC of a transfer of liquid cargo in bulk must hold a Tank Vessel-PIC or Restricted Tank Vessel-PIC endorsement.

(4) Each officer or crewmember who is assigned by the PIC duties and responsibilities related to the cargo or cargo-handling equipment during a transfer of liquid cargo in bulk, but is not directly supervised by the PIC, must hold a Tank Vessel-Assistant endorsement.

(g) The endorsements required by this section must be for the classification of the liquid cargo in bulk or of the cargo residue being carried.

(h) All individuals serving on tankships certified for voyages beyond the boundary line, as described in part 7 of this chapter, must hold an appropriate STCW endorsement, as follows:

(1) For Tank Vessel-PIC, an STCW endorsement as Advanced Oil Tanker Cargo Operations, Advanced Chemical Tanker Cargo Operations, or Advanced Liquefied Gas Tanker Cargo Operations, as appropriate.

(2) For Tank Vessel-Assistant, an STCW endorsement as Basic Oil and Chemical Tanker Cargo Operations, or Basic Liquefied Gas Tanker Cargo Operations, as appropriate.

(3) For a Tank Barge-PIC, an STCW endorsement as Advanced Oil Tanker Cargo Operations, Advanced Chemical Tanker Cargo Operations, or Advanced Liquefied Gas Tanker Cargo Operations, as appropriate, including endorsements with a limitation for non-self-propelled vessels.

(4) For a Tank Vessel-Engineer, an STCW endorsement as Advanced Oil Tanker Cargo Operations, or Advanced Chemical Tanker Cargo Operations, as appropriate, including endorsements with a limitation to maintenance and repair of cargo equipment.

§ 15.865 Qualified Member of the Engine Department.

(a) Every person serving under the authority of a rating endorsement as Qualified Member of the Engine Department (QMED) on any United States vessel requiring QMED must hold an endorsement as QMED.

(b) On vessels subject to STCW, certain seafarers meeting the requirement of this section must also hold either an STCW endorsement as Able Seafarer-Engine or Rating Forming Part of an Engineering Watch (RFPEW) or designated to perform duties in a periodically unmanned engine room (according to § 15.404(c) and (d)), except as noted in § 15.105(g) for vessels on domestic near-coastal voyages.

Subpart I—Equivalents

§ 15.901 Inspected vessels of less than 100 GRT.

(a) An individual holding a License or MMC endorsed as Mate or Pilot of inspected, self-propelled vessels of 200 GRT or more is authorized to serve as Master on inspected vessels of less than 100 GRT within any restrictions on the individual's License or MMC, without further endorsement.

(b) An individual holding a License or MMC endorsed as Master or Mate of inspected self-propelled vessels is authorized to serve as Master or Mate, respectively, of non-self-propelled vessels other than sail vessels, within any restrictions on the individual's License or MMC, without further endorsement.

(c) An individual holding a License or MMC endorsed as Master or Mate of inspected sail vessels is authorized to serve as Master or Mate, respectively, of other non-self-propelled vessels, within any restrictions on the individual's License or MMC, without further endorsement.

(d) An individual holding a License or MMC endorsed as Master or Mate of inspected auxiliary sail vessels, is authorized to serve as Master or Mate, respectively, of self-propelled and non-self-propelled vessels, within any restrictions on the individual's License or MMC, without further endorsement.

§ 15.905 Uninspected passenger vessels.

(a) An individual holding a License or MMC endorsed as Master or Pilot of an inspected self-propelled vessel is

authorized to serve as operator of an uninspected passenger vessel of less than 100 GRT within any restrictions, other than tonnage limitations, on the individual's License or MMC.

(b) An individual holding a License or MMC endorsed as a Master or Pilot of an inspected self-propelled vessel is authorized to serve as Master, as required by 46 CFR 15.805(a)(6), of an uninspected passenger vessel of 100 GRT or more within any restrictions, including gross tonnage and route, on the individual's License or MMC.

(c) An individual holding a License or MMC endorsed as Mate of an inspected self-propelled vessel (other than Great Lakes, inland, or river vessels of less than 200 GRT) is authorized to serve as Operator of Uninspected Passenger Vessels (OUPV) of less than 100 GRT within any restrictions, other than tonnage limitations, on the individual's License or MMC.

§ 15.910 Towing vessels.

No person may serve as a Master or Mate (Pilot) of any towing vessel without meeting the requirements of § 15.805(a)(5) or 15.810(d).

§ 15.915 Engineer officer endorsements.

The following Licenses and MMC officer endorsements authorize the holder to serve as noted, within any restrictions on the License or MMC, and as provided by § 15.401:

(a) A Designated Duty Engineer (DDE) License or endorsement authorizes service as Chief or Assistant Engineer on vessels of less than 500 GT in the following manners:

(1) A DDE limited to vessels of less than 1,000 horsepower or less than 4,000 horsepower may serve only on near-coastal, Great Lakes, or inland waters.

(2) A DDE with no horsepower limitations may serve on any waters.

(3) When serving on a vessel to which STCW applies, the appropriate STCW endorsement must also be held.

(b) A Chief Engineer-Limited License or endorsement authorizes service as Chief or Assistant Engineer on vessels of any gross tons on inland waters and of less than 1,600 GRT on ocean, near-coastal, or Great Lakes waters.

(c) An Assistant Engineer-Limited License or endorsement authorizes service on vessels of any gross tons on inland waters and of less than 1,600 GRT on ocean, near-coastal, or Great Lakes waters.

Subpart J—Vessels in Foreign Trade

§ 15.1001 General.

Self-propelled vessels engaged in foreign commerce are required to use a

Pilot holding a valid MMC or License with appropriate endorsement as a First-Class Pilot when operating in the navigable waters of the United States specified in this subpart.

§ 15.1010 California.

The following offshore marine oil terminals located within U.S. navigable waters of the State of California:

(a) Carlsbad, CA. The waters including the San Diego Gas and Electric, Encina Power Plant, lying within an area bounded by a line beginning at latitude 33°10'06" N, longitude 117°21'42" W, thence southwesterly to latitude 33°08'54" N, longitude 117°24'36" W, thence southwesterly to latitude 33°04'30" N, longitude 117°21'42" W, thence northeasterly to latitude 33°05'36" N, longitude 117°18'54" W, thence northwesterly along the shoreline to latitude 33°10'06" N, longitude 117°21'42" W.

(b) Huntington Beach, CA. The waters including the Golden West Refining Company, Huntington Beach Marine Terminal, lying within an area bounded by a line beginning at latitude 33°39'06" N, longitude 118°00'00" W, thence westerly to latitude 33°39'18" N, longitude 118°05'12" W, thence southeasterly along a line drawn three nautical miles from the baseline to latitude 33°35'30" N, longitude 118°00'00" W, thence easterly to latitude 33°35'30" N, longitude 117°52'30" W, thence northwesterly along the shoreline to latitude 33°39'06" N, longitude 118°00'00" W.

(c) El Segundo, CA. The waters including the Chevron USA, El Segundo Marine Terminal, lying within an area bounded by a line beginning at latitude 33°56'18" N, longitude 118°26'18" W, thence westerly to latitude 33°56'18" N, longitude 118°30'48" W, thence southeasterly along a line drawn three nautical miles from the baseline to latitude 33°51'48" N, longitude 118°27'54" W, thence easterly to latitude 33°51'48" N, longitude 118°24'00" W, thence northwesterly along the shoreline to latitude 33°56'18" N, longitude 118°26'18" W.

(d) Oxnard, CA. The waters including the Southern California Edison Company, Mandalay Generating Station, lying within an area bounded by a line beginning at latitude 34°14'12" N, longitude 119°16'00" W, thence westerly to latitude 34°14'12" N, longitude 119°19'36" W, thence southeasterly along a line drawn three nautical miles from the baseline to latitude 34°09'24" N, longitude 119°17'20" W, thence easterly to latitude 34°09'24" N, longitude 119°13'24" W, thence

northwesterly along the shoreline to latitude 34°14'24" N, longitude 119°16'00" W.

(e) Goleta, CA. The waters including the ARCO, Ellwood Marine Terminal, lying within an area bounded by a line beginning at latitude 34°26'12" N, longitude 119°57'00" W, thence southerly to latitude 34°22'48" N, longitude 119°57'00" W, thence southeasterly along a line drawn three nautical miles from the baseline to latitude 34°21'06" N, longitude 119°50'30.5" W, thence northerly to latitude 34°24'18" N, longitude 119°50'30" W, thence northwesterly along the shoreline to latitude 34°26'12" N, longitude 119°57'00" W.

(f) Gaviota, CA. The waters including the Texaco Trading and Transportation, Gaviota Marine Terminal, lying within an area bounded by a line beginning at latitude 34°28'06" N, longitude 120°16'00" W, thence southerly to latitude 34°25'06" N, longitude 120°16'00" W, thence easterly along a line drawn three nautical miles from the baseline to latitude 34°25'24" N, longitude 120°08'30" W, thence northerly to latitude 34°28'24" N, longitude 120°08'30" W, thence westerly along the shoreline to latitude 34°28'06" N, longitude 120°16'00" W.

(g) Moss Landing, CA. The waters including the Pacific Gas and Electric Company Power Plant, lying within an area bounded by a line beginning at latitude 36°49'00" N, longitude 121°47'42" W, thence westerly to latitude 36°49'00" N, longitude 121°51'00" W, thence southerly to latitude 36°47'00" N, longitude 121°51'00" W, thence easterly to latitude 36°47'00" N, longitude 121°47'54" W, thence northerly along the shoreline to latitude 36°49'00" N, longitude 121°47'42" W.

(h) Estero Bay, CA. The waters including various moorings, including the Pacific Gas and Electric Company mooring and the two Chevron Oil Company Terminals lying within an area bounded by a line beginning at latitude 36°25'00" N, longitude 120°52'30" W, thence westerly to latitude 36°25'00" N, longitude 120°56'00" W, thence southerly to latitude 36°22'00" N, longitude 120°56'00" W, thence easterly to latitude 36°22'00" N, longitude 120°52'12" W, thence northerly along the shoreline to latitude 36°25'00" N, longitude 120°52'30" W.

(i) San Luis Obispo Bay, CA. The waters including the Unocal Corporation Avila Terminal and the approaches thereto, lying in an area bounded by a line beginning at latitude 35°09'42" N, longitude 120°46'00" W,

thence southerly to latitude 35°07'00" N, longitude 120°46'00" W, thence easterly to latitude 35°07'00" N, longitude 120°43'00" W, thence northerly to latitude 35°10'24" N, longitude 120°43'00" W, thence westerly along the shoreline to latitude 35°09'42" N, longitude 120°46'00" W.

§ 15.1020 Hawaii.

The following offshore marine oil terminals located within U.S. navigable waters of the State of Hawaii: Barbers Point, Island of Oahu. The waters including the Hawaiian Independent Refinery, Inc. and the Chevron moorings lying within an area bounded by a line bearing 180 degrees true from Barbers Point Light to latitude 21°14.8'N, longitude 158°06.4'W, thence easterly to latitude 21°14.8'N, longitude 158°03.3'W, thence northeasterly to latitude 21°15.6'N, longitude 158°01.1'W, thence northwesterly to latitude 21°18.5'N, longitude 158°02.0'W, thence westerly along the shoreline to latitude 21°17.8'N, longitude 158°06.4'W.

§ 15.1030 New York and New Jersey.

The following U.S. navigable waters located within the States of New York and New Jersey when the vessel is making an intra-port transit, to include, but not limited to, a movement from a dock to a dock, from a dock to an anchorage, from an anchorage to a dock, or from an anchorage to an anchorage, within the following listed operating areas:

- (a) East River from Execution Rocks to New York Harbor, Upper Bay;
- (b) Hudson River from Yonkers, New York to New York Harbor, Upper Bay;
- (c) Raritan River from Grossman Dock/Arsenal to New York Harbor, Lower Bay;
- (d) Arthur Kill Channel;
- (e) Kill Van Kull Channel;
- (f) Newark Bay;
- (g) Passaic River from Point No Point to Newark Bay;
- (h) Hackensack River from the turning basin to Newark Bay; and
- (i) New York Harbor, Upper and Lower Bay.

NOTE TO § 15.1030: "Intra-port transit" as used in this section includes the movement of a foreign-trade vessel inbound from sea from the point where a State-licensed Pilot ceases providing pilotage to another point within the identified areas (*i.e.*, a dock or anchorage). Likewise, intra-port transit also includes the movement of a foreign-trade vessel outbound to sea from a point within the identified areas (*i.e.*, a dock or anchorage) to the point where a State-licensed Pilot begins providing pilotage.

§ 15.1040 Massachusetts.

The following U.S. navigable waters located within the State of Massachusetts when the vessel is in transit, but not bound to or departing from a port within the following listed operating areas:

(a) Cape Cod Bay south of latitude 41°48'54" N;

(b) The Cape Cod Canal; and

(c) Buzzards Bay east of a line extending from the southernmost point of Wilbur Point (latitude 41°34'55" N longitude 70°51'15" W) to the easternmost point of Pasque Island (latitude 41°26'55" N longitude 70°50'30" W).

§ 15.1050 North Carolina.

(a) The following navigable waters of the United States within the State of North Carolina when the vessel is maneuvering while berthing or unberthing, is approaching or passing through a bridge, or is making any intra-port transit, which transit may include but is not limited to movement from a dock to a dock, from a dock to an anchorage, from an anchorage to a dock, or from an anchorage to an anchorage, within either of the following areas:

(1) The waters of the Cape Fear River from the boundary line established by 46 CFR 7.60 to Latitude 34°16.5' N.

(2) The waters of the Northeast Cape Fear River from its confluence with the Cape Fear River at Point Peter to Latitude 34°17' N.

(b) This subpart does not apply to any vessel on the waters specified in paragraph (a) of this section if the laws of the State of North Carolina require a State-licensed Pilot on the vessel.

Subpart K—Vessels Subject to Requirements of STCW**§ 15.1101 General.**

(a) Except as noted in paragraphs (a)(1) and (2) of this section, the regulations in this subpart apply to seagoing vessels as defined in § 10.107 of this subchapter.

(1) The following vessels are exempt from application of the STCW Convention:

(i) Fishing vessels as defined in 46 U.S.C. 2101(11)(a).

(ii) Fishing vessels used as fish-tender vessels as defined in 46 U.S.C. 2101(11)(c).

(iii) Barges as defined in 46 U.S.C. 102, including non-self-propelled MODUs.

(iv) Vessels operating exclusively on the Great Lakes or on the inland waters of the U.S., in the Straits of Juan de Fuca, or on the Inside Passage between Puget Sound and Cape Spencer.

(v) Pilot vessels engaged on pilotage duty.

(2) The following small vessels engaged exclusively on domestic, near-coastal voyages are not subject to any obligation for the purposes of the STCW Convention:

(i) Small passenger vessels subject to subchapter T or K of this chapter.

(ii) Vessels of less than 200 GRT (other than passenger vessels subject to subchapter H of this chapter).

(iii) Uninspected passenger vessels as defined in 46 U.S.C. 2101(42)(B).

(b) Masters, Mates, and engineers serving on vessels identified in paragraphs (a)(2)(i) and (ii) of this section may be issued, without additional proof of qualification, an appropriate STCW endorsement when the Coast Guard determines that such a document is necessary to enable the vessel to engage on a single international voyage of a non-routine nature. The STCW endorsement will be expressly limited to service on the vessel or the class of vessels and will not establish qualification for any other purpose.

§ 15.1103 Employment and service within the restrictions of an STCW endorsement or of a certificate of training.

(a) Onboard a seagoing vessel of 500 GT or more, driven by main propulsion machinery of 1,000 HP/750 kW propulsion power or more or on an international voyage beyond the boundary line as described in part 7 of this chapter, no person may employ or engage any person to serve, and no person may serve, in a position requiring a person to hold an STCW endorsement, including Master, Chief Mate, Chief Engineer Officer, Second Engineer Officer, Officer of the Navigational or Engineering Watch, or GMDSS Radio Operator, unless the person serving holds an appropriate, valid STCW endorsement issued in accordance with part 11 of this subchapter.

(b) Onboard a seagoing vessel of 500 GT or more, no person may employ or engage any person to serve, and no person may serve, as an RFPNW, except for training, unless the person serving holds an appropriate, valid STCW endorsement issued in accordance with part 12 of this subchapter.

(c) As of January 1, 2017, onboard a seagoing vessel of 500 GT or more, no person may employ or engage any person to serve, and no person may serve, as an Able Seafarer-Deck, except for training, unless the person serving holds an appropriate, valid STCW endorsement issued in accordance with part 12 of this subchapter.

(d) Onboard a seagoing vessel driven by main propulsion machinery of 1,000 HP/750 kW propulsion power or more, no person may employ or engage any person to serve, and no person may serve as an RFPEW, nor may any person be designated to perform duties in a periodically unmanned engine room, except for training or for the performance of duties of an unskilled nature, unless the person serving holds an appropriate, valid STCW endorsement issued in accordance with part 12 of this subchapter.

(e) As of January 1, 2017, onboard a seagoing vessel driven by main propulsion machinery of 1,000 HP/750 kW propulsion power or more, no person may employ or engage any person to serve, and no person may serve as an Able Seafarer-Engine, except for training, unless the person serving holds an appropriate valid STCW endorsement issued in accordance with part 12 of this subchapter.

(f) Onboard a passenger ship, as defined by the Convention for the Safety of Life at Sea, 1974, as amended (SOLAS) (incorporated by reference, see § 15.103), on an international voyage, any person serving as Master, Chief Mate, Mate, Chief Engineer, engineer officer, or any person holding an MMC and performing duties relating to safety, cargo handling, or care for passengers, must meet the appropriate requirements of Regulation V/2 of the STCW Convention (incorporated by reference, see § 15.103). These individuals must hold documentary evidence to show they meet these requirements.

(g) Onboard a seagoing vessel required to comply with provisions of the GMDSS in Chapter IV of SOLAS, no person may employ or engage any person to serve, and no person may serve, as the person designated to maintain GMDSS equipment at sea, when the service of a person so designated is used to meet the maintenance requirements of SOLAS Regulation IV/15, which allows for capability of at-sea electronic maintenance to ensure that radio equipment is available for radio communication, unless the person so serving holds documentary evidence that they are competent to maintain GMDSS equipment at sea.

(h) *Medical certificate.* (1) A person may not employ or engage an individual unless that individual maintains a current medical certificate.

(2) After January 1, 2017, all persons employed or engaged onboard vessels to which STCW applies must hold a medical certificate valid for 2 years unless the mariner is under the age of

18, in which case the maximum period of validity will be 1 year.

(3) If a mariner's medical certificate expires during a voyage, it will remain valid until the next United States port of call, provided that the period after expiration does not exceed 90 days.

§ 15.1105 Familiarization and Basic Training (BT).

(a) Onboard a seagoing vessel to which this subpart applies, no person may assign any person to perform shipboard duties, and no person may perform those duties, unless the person performing them has received—

(1) Training in personal survival techniques as set out in the standard of competence under Regulation VI/1 of the STCW Convention (incorporated by reference, see § 15.103); or

(2) Sufficient familiarization training or instruction that they—

(i) Can communicate with other persons onboard about elementary safety matters and understand informational symbols, signs, and alarm signals concerning safety;

(ii) Know what to do if a person falls overboard; if fire or smoke is detected; or if the fire alarm or abandon-ship alarm sounds;

(iii) Can identify stations for muster and embarkation, and emergency-escape routes;

(iv) Can locate and don life jackets;

(v) Can raise the alarm and knows the use of portable fire extinguishers;

(vi) Can take immediate action upon encountering an accident or other medical emergency before seeking further medical assistance onboard; and

(vii) Can close and open the fire doors, weather-tight doors, and watertight doors fitted in the vessel other than those for hull openings.

(b) Onboard a seagoing vessel to which this subpart applies, no person may assign a shipboard duty or responsibility to any person who is serving in a position that must be filled as part of the required crew complement, and no person may perform any such duty or responsibility, unless they are familiar with it and with all of the vessel's arrangements, installations, equipment, procedures, and characteristics relevant to their routine and emergency duties or responsibilities, in accordance with Regulation I/14 of the STCW Convention.

(c) Onboard a seagoing vessel to which this subpart applies, no person may assign a shipboard duty or responsibility to any person who is serving in a position that must be filled as part of the required crew complement or who is assigned a responsibility on

the muster list, and no person may perform any such duty or responsibility, unless the person performing it can produce evidence of having—

(1) Received appropriate approved Basic Training or instruction as set out in the standards of competence under Regulation VI/1 of the STCW Convention, with respect to personal survival techniques, fire prevention and fire-fighting, elementary first aid, and personal safety and social responsibilities; and

(2) Maintained the standard of competence under Regulation VI/1 of the STCW Convention, with respect to personal survival techniques, fire prevention and fire-fighting, elementary first aid, and personal safety and social responsibilities, every 5 years.

(d) Fish-processing vessels in compliance with the provisions of part 28 of this chapter on instructions, drills, and safety orientation are deemed to be in compliance with the requirements of this section on familiarization and Basic Training.

§ 15.1107 Maintenance of merchant mariners' records by owner or operator.

For every credentialed mariner employed on a U.S.-documented seagoing vessel, the owner or operator must ensure that the following information is maintained and readily accessible to those in management positions, including the Master of the vessel, who are responsible for the safety of the vessel, compliance with laws and regulations, and for the prevention of marine pollution:

(a) Experience and training relevant to assigned shipboard duties (*i.e.*, record of training completed, ship-specific familiarization and of relevant on-the-job experience acquired).

(b) Copies of the mariner's current credentials.

§ 15.1109 Watches.

Except those serving on vessels listed in § 15.105(f) and (g), each Master of a vessel that operates beyond the boundary line, as described in part 7 of this chapter, must ensure observance of the principles concerning watchkeeping set out in Regulation VIII/2 of the STCW Convention and section A-VIII/2 of the STCW Code (both incorporated by reference, see § 15.103).

§ 15.1111 Work hours and rest periods.

(a) Every person assigned duty as Officer in Charge of a Navigational or Engineering Watch, or duty as Ratings Forming Part of a Navigational or Engineering Watch, or designated safety, prevention of pollution, and security duties onboard any vessel that operates

beyond the boundary line, as described in part 7 of this chapter, must receive—

(1) A minimum of 10 hours of rest in any 24-hour period; and

(2) 77 hours of rest in any 7-day period.

(b) The hours of rest required under paragraph (a) of this section may be divided into no more than two periods in any 24-hour period, one of which must be at least 6 hours in length, and the interval between consecutive periods of rest must not exceed 14 hours.

(c) The requirements of paragraphs (a) and (b) of this section need not be maintained in the case of an emergency or drill or in other overriding operational conditions.

(d) The minimum period of rest required under paragraph (a) of this section may not be devoted to watchkeeping or other duties.

(e) Watchkeeping personnel remain subject to the work-hour limits in 46 U.S.C. 8104 and to the conditions under which crewmembers may be required to work.

(f) The Master must post watch schedules where they are easily accessible. They must cover each affected person under paragraph (a) of this section, and must take into account the rest requirements of this section as well as port rotations and changes in the vessel's itinerary.

(g) Records of daily hours of rest must be maintained onboard the vessel. Each affected person under paragraph (a) of this section must receive a copy of the records pertaining to them, which will be endorsed by the Master or by a person authorized by the Master and by the seafarer.

(h) For every seafarer on call, such as when a machinery space is unattended, the seafarer must have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

(i) The Master of the vessel may suspend the schedule of hours of rest and require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons onboard, or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. As soon as practicable after the situation has been restored, the Master must ensure that any seafarer who has performed work in a scheduled rest period is provided with an adequate period of rest.

(j) In exceptional circumstances, the Master may authorize exceptions from the hours of rest required under paragraphs (a) and (b) of this section provided that:

(1) The hours of rest provided for in paragraph (a)(1) of this section may be divided into no more than three periods, one of which must be at least 6 hours in length, and neither of the other two periods are permitted to be less than one hour in length.

(i) Exceptions to paragraph (a)(1) of this section must not extend beyond two 24-hour periods in any 7-day period; and,

(ii) The intervals between consecutive periods of rest must not exceed 14 hours.

(2) Exceptions to paragraphs (a)(2) and (b) of this section must not be less than 70 hours of rest in any 7-day period.

(3) Exceptions to paragraph (a)(2) of this section are not allowed for more than two consecutive weeks, and the intervals between two periods of exceptions to paragraph (a)(2) must not be less than twice the duration of the longer exception.

§ 15.1113 Security personnel.

(a) Onboard a seagoing vessel of 500 GT or more to which the International Ship and Port Facility Security (ISPS) Code applies, all persons performing duties as Vessel Security Officer (VSO) must hold a valid endorsement as VSO.

(b) Persons who hold an endorsement as VSO will be deemed to satisfy the requirements for vessel personnel with designated security duties in paragraph (c) of this section.

(c) After March 24, 2014, onboard a seagoing vessel of 500 GT or more to which the ISPS Code applies, all personnel with designated security duties must hold a valid endorsement as vessel personnel with designated security duties, or a certificate of course completion or documentary evidence of onboard training from an appropriate Coast Guard-accepted or Coast Guard-approved course meeting the requirements of 33 CFR 104.220.

(d) Persons who hold an endorsement as vessel personnel with designated security duties, or a certificate of course completion or documentary evidence of onboard training from an appropriate Coast Guard-accepted or Coast Guard-approved course for vessel personnel with designated security duties, will be deemed to satisfy the requirements for all other vessel personnel in paragraph (e) of this section.

(e) After March 24, 2014, onboard a seagoing vessel of 500 GT or more to which the ISPS Code applies, all other vessel personnel must hold a valid endorsement in security awareness, or a certificate of course completion from an appropriate Coast Guard-accepted or Coast Guard-approved course, or

documentary evidence of onboard training meeting the requirements of 33 CFR 104.225.

(f) After March 24, 2014, onboard a seagoing vessel of 500 GT or more to which the ISPS Code applies, all contractors, whether part-time, full-time, temporary, or permanent, must have knowledge of the requirements in 33 CFR 104.225, through training or equivalent job experience. Vessel owners and operators must maintain records documenting this requirement and produce those records to the Coast Guard upon request.

PART 16—CHEMICAL TESTING

■ 174. The authority citation for part 16 is revised to read as follows:

Authority: 46 U.S.C. 2103, 3306, 7101, 7301, and 7701; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 175. Amend § 16.105 by revising the definitions for the terms “Credential” and “Marine employer” to read as follows:

§ 16.105 Definitions of terms used in this part.

* * * * *

Credential is a term used to refer to any or all of the following:

- (1) Merchant Mariner’s Document (MMD).
- (2) Merchant Mariner’s License.
- (3) STCW endorsement.
- (4) Certificate of Registry (COR).
- (5) Merchant Mariner Credential (MMC).

* * * * *

Marine employer means the owner, managing operator, charterer, agent, Master, or Person in Charge of a vessel, other than a recreational vessel.

* * * * *

■ 176. Revise and republish subpart B, consisting of §§ 16.201 through 16.260, to read as follows:

Subpart B—Required Chemical Testing

§ 16.201 Application.

(a) Chemical testing of personnel must be conducted as required by this subpart and in accordance with the procedures detailed in 49 CFR part 40.

(b) If an individual fails a chemical test for dangerous drugs under this part, the individual will be presumed to be a user of dangerous drugs.

(c) If an individual holding a credential fails a chemical test for dangerous drugs, the individual’s employer, prospective employer, or sponsoring organization must report the test results in writing to the nearest Coast Guard Officer in Charge, Marine Inspection (OCMI). The individual must

be denied employment as a crewmember or must be removed from duties which directly affect the safe operation of the vessel as soon as practicable and is subject to suspension and revocation proceedings against their credential under part 5 of this chapter.

(d) If an individual who does not hold a credential fails a chemical test for dangerous drugs, the individual will be denied employment as a crewmember or removed from duties that directly affect the safe operation of the vessel, as soon as possible.

(e) An individual who has failed a required chemical test for dangerous drugs may not be re-employed aboard a vessel until the requirements of paragraph (f) of this section and part 5 of this chapter, if applicable, have been satisfied.

(f) Before an individual who has failed a required chemical test for dangerous drugs may return to work aboard a vessel, the MRO must determine that the individual is drug-free and the risk of subsequent use of dangerous drugs by that person is sufficiently low to justify their return to work. In addition, the individual must agree to be subject to increased unannounced testing—

(1) For a minimum of six (6) tests in the first year after the individual returns to work as required in 49 CFR part 40; and

(2) For any additional period as determined by the MRO up to a total of 60 months.

§ 16.203 Employer, MRO, and SAP responsibilities.

(a) *Employers.* (1) Employers must ensure that they and their crewmembers meet the requirements of this part.

(2) Employers are responsible for all the actions of their officials, representatives, and agents in carrying out the requirements of this part.

(3) All agreements and arrangements, written or unwritten, between and among employers and service agents concerning the implementation of DOT drug testing requirements are deemed, as a matter of law, to require compliance with all applicable provisions of this part and DOT agency drug testing regulations. Compliance with these provisions is a material term of all such agreements and arrangements.

(b) *Medical Review Officer (MRO).* (1) Individuals performing MRO functions must meet the training requirements and follow the procedures in 49 CFR part 40.

(2) MROs may report chemical drug test results to the Coast Guard for unemployed, self-employed, or individual mariners.

(c) *Substance Abuse Professional (SAP)*. Individuals performing SAP functions must meet the training requirements and follow the procedures in 49 CFR part 40.

§ 16.205 Implementation of chemical testing programs.

(a) When a vessel owned in the United States is operating in waters that are not subject to the jurisdiction of the United States, the testing requirements of §§ 16.210 and 16.230 do not apply to a citizen of a foreign country engaged or employed as Pilot in accordance with the laws or customs of that foreign country.

(b) Upon written request of an employer, Commandant (CG–INV) will review the employer's chemical testing program to determine compliance with the provisions of this part.

§ 16.210 Pre-employment testing requirements.

(a) No marine employer may engage or employ any individual to serve as a crewmember unless the individual passes a chemical test for dangerous drugs for that employer.

(b) An employer may waive a pre-employment test required for a job applicant by paragraph (a) of this section if the individual provides satisfactory evidence that they have:

(1) Passed a chemical test for dangerous drugs, required by this part, within the previous six months with no subsequent positive drug tests during the remainder of the six-month period; or

(2) During the previous 185 days been subject to a random testing program required by § 16.230 for at least 60 days and did not fail or refuse to participate in a chemical test for dangerous drugs required by this part.

§ 16.220 Periodic testing requirements.

(a) Except as provided by paragraph (c) of this section and § 10.227(g) of this subchapter, an applicant must pass a chemical test for dangerous drugs for—

(1) An original issuance of a License, Certificate of Registry (COR), MMD, or Merchant Mariner Credential (MMC);

(2) The first issuance, raise of grade, or renewal of an officer endorsement on an MMC;

(3) A raise of grade of a License or COR;

(4) The first endorsement as an Able Seafarer, Lifeboat Operator, Qualified Member of the Engine Department (QMED), or a tank vessel endorsement; or

(5) A reissuance of a credential with a new expiration date. The applicant must provide the results of the test to

the Coast Guard Regional Examination Center (REC) at the time of submitting an application. The test results must be completed and dated not more than 185 days before submission of the application.

(b) Unless excepted under paragraph (c) of this section, each Pilot required by this subchapter to receive an annual physical examination must pass a chemical test for dangerous drugs as a part of that examination, and provide the results to the Coast Guard.

Applicants need not submit additional copies of their annual chemical test for dangerous drugs pursuant to paragraph (a) of this section if the applicant submitted passing results of a chemical test for dangerous drugs to the Coast Guard within 12 months of the date of application.

(c) An applicant need not submit evidence of passing a chemical test for dangerous drugs required by paragraph (a) or (b) of this section if they provide satisfactory evidence that they have—

(1) Passed a chemical test for dangerous drugs required by this part within the previous 6 months with no subsequent positive chemical tests during the remainder of the 6-month period; or

(2) During the previous 185 days been subject to a random testing program required by § 16.230 for at least 60 days and did not fail or refuse to participate in a chemical test for dangerous drugs required by this part.

(d) Except as provided by paragraph (b) of this section, an applicant is required to provide the results of only one chemical test for dangerous drugs when multiple transactions are covered by or requested in a single application.

§ 16.230 Random testing requirements.

(a) Marine employers must establish programs for the chemical testing for dangerous drugs on a random basis of crewmembers on inspected vessels who:

(1) Occupy a position, or perform the duties and functions of a position, required by the vessel's Certificate of Inspection;

(2) Perform the duties and functions of patrolmen or watchmen required by this chapter; or,

(3) Are specifically assigned the duties of warning, mustering, assembling, assisting, or controlling the movement of passengers during emergencies.

(b) Marine employers must establish programs for the chemical testing for dangerous drugs on a random basis of crewmembers on uninspected vessels who:

(1) Are required by law or regulation to hold a License issued by the Coast

Guard in order to perform their duties on the vessel;

(2) Perform duties and functions directly related to the safe operation of the vessel;

(3) Perform the duties and functions of patrolmen or watchmen required by this chapter; or,

(4) Are specifically assigned the duties of warning, mustering, assembling, assisting, or controlling the movement of passengers during emergencies.

(c) The selection of crewmembers for random drug testing must be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with crewmembers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the testing frequency and selection process used, each covered crewmember will have an equal chance of being tested each time selections are made and an employee's chance of selection will continue to exist throughout their employment. As an alternative, random selection may be accomplished by periodically selecting one or more vessels and testing all crewmembers covered by this section, provided that each vessel subject to the marine employer's test program remains equally subject to selection.

(d) Marine employers may form or otherwise use sponsoring organizations, or may use contractors, to conduct the random chemical testing programs required by this part.

(e) Except as provided in paragraph (f) of this section, the minimum annual percentage rate for random drug testing must be 50 percent of covered crewmembers.

(f) The annual rate for random drug testing may be adjusted in accordance with this paragraph.

(1) The Commandant's decision to increase or decrease the minimum annual percentage rate for random drug testing is based on the reported random positive rate for the entire industry. All information used for this determination is drawn from the drug MIS reports required by this part. In order to ensure reliability of the data, the Commandant considers the quality and completeness of the reported data, may obtain additional information or reports from marine employers, and may make appropriate modifications in calculating the industry random positive rate. Each year, the Commandant will publish in the **Federal Register** the minimum annual percentage rate for random drug testing of covered crewmembers. The new minimum annual percentage rate for random drug testing will be

applicable starting January 1 of the calendar year following publication.

(2) When the minimum annual percentage rate for random drug testing is 50 percent, the Commandant may lower this rate to 25 percent of all covered crewmembers if the Commandant determines that the data received under the reporting requirements of 46 CFR 16.500 for two consecutive calendar years indicate that the positive rate is less than 1.0 percent.

(3) When the minimum annual percentage rate for random drug testing is 25 percent, and the data received under the reporting requirements of 46 CFR 16.500 for any calendar year indicate that the positive rate is equal to or greater than 1.0 percent, the Commandant will increase the minimum annual percentage rate for random drug testing to 50 percent of all covered crewmembers.

(g) Marine employers will randomly select a sufficient number of covered crewmembers for testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate for random drug testing determined by the Commandant. If the marine employer conducts random drug testing through a consortium, the number of crewmembers to be tested may be calculated for each individual marine employer or may be based on the total number of covered crewmembers covered by the consortium who are subject to random drug testing at the same minimum annual percentage rate under this part or any DOT drug testing rule.

(h) Each marine employer must ensure that random drug tests conducted under this part are unannounced and that the dates for administering random tests are spread reasonably throughout the calendar year.

(i) If a given covered crewmember is subject to random drug testing under the drug testing rules of more than one DOT agency for the same marine employer, the crewmember will be subject to random drug testing at the percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the crewmember's function.

(j) If a marine employer is required to conduct random drug testing under the drug testing rules of more than one DOT agency, the marine employer may—

(1) Establish separate pools for random selection, with each pool containing the covered crewmembers who are subject to testing at the same required rate; or

(2) Randomly select such crewmembers for testing at the highest percentage rate established for the

calendar year by any DOT agency to which the marine employer is subject.

(k) An individual may not be engaged or employed, including self-employment, on a vessel in a position as Master, operator, or Person in Charge for which a credential is required by law or regulation unless all crewmembers covered by this section are subject to the random testing requirements of this section.

§ 16.240 Serious marine incident testing requirements.

The marine employer must ensure that all persons directly involved in a serious marine incident are chemically tested for evidence of dangerous drugs and alcohol in accordance with the requirements of subpart 4.06 of this chapter.

§ 16.250 Reasonable cause testing requirements.

(a) The marine employer must require any crewmember engaged or employed on board a vessel owned in the United States that is required by law or regulation to engage, employ or be operated by an individual holding a credential issued under this subchapter, who is reasonably suspected of using a dangerous drug to be chemically tested for dangerous drugs.

(b) The marine employer's decision to test must be based on a reasonable and articulable belief that the individual has used a dangerous drug based on direct observation of specific, contemporaneous physical, behavioral, or performance indicators of probable use. Where practicable, this belief should be based on the observation of the individual by two persons in supervisory positions.

(c) When the marine employer requires testing of an individual under the provisions of this section, the individual must be informed of that fact and directed to provide a urine specimen as soon as practicable. This fact will be entered in the vessel's official logbook, if one is required.

(d) If an individual refuses to provide a urine specimen when directed to do so by the employer under the provisions of this section, this fact will be entered in the vessel's official logbook, if one is required.

§ 16.260 Records.

(a) Employers must maintain records of chemical tests as provided in 49 CFR 40.333 and must make these records available to Coast Guard officials upon request.

(b) The records must be sufficient to:

- (1) Satisfy the requirements of §§ 16.210(b) and 16.220(c).

(2) Identify the total number of individuals chemically tested annually for dangerous drugs in each of the categories of testing required by this part including the annual number of individuals failing chemical tests and the number and types of drugs for which individuals tested positive.

PART 30—GENERAL PROVISIONS

■ 177. The authority citation for part 30 is revised to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 178. Revise § 30.10–7 to read as follows:

§ 30.10–7 Certificated—TB/ALL.

The term *certificated* when applied to tank vessels refers to a vessel covered by a certificate of inspection issued by the Coast Guard; when applied to mariners employed on tank vessels, the term refers to a certificate of ability issued by the Coast Guard.

■ 179. Revise § 30.10–71 to read as follows:

§ 30.10–71 Tank vessel endorsements—TB/ALL.

The following ratings are established in part 13 of this chapter. The terms for the ratings identify persons holding valid endorsements for service in the ratings issued under that part:

- (a) Tank Vessel-PIC.
- (b) Tank Barge-PIC.
- (c) Restricted Tank Vessel-PIC.
- (d) Restricted Tank Barge-PIC.
- (e) Tank Vessel-Assistant.
- (f) Tank Vessel-Engineer.

PART 35—OPERATIONS

■ 180. The authority citation for part 35 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703, 6101, 70011, 70034; 49 U.S.C. 5103, 5106; Executive Order 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Executive Order 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 181. Revise § 35.01–3 to read as follows:

§ 35.01–3 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference material (IBR) is available for inspection at the Coast Guard and the National Archives and Records Administration (NARA). Contact Coast Guard at: Office of Merchant Mariner

Credentialing (CG–MMC), U.S. Coast Guard, Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509; phone: 202–372–1492; website: https://www.dco.uscg.mil/nmc/merchant_mariner_credential/. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations/ or email fr.inspection@nara.gov. The material may be obtained from:

(b) ASTM, International (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959; phone 610–832–9500; website: <https://www.astm.org/contact>.

(1) ASTM F1014–92, Standard Specification for Flashlights on Vessels, 1992; § 35.30–20(c).

(2) ASTM Adjunct F1626, Symbols for Use in Accordance with Regulation II–2/20 of the 1974 SOLAS Convention, PCN 12–616260–01, 1996; § 35.10–3.

(3) ASTM D 93–97, Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester, 1997; § 35.25–10.

(c) International Maritime Organization (IMO), Publications Section, 4 Albert Embankment, London, SE1 7SR United Kingdom; phone: +44 (0)20 7735 7611; website: www.imo.org.

(1) Resolution A.654(16), Graphical Symbols for Fire Control Plans, 19 October, 1989; § 35.10–3.

(2) Reserved

■ 182. Revise § 35.01–5 to read as follows:

§ 35.01–5 Sanitary condition and crew quarters—T/ALL.

It is the duty of the Master and Chief Engineer of every tankship to see that such vessel and crew's quarters are kept in a sanitary condition.

■ 183. Revise § 35.01–10 to read as follows:

§ 35.01–10 Shipping papers—TB/ALL.

Each loaded tank vessel must have on board a bill of lading, manifest, or shipping document giving the name of the consignee and the location of the delivery point, the kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled. The tank vessel must not be delayed in order to secure exact quantities of cargo. Such manifests or bills of lading may be made out by the Master, Master of the towing vessel, owner, or agent of the owner. In the case of unmanned barges where shipping papers are not available, an entry in the logbook of the towing vessel giving the name of the shipper and location of shipping point, the name of the consignee and location of delivery point, the approximate kind, grade, and

quantity of cargo in each barge of the tow, and for whose account the cargo is being handled, will be considered as complying with the requirements of this section.

■ 184. Amend § 35.01–45 by revising paragraphs (b) through (d) to read as follows:

§ 35.01–45 Open hopper type barges—B/ALL.

* * * * *

(b) All open hopper type barges, while carrying in bulk any of the cargoes described in paragraph (a) of this section, must be operated in conformance with the provisions in this section. However, the provisions in this section are not applicable to such barges when empty (not necessarily cleaned or gas-freed).

(c)(1) Except as otherwise provided in this section, no such open hopper type barge must be placed as a lead barge in any tow. Such barges must be placed in protected positions within the tow so that the danger from diving or swamping will be minimized. Where, due to operating conditions, compliance with this paragraph is impossible, the provisions of paragraph (c)(3) of this section apply. The Person in Charge of the towing vessels is responsible for compliance with this paragraph.

(2) No such open hopper type barge may be moved from a loading facility unless all void spaces and bilges are substantially free of water. Periodic inspections and necessary pumping must be carried out to ensure the maintenance of such water-free conditions, in order to minimize the free surface effect in both the longitudinal and transverse directions. Except when otherwise considered necessary for inspection or pumping, all hatch covers and other hull closure devices for void spaces and hull compartments must be closed and secured at all times. In the case of unmanned barges, the Person in Charge of the towing vessel is deemed to be in charge of the barge, and all requirements to be carried out on the barge will be carried out by or under the direction of such person.

(3) When an open hopper type barge is in an exposed position, such that protection from swamping provided by adjoining barges cannot be obtained from location within the tow alone, it is the responsibility of the Person in Charge of the towing vessel to control speed so as to ensure protection against diving and swamping of the barge, having due regard to its design and freeboard, and to the operating conditions.

(d) To show that special operating requirements apply to a specific open

hopper type barge, additional placards or signs must be displayed in at least four different locations on the barge when the cargoes described in paragraph (a) of this section are carried in any form in the cargo tanks. The placards or signs must be posted on the barge approximately amidships on each side and near the centerline of each end, facing outboard. Racks, or other suitable means, for mounting such placards or signs must be so arranged as to provide clear visibility and shall be protected from becoming readily damaged or obscured. The placards or signs must be at least equal in dimensions to the DOT standard tank car “Dangerous” placard (10¾ inches square or larger), and must display a circle (10 inches in diameter or larger) with alternating quadrants of white and red, and so mounted that the red quadrants are centered on the vertical axis. The shipper and/or owner of the barge will be responsible for the installation of the required placards or signs, including maintenance of them while such barge is in temporary storage with cargo aboard. The Person in Charge of the towing vessel is responsible for the continued maintenance of the placards or signs while such barge is in transit.

■ 185. Amend § 35.01–50 by revising paragraph (a) introductory text and paragraphs (c) through (g) to read as follows:

§ 35.01–50 Special operating requirements for tank barges carrying certain dangerous bulk cargoes—B/ALL.

(a) The requirements of this section apply to all tank barges carrying those cargoes listed on table 30.25–1, of this subchapter, which are defined as:

* * * * *

(c) When it is necessary to operate box or square-end barges as lead barges of tows, the Person in Charge of the towing vessel must control the speed to ensure protection against diving and swamping of such barges, having due regard to their design and freeboard, and to the operating conditions.

(d) All barges, while carrying in bulk any of the cargoes described in paragraph (a) of this section, must be operated in conformance with the provisions of this section. However, the provisions of this section are not applicable to such barges when empty and gas-freed.

(e) Barges must not be moved from a loading facility unless all bilges and void spaces (except those used for ballasting) are substantially free of water. Periodic inspections and necessary pumping must be carried out to ensure maintenance of such water-free condition in order to minimize the

free surface effects, both in the longitudinal and transverse directions. Except when otherwise considered necessary for inspection or pumping, all hatch covers and other hull closure devices for void spaces and hull compartments other than cargo spaces must be closed and secured at all times.

(f) During the time the cargo tanks contain dangerous cargoes described in paragraph (a) of this section in any amount, in the liquid or gaseous state, the barge must be under constant surveillance.

(1) A strict watch of each unmanned barge in tow must be maintained from the towing vessel while underway.

(2) A towing vessel engaged in transporting such unmanned barges must not leave them unattended. When a barge is moored, but not gas free, it must be under the observation of a watchman who may be a member of the complement of the towing vessel, or a terminal employee, or other person. Such person will be responsible for the security of the barge and for keeping unauthorized persons off the barge.

(g) The owner, operator, Master, or Person in Charge of any barge carrying dangerous cargoes described in paragraph (a) of this section must ensure that, while the barge is being towed, and during cargo transfer operations, the persons as required by § 31.15–5 of this subchapter and § 35.35–1 are provided.

■ 186. Amend § 35.01–55 by revising paragraph (a) introductory text, paragraph (b) introductory text, and paragraph (b)(4) to read as follows:

§ 35.01–55 Pilot boarding operation.

(a) The Master must ensure that pilot boarding equipment is maintained as follows:

* * * * *

(b) The Master must ensure compliance with the following during Pilot boarding operations:

* * * * *

(4) Rigging of the equipment and embarkation/debarkation of a Pilot must be supervised in person by a deck officer.

* * * * *

■ 187. Revise § 35.01–60 to read as follows:

§ 35.01–60 Person excluded.

Masters and Pilots must exclude from the pilothouse and navigation bridge, while underway, all persons not connected with the navigation of the vessel. However, licensed officers of vessels, persons regularly engaged in training, regulating, evaluating, or learning the profession of Pilot, officials of the United States Coast Guard, United

States Navy, United States Coast and Geodetic Survey, United States Army Corps of Engineers, Maritime Administration, and National Transportation Safety Board may be allowed in the pilothouse or upon the navigation bridge upon the responsibility of the Master or Pilot.

■ 188. Revise § 35.05–1 to read as follows:

§ 35.05–1 Officers and crews of tankships—T/ALL.

No tankship of the United States may be navigated unless it has in its service and on board such complement of officers and crew, including Lifeboat Operators and those who hold the proper tank vessel endorsements where required by the regulations in this subchapter, separately stated, as called for in its certificate of inspection.

■ 189. Amend § 35.05–15 by revising paragraph (a) and paragraph (b)(1) introductory text to read as follows:

§ 35.05–15 Tank vessel security—TB/ALL.

(a) *Manned tank vessel.* At least one member of the crew of a manned tank vessel must be on board at all times except when the vessel is gas free or is moored at a dock or terminal at which watchman service is provided.

(b) * * *

(1) The owner, managing operator, Master, and Person in Charge of a vessel towing a tank barge that need not be manned, and each of them is responsible for monitoring the security and integrity of the tank barge and for ensuring adherence to proper safety precautions. These responsibilities include, but are not limited to—

* * * * *

■ 190. Revise § 35.07–1 to read as follows:

§ 35.07–1 Application—TB/ALL.

Except as specifically noted, the provisions of this subpart apply to all tank vessels.

■ 191. Revise § 35.07–5 to read as follows:

§ 35.07–5 Logbooks and records—TB/ALL.

(a) The Master or Person in Charge of a vessel that is required by 46 U.S.C. 11301 to have an official logbook must maintain the logbook on form CG–706. The official logbook is available free to Masters of U.S.-flagged vessels from the Officer in Charge, Marine Inspection, as form CG–706B or CG–706C, depending on the number of persons employed in the crew. When the voyage is completed, the Master or Person in Charge must file the logbook with the Officer in Charge, Marine Inspection.

(b) The Master or Person in Charge of a vessel that is not required by 46 U.S.C. 11301 to have an official logbook, must maintain, on board, an unofficial logbook or record in any form desired for the purposes of making entries therein as required by law or regulations in this subchapter. Such logs or records are not filed with the Officer in Charge, Marine Inspection, but must be kept available for review by a marine inspector for a period of 1 year after the date to which the records refer. Separate records of tests and inspections of firefighting equipment must be maintained with the vessel's logs for the period of validity of the vessel's certificate of inspection.

■ 192. Revise § 35.10–15 to read as follows:

§ 35.10–15 Emergency lighting and power systems—T/ALL.

(a) Where fitted, it is the duty of the Master to see that the emergency lighting and power systems are tested and inspected at least once in each week that the vessel is navigated to be assured that the system is in proper operating condition.

(b) Internal combustion engine driven emergency generators must be tested under load for at least 2 hours, at least once in each month that the vessel is navigated.

(c) Storage batteries for emergency lighting and power systems must be tested at least once in each 6-month period that the vessel is navigated to demonstrate the ability of the storage battery to supply the emergency loads for the period of time specified in table 112.05–5(a) of this subchapter.

(d) The date of the tests required by this section and the condition and performance of the apparatus must be noted in the vessel's official logbook or in logs or records considered to take the place of the official logbook.

■ 193. Revise § 35.20–5 to read as follows:

§ 35.20–5 Draft of tankships—T/OC.

The Master of every tankship must, whenever leaving port, enter the maximum draft of the vessel in the logbook.

■ 194. Amend § 35.20–7 by revising paragraphs (a) and (c) to read as follows:

§ 35.20–7 Verification of vessel compliance with applicable stability requirements—TB/ALL.

(a) Except as provided in paragraph (d) of this section, after loading and prior to departure and at all other times necessary to assure the safety of the vessel, the Master or Person in Charge must determine that the vessel complies

with all applicable stability requirements in the vessel's trim and stability book, stability letter, Certificate of Inspection, and Load Line Certificate, as the case may be. The vessel may not depart until it is in compliance with these requirements.

* * * * *

(c) If a logbook is required by § 35.07–5, then the Master or Person in Charge must enter an attestation statement verifying that the vessel complies with the applicable stability requirements at the times specified in paragraph (a) and any stability calculations made in support of the determination must be retained on board the vessel for the duration of the voyage.

* * * * *

■ 195. Revise § 35.20–20 to read as follows:

§ 35.20–20 Master's and officer's responsibility—TB/ALL.

Nothing in this part exonerates any Master or officer in command from the consequences of any neglect to keep a proper lookout or the neglect of any precaution which may be required by the ordinary practice of seafarers or by the special circumstances of the case.

■ 196. Revise § 35.25–1 to read as follows:

§ 35.25–1 Examination of boilers and machinery by engineer—T/ALL.

It is the duty of an engineer when assuming charge of the boilers to examine the same forthwith and thoroughly. If any part thereof is found in bad condition, the engineer must immediately report the facts to the Master, owner, or agent, and to the nearest Officer in Charge, Marine Inspection.

■ 197. Revise § 35.25–5 to read as follows:

§ 35.25–5 Repairs of boilers and unfired pressure vessels and reports of repairs or accidents by Chief Engineer—TB/ALL.

(a) Before making any repairs to boilers or unfired pressure vessels, the Chief Engineer must submit a report covering the nature of the repairs to the Officer in Charge, Marine Inspection, at or nearest to the port where the repairs are to be made.

(b) In the event of an accident to a boiler, unfired pressure vessel, or machinery tending to render the further use of the item itself unsafe until repairs are made, or if by ordinary wear such items become unsafe, a report must be made by the Chief Engineer immediately to the Officer in Charge, Marine Inspection, or, if at sea, immediately upon arrival at port.

■ 198. Revise § 35.25–10 to read as follows:

§ 35.25–10 Requirements for fuel oil—T/ALL.

(a) Oil to be used as fuel to be burned under boilers on tankships must have a flashpoint of not less than 140 °F. (Pensky-Martens Closed Cup Method, ASTM D 93) (incorporated by reference, see § 35.01–3).

(b) It is the duty of the Chief Engineer to make an entry in the log of each supply of fuel oil received on board, stating the quantity received, the name of the vendor, the name of the oil producer, and the flashpoint (Pensky-Martens Closed Cup Method, ASTM D93) (incorporated by reference, see § 35.01–3) for which it is certified by the producer.

(c) It is the further duty of the Chief Engineer to draw and seal at the time the supply is received on board, a half-pint sample of each lot of fuel oil, such sample to be preserved until that particular supply of oil is exhausted.

■ 199. Revise § 35.25–15 to read as follows:

§ 35.25–15 Carrying of excess steam—TB/ALL.

It is the duty of the Chief Engineer of any tank vessel to see that a steam pressure is not carried in excess of that allowed by the certificate of inspection, and to see that the safety valves, once set by the inspector, are in no way tampered with or made inoperative.

■ 200. Amend § 35.30–5 by revising paragraphs (a) through (c) to read as follows:

§ 35.30–5 Fires, matches, and smoking—TB/ALL.

(a) *General.* In making the determinations required under paragraphs (b), (c), and (d) of this section, the senior deck officer on duty, who must be a licensed officer or hold the proper tank vessel endorsements, must exercise skill and experience with due regard to attendant conditions and circumstances, including consideration for location of shoreside facilities, maintenance of mobility, provision for fire protection, state or change of winds, tides, sea, weather conditions, forces of nature and other circumstances generally beyond human control.

(b) *Boiler fires.* Boiler fires are permitted during cargo transfer operations if and only if prior to loading Grades A, B, and C cargoes, the senior deck officer on duty, who must be a licensed officer or hold the proper tank vessel endorsements, must make an inspection to determine whether, in their judgment, boiler fires may be

maintained with reasonable safety during the loading operation.

(c) *Smoking.* Smoking is prohibited on the weather decks of tank vessels when they are not gas free or are alongside docks. At other times and places, the senior deck officer on duty, who must be a licensed officer or hold the proper tank vessel endorsements, must designate when and where the crew may smoke: *Provided*, That prior to loading Grade A, B, or C cargo the Master or senior deck officer on duty must make an inspection to determine if and where, in their judgment, smoking may be permitted with reasonable safety during the loading operation.

* * * * *

■ 201. Revise § 35.35–1 to read as follows:

§ 35.35–1 Persons on duty—TB/ALL.

(a) On each tankship required to be documented under the laws of the United States, the owner, managing operator, Master, and Person in Charge of the vessel, and each of them, must ensure that—

(1) Enough Tank Vessel-PICs or Restricted Tank Vessel-PICs and Tank Vessel-Assistants authorized for the classification of cargo carried are on duty to safely transfer liquid cargo in bulk or safely clean cargo tanks; and

(2) Each transfer of liquid cargo in bulk and each cleaning of a cargo tank is supervised by a person qualified to be the Person in Charge of the transfer or the cleaning under subpart C of 33 CFR part 155.

(b) On each United States tank barge subject to inspection—

(1) The owner, managing operator, Master, and Person in Charge of the vessel, and each of them, must ensure that no transfer of liquid cargo in bulk or cleaning of a cargo tank takes place unless under the supervision of a qualified person designated as the Person in Charge of the transfer or the cleaning under subpart C of 33 CFR part 155; and

(2) The person designated as the Person in Charge of the transfer must ensure that—

(i) Enough qualified personnel are on duty to safely transfer liquid cargo in bulk or safely clean cargo tanks; and

(ii) The approved portable extinguishers required by table 34.50–10(a) of this subchapter are aboard and readily available before any transfer of liquid cargo in bulk or any operation of barge machinery or boilers.

(c) On each foreign tankship, the owner, managing operator, Master, and Person in Charge of the vessel, and each of them, must ensure that—

(1) Enough personnel, qualified for the classification of cargo carried, are on duty to safely transfer liquid cargo in bulk or safely clean cargo tanks; and

(2) Each transfer of liquid cargo in bulk and each cleaning of a cargo tank is supervised by a qualified person designated as a Person in Charge of the transfer or the cleaning under subpart C of 33 CFR part 155.

(d) On each foreign tank barge—

(1) The owner, managing operator, Master, and Person in Charge of the vessel, and each of them, must ensure that no transfer of liquid cargo in bulk or cleaning of a cargo tank takes place unless under the supervision of a qualified person designated as the Person in Charge of the transfer or the cleaning under subpart C of 33 CFR part 155.

(2) The person designated as the Person in Charge of the transfer must ensure that enough qualified personnel are on duty to safely transfer liquid cargo in bulk or safely clean cargo tanks.

(e) The Person in Charge of the transfer of liquid cargo in bulk on the tank vessel will be responsible for the safe loading and discharge of the liquid cargo in bulk.

(f) The Person in Charge of the transfer of liquid cargo in bulk on each United States tank vessel, when lightering to or from a foreign tank vessel, must ensure that the Person in Charge on the foreign tank vessel, or their interpreter, is capable of reading, speaking, and understanding the English language well enough to allow a safe transfer.

■ 202. Revise § 35.35–10 to read as follows:

§ 35.35–10 Closing of freeing-ports, scuppers, and sea valves—TB/ALL.

The Person in Charge of each transfer of liquid cargo in bulk must ensure that all freeing-ports and scuppers are properly plugged during the transfer except on tank vessels using water for cooling decks. Although under no circumstances may sea valves be secured by locks, the valves must be closed, and lashed or sealed, to indicate

that they should not be opened during the transfer.

■ 203. Amend § 35.35–20 by revising the introductory text to read as follows:

§ 35.35–20 Inspection before transfer of cargo—TB/ALL.

Before the transfer of liquid cargo in bulk, the Person in Charge of the transfer must inspect the vessel to ensure the following:

* * * * *

■ 204. Revise § 35.35–25 to read as follows:

§ 35.35–25 Approval to start transfer of cargo—TB/ALL.

When the Person in Charge of the transfer of liquid cargo in bulk has ensured that the requirements of §§ 35.35–20 and 35.35–30 have been met, they may give approval to start the transfer.

§ 35.35–30 [Amended]

■ 205. Amend § 35.35–30 by removing the words “person in charge” wherever they appear in the section and adding, in their place, the words “Person in Charge”.

■ 206. Amend § 35.35–35 by revising the section heading and introductory text to read as follows:

§ 35.35–35 Duties of Person in Charge of transfer—TB/ALL.

The Person in Charge of the transfer of liquid cargo in bulk, fuel oil in bulk, or bunkers in bulk must control the transfer as follows:

* * * * *

■ 207. Revise § 35.35–42 to read as follows:

§ 35.35–42 Restrictions on vessels alongside a tank vessel loading or unloading cargo of Grade A, B, or C—TB/ALL.

(a) No vessel may come alongside or remain alongside a tank vessel in way of its cargo tanks while it is loading or unloading cargo of Grade A, B, or C without permission of the Person in Charge of the transfer on the tank vessel.

(b) No vessel may come alongside or remain alongside a tank vessel in way

of its cargo tanks while it is loading or unloading cargo of Grade A, B, or C unless the conditions then prevailing are acceptable to the Persons in Charge of cargo handling on both vessels.

■ 208. Amend § 35.35–55 by revising paragraph (a) to read as follows:

§ 35.35–55 Transfer of other cargo or stores on tank vessels—TB/ALL.

(a) No packaged goods, freight, or ship’s stores may be loaded or unloaded during the loading or unloading of cargo of Grade A, B, or C except by permission of the Person in Charge of the transfer of liquid cargo in bulk. No explosives may be loaded, unloaded, or carried as cargo on any tank vessel containing cargo of Grade A, B, or C.

* * * * *

PART 39—VAPOR CONTROL SYSTEMS

■ 209. The authority citation for part 39 is revised to read as follows:

Authority: 42 U.S.C. 7511b(f)(2); 46 U.S.C. 3306, 3703, 3715(b), 70011, 70034; Executive Order 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 210. Amend § 39.5003 by revising paragraph (c) to read as follows:

§ 39.5003 Additional requirements for multi-breasted loading using an inboard barge vapor collection system—B/CLBR.

* * * * *

(c) Persons holding an appropriate tank vessel endorsement trained in and familiar with multi-breasted loading operations, must be onboard each barge during transfer operations. The Tank Barge-PIC serves as the barge Person in Charge (PIC). During transfer operations, the barge PICs must maintain constant communication with each other as well as with the facility PIC.

* * * * *

Dated: October 15, 2024.

W.R. Arguin,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2024–24271 Filed 11–22–24; 8:45 am]

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