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Proclamation 10873 of December 16, 2024

The President

Establishment of the Frances Perkins National Monument

By the President of the United States of America

A Proclamation

Few Americans have had deeper influence in shaping labor and social policy in the United States than Frances Perkins. Perkins became the first woman to serve as a Cabinet Secretary when President Franklin Delano Roosevelt appointed her as the Secretary of Labor in 1933. During the subsequent 12 years, Secretary Perkins played a pivotal role in constructing the New Deal and helping to guide the country out of the Great Depression by designing and leading the implementation of sweeping labor and economic reforms that have made life better for generations of Americans. The longest serving Secretary of Labor in United States history, Secretary Perkins was the architect of many programs and standards—including a minimum wage, overtime pay, unemployment insurance, and prohibitions on child labor—that have endured as the backbone of Federal support for workers and families and continue to benefit millions of Americans today. Secretary Perkins chaired President Roosevelt's effort to investigate the benefits of social insurance and then worked to achieve passage of the Social Security Act, which became one of the most successful programs in the United States to prevent poverty among older adults. When the United States and other nations initially failed to face the horrors of the Holocaust, Secretary Perkins demonstrated leadership on behalf of immigrants and refugees by actively working to bring Jewish children and adults from Europe to the United States to ensure their safety.

The Perkins Homestead in Newcastle, Maine, played a pivotal role in Frances Perkins' life and supported her work to deliver lasting protection and benefits to American workers and families. The rural setting of the Perkins Homestead on the Damariscotta River was the place she felt most at home. She spent her childhood summers there and returned frequently for respite throughout her career. Continuously owned by her family for over 260 years, the Perkins Homestead remains much as it was during Secretary Perkins' lifetime, including the buildings, structures, gardens, and paths where she spent substantial time throughout her life. The core area contains historic structures including a brick house, an attached barn, a gravel driveway, a garden, and portions of a stone wall. The surrounding landscape of the Perkins Homestead contains additional portions of the stone wall, an ice pond, walking trails, a family cemetery, foundations of the 18th and 19th century Perkins Homestead buildings, and remnants of a pre-Revolutionary era garrison. Visitors to the Perkins Homestead today can wander through these places where Perkins returned time and again during her Government service. They can view the stone wall where she sat listening to the radio on September 1, 1939, when it was reported that the Germans invaded Poland, prompting her to rush back to Washington, DC, to assist the President. Preserving the core area of the Perkins Homestead and its associated historic objects will ensure that current and future generations have the opportunity to learn about Secretary Perkins' foundational contributions to the Nation's social and labor policy through the place that helped shape her as a person and support her throughout her extraordinary career.

Frances Perkins was born in Boston as Fannie Coralie Perkins in 1880. At the age of 25, she changed her name to Frances Perkins, which she

used for the rest of her life, even after marriage. She graduated in 1902 from Mount Holyoke College in Massachusetts, where she credited a class trip to a nearby mill with inspiring her early interest in improving working conditions for women and children.

After college, Frances Perkins worked with social service organizations in Chicago and Philadelphia, including settlement houses for poor and unemployed people and an organization to support and protect immigrant and Black women and girls from labor and sexual exploitation they faced upon arrival in these cities looking for work. These experiences deepened her resolve to help reduce poverty and support the working poor.

In 1911, while employed at the New York City Consumers' League, Frances Perkins heard the sirens of fire engines racing to put out flames that had engulfed the nearby Triangle Shirtwaist Factory. Running to the site of the fire, she witnessed the horrific scene of workers, mostly young women, jumping to their deaths after being locked in the factory. In total, 146 people died in the fire—including many immigrant workers. Perkins later cited that tragic day as the impetus for policies that would become central to the New Deal.

Perkins' subsequent work at the New York Factory Investigating Commission, where she investigated and advocated for worker health and safety reforms, led to 33 new State laws that improved worker safety, workplace sanitation, and working conditions; provided workers' compensation; and placed limits on child labor. These were some of the first workplace health and safety standards in the Nation, and they became models that other States and the Federal Government adopted.

In 1919, Perkins was named to the New York State Industrial Commission, making her the first woman appointed to serve in a New York State government administration. In 1929, newly elected Governor Franklin Delano Roosevelt asked Perkins to become the State's Industrial Commissioner and oversee the labor department. As the United States careened toward the Great Depression, Perkins used her position to shine a national spotlight on rising unemployment while also helping workers in New York and elsewhere by connecting them to jobs through a State employment service and inviting surrounding States to participate in an unemployment insurance system. Her early warnings regarding the depth of the Nation's economic problems and her work to develop solutions established Perkins as a national leader in the 20th century employment and labor reform movements.

When President Roosevelt formally asked Perkins to join his Cabinet as Secretary of Labor, she responded by saying that if she accepted the position, she intended to execute an ambitious plan of action that included establishing maximum hours and minimum wages, ending child labor, developing unemployment relief through public works, providing unemployment insurance, and creating an old-age pension and a national health insurance program. After detailing her plan, she asked if President Roosevelt was sure he wanted this list of policies put in place, explaining that, "you won't want me for Secretary of Labor if you don't want those things done." President Roosevelt responded that he would back her; he had promised the American people that he would improve their lives, and he intended to keep his promise.

At a time when few women were in leadership positions and just 13 years after the 19th Amendment granted women the right to vote, Frances Perkins became Secretary of Labor. During an unprecedented 12 years in the position—from 1933 to 1945—Secretary Perkins achieved hard-fought social and economic reforms, often over vocal opposition and personal attacks from critics. She summarized her work in a five-page letter to President Roosevelt, describing the reforms as "a turning point in our national life—a turning from careless neglect of human values and toward an order . . . of mutual and practical benevolence within a free competitive industrial economy." The list of accomplishments detailed in her letter encompasses many programs and laws that continue to undergird the Nation's economy and social

safety net, including establishing Social Security and contributing to the development of the Fair Labor Standards Act and the Walsh-Healey Public Contracts Act. She also helped create millions of jobs across the country through the novel Civilian Conservation Corps and Public Works Administration.

As Secretary of Labor, Perkins often supported the rights of workers to organize unions and to negotiate with employers through collective action, laying the foundation for the rebirth of American labor—including through helping write recovery legislation that provided a right to collective bargaining and laid the groundwork for the National Labor Relations Act of 1935 (also known as the Wagner Act). She used her post not only to advance labor protections in national policy, but also to call personally for workers' fair treatment and access to the halls of power. She persuaded President Roosevelt not to deploy Federal troops to quell the 1934 San Francisco General Strike, and instead encouraged the parties to settle their differences, which was accomplished within a week, and she frequently advised President Roosevelt to help resolve contentious strikes for the benefit of workers.

At the close of her time at the Department of Labor, Perkins had accomplished nearly all of the items in the ambitious plan she laid out for President Roosevelt when he asked her to serve, but she lamented the one exception: health care benefits for American workers. Historians have also noted that, because of deep racial inequities and injustices of the time—including segregation—the benefits of the New Deal were not available to all Americans initially.

When her time as Secretary of Labor concluded, Perkins continued in public service as President Harry Truman's appointee to the United States Civil Service Commission, a post she held from 1945 until 1953. She then became a lecturer at the New York State School of Industrial and Labor Relations at Cornell University, a role she held until her death in 1965.

When Secretary Perkins died, the Secretary of Labor at the time, W. Willard Wirtz, recognized her legacy as central to the New Deal, stating that "every man and woman in America who works at a living wage, under safe conditions, for reasonable hours, or who is protected by unemployment insurance or social security is her debtor." The final resting place of Secretary Perkins is near her daughter, husband, sister, parents, and grandparents in the Glidden Cemetery, located a half mile north of the Perkins Homestead in Newcastle, Maine.

Throughout Perkins' life and career, the Perkins Homestead served as a place of rejuvenation and reflection, including during her time as Secretary of Labor. Throughout her working life, she continued the family tradition of summer visits to Maine, often living there with her daughter from August into September. Perkins and her sister became joint owners of the property in 1927 and it stayed within the family until 2020. Perkins wrote about how the woods surrounding the brick house and the shoreline at the Perkins Homestead's edge restored and comforted her, and how the brick house provided a place for her to relax and to recover from her work as Secretary of Labor.

The Perkins Homestead, originally over 200 acres, was settled by Perkins' great-great grandfather in the early 1700s. A mid-18th century garrison existed on the property that was in use for 3 years during the French and Indian War.

The core area, on the west end of the Perkins Homestead, has a brick house built by the Perkins family in 1837 along with a connected barn. The two-story home is constructed of bricks manufactured on site at the family brickyard. The east end of the Perkins Homestead borders the Damariscotta River and has a family cemetery, foundations of the 18th and 19th century Perkins Homestead buildings, the remains of the brick kilns, wharves, and a clay pit from the 19th century brickyard, as well

as the remains of the garrison. Agricultural fields, pastures, woodland, and planted trees connect the two sides of the Perkins Homestead.

The National Park Service first documented the Perkins Homestead through the Historic American Buildings Survey in 1960, while Secretary Perkins still occupied the home. In 2009, the National Park Service listed the Brick House Historic District on the National Register of Historic Places; the Brick House Historic District included the brick house, adjacent structures, and the wooded and agricultural lands extending to the shoreline of the Damariscotta River. In 2014, the Secretary of the Interior designated this same 57 acres as the Perkins Homestead National Historic Landmark, recognizing the property's historic importance and nationally significant association with Frances Perkins.

The Perkins Homestead contains several objects that reflect Secretary Perkins' lifelong commitment to supporting and protecting American workers. Hanging above a doorway in the brick house is a custom "No Smoking" sign that reflects the lasting influence the Triangle Shirtwaist Factory Fire had on Perkins. It reads: "Please Do Not SMOKE In Any Part of This Building. DANGEROUS. F. Perkins." The brick house also includes Secretary Perkins' Award for Distinguished Service, which the Department of Labor presented to her on March 4, 1963, on the occasion of the Department's 50th anniversary. The Award citation reads: "For her courage in entering an arena previously considered a masculine domain; for her strength in guiding the Department through a dozen years of domestic stress and international travail; for her spirit in waging the good fight for good objectives; and finally, for herself."

Conserving the Perkins Homestead will ensure that the family home and surrounding landscape that were a constant source of support for Secretary Perkins will remain protected and accessible in perpetuity for the benefit of all people to learn about her life, her unparalleled contributions to labor and social policy that would eventually benefit generations of Americans, and core principles at the heart of the New Deal that she championed: economic security and dignity for workers.

WHEREAS, section 320301 of title 54, United States Code (the "Antiquities Act"), authorizes the President, in the President's discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected; and

WHEREAS, the Perkins Homestead was designated a National Historic Landmark on August 25, 2014, establishing its national significance as the ancestral home and lifelong summer residence of Frances Perkins, the first woman to serve as a Cabinet Secretary and one of our Nation's most influential and effective public servants whose legacy includes the historic New Deal; and

WHEREAS, the Frances Perkins Center has been managing and preserving the approximately 57-acre Perkins Homestead, including the objects identified above and additional archives and collections illustrating the historic value of this site, and has expressed support for inclusion of the Perkins Homestead in the National Park System; and

WHEREAS, the Frances Perkins Center has donated to the Federal Government for the purpose of establishing a unit of the National Park System fee interest in the core area comprising approximately 2.3 acres of land in Newcastle, Maine, which includes several historic objects associated with the Perkins Homestead and Perkins' life located on this site, including the brick house, the connected barn, and portions of the stone wall; and

WHEREAS, in support of the establishment of a national monument to be administered by the National Park Service, the Frances Perkins Center

has also indicated its intent to develop a partnership with the National Park Service to help manage, oversee, interpret, maintain, and protect the Perkins Homestead (including the core area) and the historic objects it contains as appropriate; and

WHEREAS, the Frances Perkins Center has indicated an interest in donating a majority of the remaining approximately 54.7 acres of the 57-acre Perkins Homestead to the Federal Government in the future; and

WHEREAS, the designation of a national monument to be administered by the National Park Service would recognize the historic significance of Frances Perkins and her role in the New Deal, particularly her contributions to social welfare, safe working conditions, and protection of workers' health and well-being, and would provide a national platform for preserving and interpreting this important history; and

WHEREAS, I find that all the objects identified above, and objects of the type identified above within the area described herein, are objects of historic interest in need of protection under section 320301 of title 54, United States Code, regardless of whether they are expressly identified as objects of historic interest in the text of this proclamation; and

WHEREAS, I find that the boundaries of the monument reserved by this proclamation represent the smallest area compatible with the proper care and management of the objects of historic interest identified above, as required by the Antiquities Act; and

WHEREAS, it is in the public interest to preserve and protect the objects of historic interest associated with the Perkins Homestead in Maine;

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated on lands and interests in lands owned or controlled by the Federal Government to be part of the Frances Perkins National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Government of the United States within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. The monument's boundaries are coextensive with the Perkins Homestead National Historic Landmark boundaries, and the reserved Federal lands and interests in lands within the monument's boundaries comprise approximately 2.3 acres.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, leasing, or other disposition under the public land laws, including withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The establishment of the monument is subject to valid existing rights. Specifically, the Frances Perkins Center retains reserved rights to occupy and use the premises; complete preservation, maintenance, and renovation work; and store and maintain artifacts currently located in the brick house. These reserved rights shall expire not later than 25 years after the date of this proclamation.

If the Federal Government acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as part of the monument, and objects of the type identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of the Interior shall manage the monument through the National Park Service, pursuant to applicable legal authorities and consistent

with the purposes and provisions of this proclamation. For the purpose of preserving, interpreting, and enhancing the public understanding and appreciation of the monument, the Secretary of the Interior, through the National Park Service, shall prepare a management plan for the monument. The management plan shall ensure that the monument fulfills the following purposes for the benefit of present and future generations: (1) to preserve the historic objects and other resources within the boundaries of the monument, and (2) to interpret in its entirety the story of Frances Perkins and the history of the New Deal, including the impact Perkins had as the first woman Cabinet Secretary; the complexities of Perkins as an individual and of her ideas, perspectives, and views; and her role in advancing hallmark labor, economic, and social reform within the historical and political context of the early-to-mid 20th century.

The National Park Service shall consult with appropriate Federal, State, and local agencies; local communities; nongovernmental organizations; and the general public in the region of the monument—including the Frances Perkins Center and the Damariscotta River Association—in developing the management plan for the monument, which shall include resource management, interpretation and education, visitor access, and services at the monument. The National Park Service shall also consult on all aspects of the management plan with the Penobscot Nation and other Wabanaki Peoples, whose ancestral lands include areas in Maine near the monument.

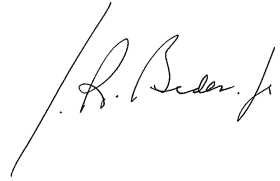
The National Park Service is directed, as appropriate, to use applicable authorities to seek to enter into agreements with other entities, including the Frances Perkins Center, to address common interests and promote management efficiencies, including the provision of visitor services, interpretation and education, establishment and care of museum collections, and preservation of historic objects.

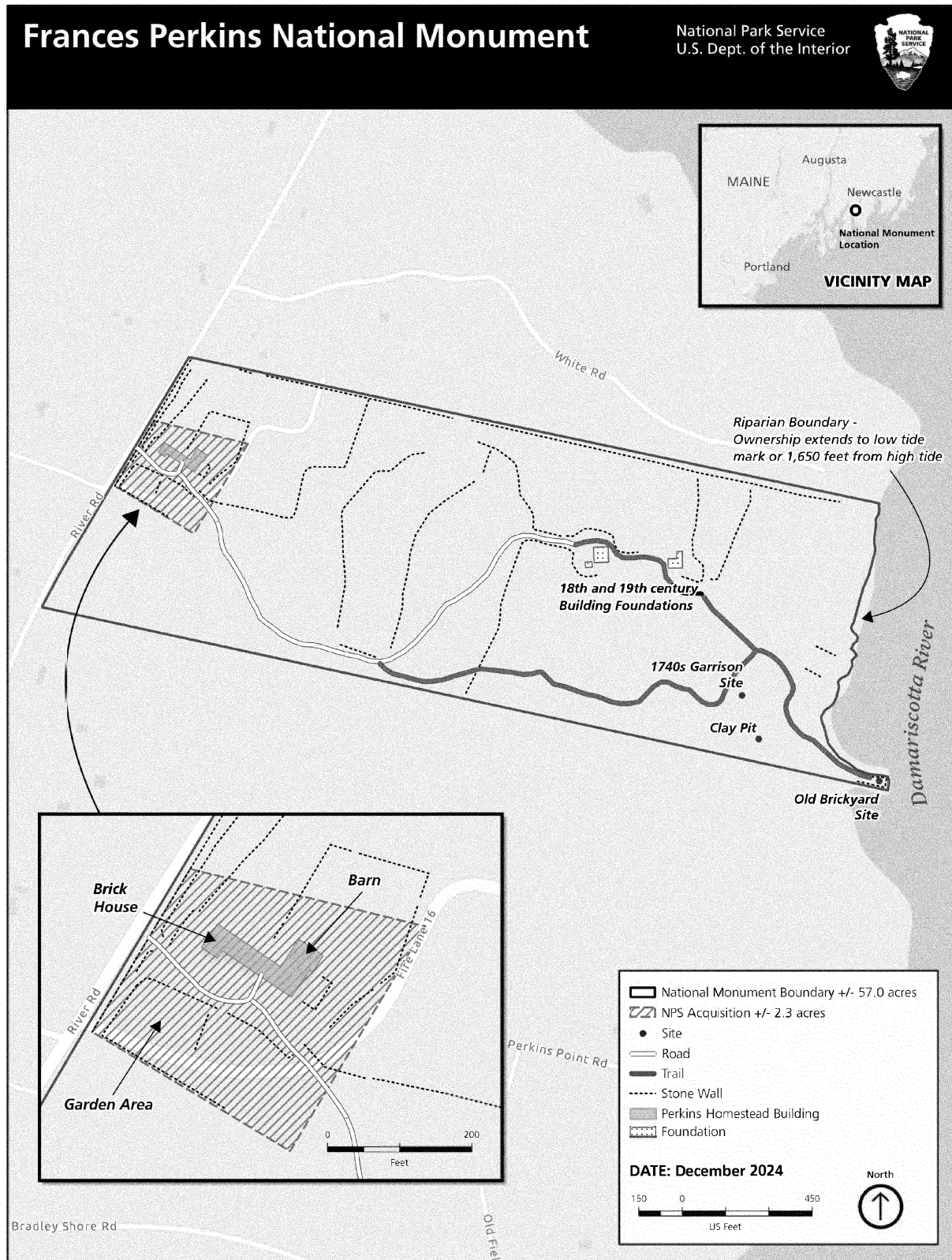
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

If any provision of this proclamation, including its application to a particular parcel of land, is held to be invalid, the remainder of this proclamation and its application to other parcels of land shall not be affected thereby.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of December, in the year of our Lord two thousand twenty-four, and of the Independence of the United States of America the two hundred and forty-ninth.

A handwritten signature in black ink, appearing to read "R. Biden Jr.", with a long, sweeping diagonal line extending from the top left of the signature.



Presidential Documents

Proclamation 10874 of December 16, 2024

Wright Brothers Day, 2024

By the President of the United States of America

A Proclamation

On Wright Brothers Day, we celebrate the bold vision, steadfast determination, and transformative innovation of Orville and Wilbur Wright. Their aircraft, which completed the first sustained, controlled, and powered flight 121 years ago, forever altered the course of human history and took our Nation to new heights.

The Wright brothers embody the best of America's grit, heart, and unstoppable spirit of ingenuity. Before they took to the skies that fateful December day, the Wright brothers had spent years conducting arduous research, redesigns, and dangerous trials. They were driven by the belief that what so many had written off as impossible could actually be done—that sustained, controlled, and powered flight was possible. And on the sand dunes of Kitty Hawk, North Carolina, on December 17, 1903, they were proven right—their aircraft, the Wright Flyer, took flight for 12 seconds. In less than a minute, that one feat altered our understanding of technological possibilities and human potential forever, laying the foundation for putting a man on the moon; breaking the sound barrier; and beginning a new, deeper exploration of our universe.

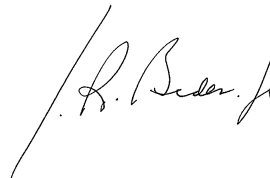
My Administration has been committed to building on their legacy of innovation and advancement. We have made improvements to modern air travel—from making airports more accessible through the Bipartisan Infrastructure Law to making air travel safer. And we have harnessed the spirit of American ingenuity in everything we do, like tackling the climate crisis, working toward ending cancer as we know it, and ensuring that the technologies of the future will benefit Americans for generations to come.

On Wright Brothers Day, we honor two visionary men from Dayton, Ohio, who chose to look to the sky with not just wonder but with an ambition to take Americans where no one had gone before. Because of their work, generations of visionary scientists, engineers, and dreamers and doers have followed in their footsteps, believing that, here in America, we do big things and nothing is beyond our capacity.

The Congress, by a joint resolution approved December 17, 1963, as amended (77 Stat. 402; 36 U.S.C. 143), has designated December 17 of each year as “Wright Brothers Day” and has authorized and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim December 17, 2024, as Wright Brothers Day.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of December, in the year of our Lord two thousand twenty-four, and of the Independence of the United States of America the two hundred and forty-ninth.

A handwritten signature in black ink, appearing to read "Joe Biden", is written over a diagonal line that serves as a signature line.

Rules and Regulations

Federal Register

Vol. 89, No. 244

Thursday, December 19, 2024

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

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

DEPARTMENT OF AGRICULTURE

Rural Housing Service

7 CFR Part 3560

[Docket No RHS–24–MFH–0035]

RIN 0575–AD35

Revisions to the Smoke Alarm Requirements in the Section 515 Rural Rental Housing and Section 514/516 Farm Labor Housing Direct Loan Programs

AGENCY: Multi-Family Housing, Rural Housing Service, U.S. Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: The Rural Housing Service (RHS or Agency), a Rural Development (RD) agency of the United States Department of Agriculture (USDA), is amending its regulation to implement changes related to the smoke alarm requirements for properties that receive funding from the Multi-Family Housing Section 515 Rural Rental Housing and the Section 514/516 Farm Labor Housing Direct Loan and Grant Programs. These changes are intended to align the Agency's smoke alarm requirements with the requirements set forth in the Consolidated Appropriations Act, 2023. The Consolidated Appropriations Act, 2023, requires each unit of Federally assisted housing to contain hardwired or 10-year non-rechargeable, non-replaceable, sealed, tamper-resistant, primary battery-powered smoke alarm devices containing silencing means, and provides notification for persons with hearing loss as required by applicable law (Qualifying Smoke Alarm requirements).

DATES: This final rule is effective January 21, 2025.

FOR FURTHER INFORMATION CONTACT: Barbara Chism, Multi-Family Housing Asset Management Division, Rural Housing Service, 1400 Independence

Avenue SW, Washington DC 20250–0782, Telephone: (202) 690–1436; Email: Barbara.Chism@usda.gov.

SUPPLEMENTARY INFORMATION:

I. Background

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

Title V of the Housing Act of 1949 authorized the USDA to make housing loans to farmers to enable them to provide habitable dwellings for themselves or their tenants, lessees, sharecroppers, and laborers. The USDA then expanded opportunities in rural areas, making housing loans and grants to rural residents through the Single-Family Housing (SFH) and Multi-Family Housing (MFH) Programs.

The RHS administers the MFH section 515 Rural Rental Housing Direct Loan Program under 7 CFR part 3560, subpart B. The Section 515 program employs a public-private partnership by providing subsidized loans at an interest rate of one percent to developers to construct or renovate affordable rental complexes in rural areas. This one percent loan keeps the debt service on the property sufficiently low to support below-market rents affordable to low-income tenants. Many of these projects also utilize other Federal, State, and local funding sources and rental subsidies such as HUD's Section 8 and low-income housing tax credit proceeds.

The RHS also operates the MFH Farm Labor Housing Direct Loan and Grant Program under sections 514 and 516 set forth in 7 CFR part 3560, subparts L and M. The MFH Farm Labor Housing Direct Loan and Grant Program provides low interest loans and grants to provide housing for farmworkers. These eligible farmworkers may either live and work at the borrower's farm, including seasonal and migrant workers ("on-farm"), or they may live away from the farm ("off-farm").

Under the current regulation, borrowers are required to install and maintain smoke alarms in all dwelling units, common use areas, and other spaces in all residential buildings included as security for Agency financed loans and grants. Borrowers must also ensure that smoke alarms are properly located to protect tenant safety and the value of the Agency's asset. Failure to maintain adequate smoke alarms may lead to injury of persons, damage to property, or a non-monetary loan default.

II. Purpose of This Regulatory Action

On December 29, 2022, the President signed into law the Consolidated Appropriations Act, 2023 (Pub. L. 117–328) (Act), which incorporated The Public and Federally Assisted Housing Fire Safety Act, 2022, which requires each unit and common use areas of Federally assisted housing to contain hardwired or 10-year non-rechargeable, sealed, tamper-resistant primary battery-powered smoke alarm devices, as well as other items. The Act further amended the Housing Act of 1949, to implement these new smoke detector requirements for Section 515 Rural Rental Housing and Section 514/516 Farm Labor Housing Direct Loan Programs Public Law 117–328, div. AA, title VI, sec. 601. This final rule will implement the requirements the Act which is intended to: (1) align the smoke alarm requirements with more stringent requirements for Federally assisted housing industry standards; (2) increase the safety of tenants and visitors at properties; (3) reduce the risk of losing available affordable housing units in rural communities due to uninhabitability caused by smoke and fire damage as a result of outdated smoke alarm devices; and (4) provide the Agency with additional protection from the loss of its security value.

Discussion of the Public Comments

RHS published a proposed rule on January 8, 2024 [89 FR 892], in the **Federal Register** to solicit comments on the proposed changes to 7 CFR part 3560 of subpart B and 7 CFR 3560.103(a)(3)(xx) of subpart C related to smoke alarm requirements for Section 515 Rural Rental Housing and Section 514/516 Farm Labor Housing Direct Loan and Grant Programs. The comment period ended on March 8, 2024. No

changes were made in this final rule as a result of public comments.

RHS received comments from sixteen respondents. Commenters included three anonymous, nine private individuals, two property management agencies, one housing authority, and one national trade association. In addition, two comments from respondents were submitted in duplicate. Each comment is addressed, and duplicates are addressed in one statement.

The comments the Agency received are summarized as follows:

Public Comment: Two anonymous, four individuals, and one property management agent respondents expressed full support for the proposed rule.

Agency's Response: The Agency appreciates the respondents' support and has determined that no action is required.

Public Comment: Two individual respondents expressed concern for the poor and substandard living conditions and safety of farmworker housing in America and ensuring that smoke alarms in Federally assisted housing are installed identically, legally, and safely. The comment stated it would be beneficial to apply this rule to temporary labor camp housing as well, if not already intended to be included.

Agency's Response: The Agency appreciates the respondent's position and acknowledges the concern. The Agency does not fund temporary labor camp housing. The housing funded by the Agency's MFH Farm Labor Housing Direct Loan and Grant Program is intended for year-round and seasonal residential use by farmworkers. The Agency's farmworker housing, which is subject to the Qualifying Smoke Alarm requirements, contains appropriate furnishings and equipment, and is routinely inspected by the Agency to ensure it is maintained in a decent, safe, and sanitary manner.

Public Comment: One individual respondent expressed concern for flammable substances often involved in agricultural processes, and that the minimal cost to purchase and install smoke detectors far outweighs the monetary and physical consequences of a fire without an alarm system.

Agency's Response: The Agency appreciates the respondent's support and has determined that no action is required.

Public Comment: One individual respondent expressed concern about the Agency's efforts to improve outdated policies to improve conditions for farm labor housing residents, and how this rule will be implemented and enforced.

Agency's Response: The Agency appreciates the respondent's concern. The Agency implements regulations, policies and procedures with a focus to protect the health and safety of residents in its properties, including policies aimed at improving living conditions for farm labor housing residents. The Agency's routine physical inspections historically show that farm labor housing properties are currently in compliance with the smoke alarm requirements. With the effective date of this rule, properties found to be out of compliance with Qualifying Smoke Alarm requirements will be given written notice of a 30-day period to resolve the violation, which is considered a health and safety violation requiring immediate action. The Agency makes every effort to work closely with property owners and management agents to resolve any outstanding compliance issues prior to recommending legal action and levying monetary penalties.

Public Comment: One individual respondent expressed the concern that combining smoke and carbon monoxide detectors should be prohibited in all USDA Housing Programs because each device requires opposite positioning to be effective.

Agency's Response: The Agency appreciates the respondent's position and acknowledges the concern. Although this rule does not address a combined installation of smoke and carbon monoxide detectors, the Agency will take the respondent's comment under advisement as future fire and smoke alarm policies are developed.

Public Comment: One anonymous respondent expressed concern for the steady rate of increased housing repair and replacement costs in the affordable housing industry due to demand/supply constraints in the market for labor and materials. The respondent stated that the proposed rule aligns with more stringent requirements for smoke alarms, and that the Agency should prioritize ensuring that every home within the scope of the MFH Program has a reliable smoke alarm.

Agency's Response: The Agency appreciates the respondent's position and acknowledges the concern. The Agency endeavors to utilize current programs for assisting owners to obtain needed affordable funding sources for housing repair and replacement costs and has determined that no action is required. The Consolidated Appropriations Act, 2023 requires that all dwelling units rehabilitated or repaired with a loan made or insured under the Act shall contain Qualifying Smoke Alarms that are installed in

accordance with applicable codes and standards.

Public Comment: The housing authority respondent expressed concerns that the proposed rule does not include funding to purchase and install the required equipment. This creates a financial burden on the project. To implement this requirement, other necessary repairs will likely be sidelined when having to decide how to fund everything needed by the project.

Agency's Response: The Agency appreciates the respondent's position and acknowledges the concerns regarding the costs associated with this requirement. Except for a select number of properties not in compliance and in need of substantial replacements, the Agency does not consider the overall cost to upgrade to be substantial. The cost of upgrading to the Qualifying Smoke Alarm is an eligible expense that may be paid from the property's operating funds. The Agency will utilize existing servicing methods to assist borrowers experiencing a financial hardship to ensure compliance with this rule.

Public Comment: A national trade association respondent expressed their commitment to supporting technological advancements and changes to national consensus codes and standards that will increase the number of operational smoke alarms in U.S. homes. The respondent's position is that consumers should be free to choose which smoke alarms are present in their homes, provided those devices comply with consensus codes and standards. The respondent does not support legislation that attempts to mandate one type of life safety technology at the exclusion of other important technologies.

Agency's Response: The Agency appreciates the respondent's position and acknowledges the concern. Federally funded residential properties must comply with established Federal and local fire protection laws and standards, at a minimum. The Agency does not preclude borrowers and management agents from purchasing and installing life saving features that exceed the minimum Federal requirements. The Agency is mandating this type of life safety technology for buildings that are Federally funded to comply with established Federal and local fire protection laws and standards. This will ensure that safe and uniform lifesaving notification methods are consistently being used at all times. RHS is required to abide by the latest statutes and regulations and as new life saving technologies become available and are Federally adopted, the Agency

will comply. In addition, the Agency will take the recommendation of additional policy guidance promoting monthly testing, and the installation of extra life safety technologies not supported by 10-year batteries, such as Low-Frequency Audible Alarms (Enhanced Waking Effectiveness), Multiple Sensing Technology Alarms, Control Units, and Interconnection if it exceeds Federally mandated requirements under advisement.

Public Comment: One property management agency respondent expressed concern that the rule as proposed by RD is incorrectly stated. The Consolidated Appropriations Act, 2023 requires smoke detectors to provide notification for persons with hearing loss, whereas the Public and Federally Assisted Housing Fire and Safety Act of 2022 does not. Respondent questions the sensibility of requiring all units in the housing development to contain a notification system for individuals with hearing loss regardless of whether a non-hearing loss household occupies the unit. Also, the rule should define what RD considers “Substantially Rehabilitated” for purposes of requiring hardwired smoke detectors. The cost of implementing the rule without funding provided for in title VI section 601(g) of the Appropriations Act creates a significant cost for older properties already struggling. USDA should state in its rule how it will reimburse properties for the cost of complying with the requirements or allow owners to opt out of the program.

Agency’s Response: The Agency appreciates the commenters remarks and has stated the final rule as presented in title VI, section 601(e)(3)(B)(ii) of the Consolidated Appropriations Act, 2023 and affirms the Qualifying Smoke Alarm Definition in the final Smoke Alarm rule mirrors that of the Housing Act of 1949, as amended. The Agency has determined that the language in the final rule informs that only units housing an individual with hearing loss must contain a notification system.

III. Summary of Changes

The final changes are as follows:

1. A new paragraph (e) will be added to § 3560.60 that cross-references § 3560.103(a)(3)(xx), which includes the Qualifying Smoke Alarm requirements that a smoke alarm must contain hardwired or 10-year non-rechargeable, non-replaceable, sealed, tamper-resistant, primary battery-powered smoke alarm devices containing silencing means, and provides

notification for persons with hearing loss as required by applicable law.

2. The new Qualifying Smoke Alarm requirements will be added to § 3560.103(a)(3)(xx) which will set forth the new requirements that are cross-referenced in § 3560.60.

IV. Regulatory Information

Statutory Authority

The changes in this final rule are authorized under the Consolidated Appropriations Act, 2023, (Pub. L. 117–328), div. AA, title VI, sec. 601 and is authorized under sections 514(k), 515(m), and 516(c) of title V of the Housing Act of 1949, as amended; 42 U.S.C. 1480 *et seq.*; and implemented under 7 CFR part 3560.

Executive Order 12372, Intergovernmental Review of Federal Programs

These loans are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. RHS conducts intergovernmental consultations for each loan in accordance with 2 CFR part 415, subpart C.

Executive Order 12866, Regulatory Planning and Review

This final rule has been determined to be non-significant and, therefore, was not reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

Executive Order 12988, Civil Justice Reform

This final rule has been reviewed under Executive Order 12988. In accordance with this rulemaking: (1) Unless otherwise specifically provided, all State and local laws that conflict with this rulemaking will be preempted; (2) no retroactive effect will be given to this rulemaking except as specifically prescribed in the rule; and (3) administrative proceedings of the National Appeals Division of the Department of Agriculture (7 CFR part 11) must be exhausted before suing in court that challenges action taken under this rulemaking.

Executive Order 13132, Federalism

The policies contained in this final rule do not have any substantial direct effect on states, on the relationship between the National Government and the states, or on the distribution of power and responsibilities among the various levels of government. This final rule does not impose substantial direct compliance costs on State and local

governments; therefore, consultation with states is not required.

Executive Order 13175, Consultation and Coordination With Indian Governments

Executive Order 13175 imposes requirements on RHS in the development of regulatory policies that have Tribal implications or preempt Tribal laws. RHS has determined that the final rule does not have a substantial direct effect on one or more Indian tribe(s) or on either the relationship or the distribution of powers and responsibilities between the Federal Government and Indian tribes. Thus, this final rule is not subject to the requirements of Executive Order 13175. If Tribal leaders are interested in consulting with RHS on this rulemaking, they are encouraged to contact USDA’s Office of Tribal Relations or RD’s Tribal Coordinator at: AIAN@usda.gov to request such a consultation.

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

The Administrative Pay-As-You-Go-Act of 2023 (Act) (See Fiscal Responsibility Act of 2023, Pub. L. 118–5, 137 Stat 31, div. B, title III) requires the U.S. Government Accountability Office (GAO) to assess agency compliance with the Act, which establishes requirements for administrative actions that affect direct spending, in GAO’s major rule reports. The Act does not apply to this rule because it does not increase direct spending.

Assistance Listing

The programs affected by this regulation are listed in the Assistance Listing Catalog (formerly Catalog of Federal Domestic Assistance) under number 10.415-Rural Rental Housing Loans, 10.427-Rural Rental Assistance Payments, 10.405-Farm Labor Housing Loans and Grants.

Civil Rights Impact Analysis

Rural Development has reviewed this final rule in accordance with USDA Regulation 4300–004, Civil Rights Impact Analysis, to identify any major civil rights impacts the final rule might have on program participants on the basis of age, race, color, national origin, sex, or disability. After review and analysis of the final rule and available data, it has been determined that implementation of the rulemaking will not adversely or disproportionately impact very low, low- and moderate-income populations, minority populations, women, Indian tribes, or

persons with disability by virtue of their race, color, national origin, sex, age, disability, or marital or familial status. No major civil rights impact is likely to result from this final rule.

E-Government Act Compliance

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

National Environmental Policy Act

This final rule has been reviewed in accordance with 7 CFR part 1970, subpart A, "Environmental Policies." RHS determined that this action does not constitute a major Federal action significantly affecting the quality of the environment. In accordance with the National Environmental Policy Act of 1969, Public Law 91-190, an Environmental Impact Statement (EIS) is not required.

Paperwork Reduction Act

The information collection requirements contained in this final rule have been approved by OMB and have been assigned OMB control number 0575-0189. This final rule contains no new reporting and recordkeeping requirements that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Regulatory Flexibility Act

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

Unfunded Mandates Reform Act (UMRA)

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal Governments and on the private sector. Under section 202 of the UMRA, Federal agencies generally must prepare a written statement, including cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, or Tribal Governments, in the

aggregate, or to the private sector, of \$100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires a Federal agency to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective, or least burdensome alternative that achieves the objectives of the rule.

This final rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and Tribal Governments or for the private sector. Therefore, this final rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Non-Discrimination Policy

In accordance with Federal civil rights laws and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Mission Areas, agencies, staff offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, staff office; or the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf> from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-

3027 form or letter must be submitted to USDA by:

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

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

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

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

Severability

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

List of Subjects in 7 CFR Part 3560

Accounting, Administrative practice and procedure, Aged, Conflicts of interest, Government property management, Grant programs—housing and community development, Insurance, Loan programs—agriculture, Loan programs—housing and community development, Low- and moderate-income housing, Migrant labor, Mortgages, Nonprofit organizations, Public housing, Rent—subsidies, Reporting and recordkeeping requirements, Rural areas.

For the reasons set forth in the preamble, Rural Housing Service amends 7 CFR part 3560 as follows:

PART 3560—DIRECT MULTI-FAMILY HOUSING LOANS AND GRANTS

■ 1. The authority citation for part 3560 continues to read as follows:

Authority: 42 U.S.C. 1480.

Subpart B—Direct Loan and Grant Origination

■ 2. Amend § 3560.60 by adding paragraph (e) to read as follows:

§ 3560.60 Design requirements.

* * * * *

(e) *Applicable codes and standards.* All housing and related facilities must meet the Qualifying Smoke Alarm requirements in § 3560.103(a)(3)(xx).

Subpart C—Borrower Management and Operations Responsibilities

■ 3. Amend § 3560.103 by revising and republishing paragraph (a)(3)(xx) to read as follows:

§ 3560.103 Maintaining housing projects.

(a) * * *

(3) * * *

(xx) *Smoke alarms.* The housing project must have Qualifying Smoke Alarms which are installed in accordance with applicable codes and standards as set forth in sections 514(k), 515(m), and 516(c) of the Housing Act of 1949 (42 U.S.C. 1471 *et seq.*), in each level and in or near each sleeping area in such dwelling unit, including in basements but excepting crawl spaces and unfinished attics, and in each common area in a project containing such a dwelling unit.

(A) Dwelling units built before December 29, 2022, and not substantially rehabilitated after December 29, 2022, smoke alarms must:

(1) Be hardwired; or

(2) Use 10-year non rechargeable, nonreplaceable primary batteries,

(i) Be sealed,

(ii) Tamper resistant,

(iii) Contain silencing means; and

(3) Provide notification for persons with hearing loss as required by applicable standards set forth in sections 514(k), 515(m), and 516(c) of the Housing Act of 1949 (42 U.S.C. 1471 *et seq.*).

(B) Dwelling units built or substantially rehabilitated after December 29, 2022; smoke alarms must be hardwired.

* * * * *

Joaquin Altoro,

Administrator, Rural Housing Service.

[FR Doc. 2024–30216 Filed 12–18–24; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF ENERGY**10 CFR Part 431****Energy Efficiency Program for Certain Commercial and Industrial Equipment****CFR Correction**

This rule is being published by the Office of the Federal Register to correct an editorial or technical error that appeared in the most recent annual revision of the Code of Federal Regulations.

In Title 10 of the Code of Federal Regulations, Parts 200 to 499, revised as of January 1, 2024, make the following corrections:

■ 1. Amend Appendix C to subpart R of part 431 in section 3.2.7.1, in the table, by removing the words “Table 1” and adding in its place, the words “Table C.4”.

■ 2. Amend Appendix C1 to subpart R of part 431 by reinstating the heading and introductory text to section 3.2.5 before Table 15 to read as follows:

Appendix C1 to Subpart R of Part 431—Uniform Test Method for the Measurement of Net Capacity and AWEF2 of Walk-In Cooler and Walk-In Freezer Refrigeration Systems

* * * * *

3. * * *

3.2 * * *

3.2.5 Test Operating Conditions for Two-Capacity Indoor Matched-Pair or Single-Packaged Refrigeration Systems

For two-capacity indoor medium-temperature matched-pair or single-packaged refrigeration systems, conduct tests using the test conditions specified in table 15 of this appendix. For two-capacity indoor low-temperature matched-pair or single-packaged refrigeration systems, conduct tests using the test conditions specified in table 16 of this appendix.

* * * * *

[FR Doc. 2024–30077 Filed 12–18–24; 8:45 am]

BILLING CODE 0099–10–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2024–1468; Project Identifier MCAI–2023–00975–T; Amendment 39–22840; AD 2024–18–06]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–2A12 airplanes. This AD was prompted by reports that the pivot door pressure seals on the thrust reverser fixed structure were found disbonded or missing on several airplanes. This AD requires inspecting the pivot door pressure seals and accomplishing applicable corrective actions. This AD also requires a functional test of the thrust reversers. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 23, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 23, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–1468; 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 address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Bombardier, Inc. material identified in this AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–2999; email ac.yul@aero.bombardier.com; website: [bombardier.com](https://www.bombardier.com).

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–1468.

FOR FURTHER INFORMATION CONTACT:

Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email joseph.catanzaro@faa.gov.

SUPPLEMENTARY INFORMATION:**Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD–700–2A12 airplanes. The NPRM published in the **Federal Register** on May 22, 2024 (89 FR 44933). The NPRM was prompted by AD CF–2023–61, dated August 16, 2023, issued by Transport Canada, which is the aviation authority for Canada (Transport Canada AD CF–2023–61) (also referred to as the MCAI). The MCAI states that the pivot door pressure seals on the thrust reverser fixed structure were found disbonded or missing on several airplanes.

In the NPRM, the FAA proposed to require inspecting the pivot door pressure seals and accomplishing applicable corrective actions. The FAA also proposed to require a functional

test of the thrust reversers. The FAA is issuing this AD to address the pivot door pressure seals on the thrust reverser fixed structure. The unsafe condition, if not addressed, could result in engine thrust loss due to flow path overboard leakage during forward thrust operation and reduce airplane performance during one-engine inoperative conditions in climb margin and ceiling altitude.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1468.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

This product has been approved by the aviation authority of another country and is 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 reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Bombardier Service Bulletin 700–78–7501, Revision

01, dated July 13, 2023. This material specifies procedures for one-time general visual inspection for discrepant (missing, damaged, or disbonded) thrust reverser pivoting door pressure seals, a bonding check of the pivoting door seals, and repair or replacement of discrepant seals. This material also specifies procedure for performing a functional test of the thrust reverser. 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.

Costs of Compliance

The FAA estimates that this AD affects 53 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS			
Labor cost		Parts cost	Cost on U.S. operators
6 work-hours × \$85 per hour = \$510		\$0	\$27,030

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ON-CONDITION COSTS		
Labor cost	Parts cost	Cost per product
Up to 24 work-hours × \$85 per hour = \$2,040.	\$4,850	Up to \$6,890.

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,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The 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:

2024–18–06 Bombardier, Inc.: Amendment 39–22840; Docket No. FAA–2024–1468; Project Identifier MCAI–2023–00975–T.

(a) Effective Date

This airworthiness directive (AD) is effective January 23, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–2A12 airplanes, certificated in any category, serial numbers 70007, 70008, 70010, 70012 through 70047 inclusive, 70049, 70051, 70052, 70053, 70055 through 70077 inclusive, 70079, 70080, 70081, 70083 through 70133 inclusive, 70135, 70136, 70137, 70138, 70142 through 70148 inclusive, 70150, 70152, and 70158.

(d) Subject

Air Transport Association (ATA) of America Code 78, Engine exhaust.

(e) Unsafe Condition

This AD was prompted by reports that the pivot door pressure seals on the thrust reverser fixed structure were found disbonded or missing on several airplanes. The FAA is issuing this AD to address the pivot door pressure seals on the thrust reverser fixed structure. The unsafe condition, if not addressed, could result in engine thrust loss due to flow path overboard leakage during forward thrust operation and reduce airplane performance during one-engine inoperative conditions in climb margin and ceiling altitude.

(f) Compliance

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

(g) Inspection and Functional Test

(1) Within 750 flight hours or 18 months, whichever comes first from the effective date of this AD, perform a general visual inspection for discrepancies (missing, damaged, or disbonding) of the 4 pivot door pressure seals on the thrust reverser door of each engine, and perform a bonding check as applicable, and repair or replace each discrepant seal as applicable, in accordance with Part 2.B of the Accomplishment Instructions of Bombardier Service Bulletin 700–78–7501, Revision 01, dated July 13, 2023. Applicable corrective actions must be done before further flight.

(2) Before further flight after accomplishing the actions specified in paragraph (g)(1) of this AD: Perform a functional test of the thrust reverser in accordance with Part 2.C of the Accomplishment Instructions of Bombardier Service Bulletin 700–78–7501, Revision 01, dated July 13, 2023.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 700–78–7501, dated April 12, 2023.

(i) No Reporting Requirement

Although the service information referenced in Bombardier Service Bulletin 700–78–7501, Revision 01, dated July 13, 2023, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (k) of this AD. Information may be

emailed to: 9-AVS-NYACO-COS@faa.gov.

Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or Bombardier, Inc.'s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Additional Information

For more information about this AD, contact Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email joseph.catanzaro@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 this AD specifies otherwise.

(i) Bombardier Service Bulletin 700–78–7501, Revision 01, dated July 13, 2023.

(ii) [Reserved]

(3) For Bombardier, Inc., material identified in this AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–2999; email ac.yul@aero.bombardier.com; website bombardier.com.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(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 October 24, 2024.

Victor Wicklund,

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

[FR Doc. 2024–30229 Filed 12–18–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE**International Trade Administration****19 CFR Part 351**

[Docket No. 241210–0321]

RIN 0625–AB26

Modernizing the Annexes of the Antidumping and Countervailing Duty Trade Remedy Regulations

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

ACTION: Final rule.

SUMMARY: Pursuant to title VII of the Tariff Act of 1930, as amended (the Act), the U.S. Department of Commerce (Commerce) is modernizing the annexes of the trade remedy regulations to enhance the administration of the antidumping duty (AD) and countervailing duty (CVD) laws.

DATES: Effective December 19, 2024.

FOR FURTHER INFORMATION CONTACT:

Scott D. McBride, Associate Deputy Chief Counsel for Trade Enforcement and Compliance, at (202) 482–6292, or Jesus Saenz, Senior Attorney, at (202) 482–1823.

SUPPLEMENTARY INFORMATION: Commerce initially promulgated its AD and CVD regulations in 1997 and 1998, respectively.¹ Since the inception of these regulations, Commerce has periodically modified certain sections or paragraphs or adopted new provisions. For example, in 2021 Commerce modified existing regulations covering scope inquiries at 19 CFR 351.225, and adopted new provisions to codify its practice regarding circumvention inquiries and covered merchandise referrals at 19 CFR 351.226 and 351.227.² Commerce modified those regulations as well as promulgating new ones on March 25, 2024, to further improve and strengthen the administration and enforcement of the AD and CVD laws.³ Most recently, on December 16, 2024, Commerce revised certain other existing regulations and promulgated additional new regulations to further enhance the trade remedy

¹ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296 (May 19, 1997); and *Countervailing Duties; Final Rule*, 63 FR 65348, 65357 (November 25, 1998).

² See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (Sept. 20, 2021).

³ See *Regulations Improving and Strengthening the Enforcement of Trade Remedies Through the Administration of the Antidumping and Countervailing Duty Laws*, 89 FR 20766 (March 25, 2024).

laws, with a particular emphasis on CVD laws and procedures.⁴

In order to accurately reflect the modified language, dates and new provisions in the AD and CVD regulations, Commerce is modernizing the annexes accompanying the regulations. Specifically, Commerce is updating the number of days and the regulation cross-reference for each of the listed events in annexes I through IV, and annexes VIII–A through VIII–C. Commerce is also creating new annexes IX, X, and XI to provide additional guidance to *Scope Inquires*, *Circumvention Inquiries*, and *Covered Merchandise Referrals*.⁵ Annexes IX, X, and XI will similarly contain a field with the number of days, event name, and regulation for each specific event. Lastly, Commerce is also removing existing Annex V as the provided cross-reference to regulations prior to 1997 is obsolete and reserving it for potential future use of a new annex V.

Rulemaking Considerations

A. Administrative Procedure Act

The changes in this rulemaking involve rules of agency procedure. See *Bachow Commc'ns Inc. v. FCC*, 237 F.3d 683, 690 (D.C. Cir. 2001) (changes to procedural rules are not subject to notice and comment review under the Administrative Procedure Act (APA)); *Inova Alexandria Hosp. v. Shalala*, 244 F.3d 342, 349 (4th Cir. 2001) (rules for handling appeals are procedural where they do not change the substantive standard for reviewing claims); *Nat'l Org. of Veterans' Advocates v. Sec'y of Veterans Affairs*, 260 F.3d 1365, 1375 (Fed. Cir. 2001) (Substantive rules “effect a change in existing law or policy or which affect individual rights and obligations,” whereas interpretative rules “clarify or explain existing law or

regulation and are exempt from notice and comment” review under the APA.). Accordingly, prior notice and opportunity for public comment for the changes in this rulemaking are not required pursuant to 5 U.S.C. 553(b) or (c) or any other law. See *Cooper Techs. Co. v. Dudas*, 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), do not require notice and comment rulemaking for “interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice” (quoting 5 U.S.C. 553(b)(A))). Similarly, there is no need for a 30-day delay in effective date pursuant to 5 U.S.C. 553(d)(2).

In addition, Commerce finds good cause pursuant to the authority at 5 U.S.C. 553(b)(B) and 553(d)(3) to forego prior notice, opportunity for public comment, and a 30-day delay in effective date because such procedures are unnecessary. This rulemaking merely updates the annexes to reflect changes to the AD and CVD regulations that have already undergone notice and comment. As such, the contents of the revised annexes have already undergone notice and comment rulemaking, and repeating that process is unnecessary.

B. Regulatory Flexibility Act

As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 or any other law, neither a Regulatory Flexibility Act analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is required. See 5 U.S.C. 603.

C. Executive Order 12866 (Regulatory Planning and Review)

This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (September 30, 1993), as amended by Executive Order 14094 (April 6, 2023).

D. Executive Order 13132 (Federalism)

This rulemaking pertains strictly to Federal agency procedures and does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (August 4, 1999).

E. Paperwork Reduction Act

This final rule does not impact information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 19 CFR Part 351

Administrative practice and procedure, Antidumping, Business and industry, Confidential business information, Countervailing duties, Freedom of information, Investigations, Reporting and recordkeeping requirements.

Dated: December 16, 2024.

Ryan Majerus,
Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

For the reasons stated above, the U.S. Department of Commerce amends 19 CFR part 351 as follows:

PART 351—ANTIDUMPING AND COUNTERVAILING DUTIES

- 1. The authority citation for part 351 continues to read as follows:
Authority: 5 U.S.C. 301; 19 U.S.C. 1202 note; 19 U.S.C. 1303 note; 19 U.S.C. 1671 *et seq.*
- 2. Revise annexes I through IV to read as follows:

ANNEX I TO PART 351—DEADLINES FOR PARTIES IN COUNTERVAILING INVESTIGATIONS

Day ¹	Event	Regulation
0 days	Initiation.	
31 days ²	Notification of difficulty in responding to questionnaire.	351.301(c)(1)(iii) (14 days after date of receipt of initial questionnaire).
35 days	Submission of factual information not directly responsive to or relating to that described in 351.102(b)(21)(i)–(iv).	351.301(c)(5) (30 days before preliminary determination) or 14 days before verification.
20 days*	Submission of factual information to measure adequacy of remuneration.	351.301(c)(3)(i)(B) (45 days before preliminary determination).
30 days*	Rebuttal, clarification, or correction of factual information to measure adequacy of remuneration.	351.301(c)(3)(iv) (10 days after filing of factual information to measure adequacy of remuneration).
47 days	Application for an administrative protective order.	351.305(b)(3) (before submission of the first response to the initial questionnaire).

⁴ See *Regulations Enhancing the Administration of the Antidumping and Countervailing Duty Trade Remedy Laws*, 89 FR 101694 (December 16, 2024).

⁵ See 19 CFR 351.225, 351.226, and 351.227.

ANNEX I TO PART 351—DEADLINES FOR PARTIES IN COUNTERVAILING INVESTIGATIONS—Continued

Day ¹	Event	Regulation
40 days *	Request for postponement by petitioner	351.205(e) (25 days or more before preliminary determination).
45 days *	Allegation of critical circumstances	351.206(c)(2)(i) (20 days before preliminary determination).
47 days	Initial Questionnaire response	351.301(c)(1)(i) (30 days from date of receipt of initial questionnaire).
65 days (May be postponed to 130 days).	Preliminary determination	351.205(b)(1) (65 days after initiation of the investigation, but may be extended to 130 days after initiation of investigation).
72 days	Submission of proposed suspension agreement.	351.208(f)(1)(i)(B) (7 days after preliminary determination).
75 days	Submission of ministerial error Comments after preliminary determination.	351.224(c)(2) (5 days after the earlier of the release of disclosure documents or a disclosure meeting).
77 days ³	Request to align a CVD case with a concurrent AD case.	351.210(i) (5 days after date of publication of preliminary determination).
102 days	Request for a hearing	351.310(c) (30 days after date of publication of preliminary determination).
119 days	Critical circumstances allegation	351.206(e) (21 days or more before final determination).
122 days	Requests for closed hearing Sessions	351.310(f) (No later than the date the case briefs are due).
122 days	Submission of briefs	351.309(c)(1)(i) (50 days after date of publication of preliminary determination).
125 days	Allegation of upstream subsidies	351.301(c)(2)(iv)(C) 60 days after the preliminary determination).
127 days	Submission of rebuttal briefs	351.309(d)(1) (5 days after deadline for filing case brief).
129 days	Hearing	351.310(d)(1) (2 days after submission of rebuttal briefs).
140 days ⁴ (May be postponed to 230 days).	Final determination	351.210(b)(1) (75 days after preliminary determination, but may be postponed to 165 days after preliminary determination).
150 days	Submission of ministerial error comments after final determination.	351.224(c)(2) (5 days after the earlier of the release of disclosure documents or a disclosure meeting).
155 days	Submission of replies to ministerial error comments.	351.224(c)(3) (5 days after filing of ministerial error comments).
192 days	Order issued	351.211(b) (7 days after affirmative final injury determination).

¹ Indicates the number of days from the date of initiation. Most of the deadlines shown here are approximate. The actual deadline in any particular segment of a proceeding may depend on the date of an earlier event or be established by the Secretary.

² Assumes that the Department sends out the questionnaire within 10 days of the initiation and allows 7 days for receipt of the questionnaire from the date on which it was transmitted.

³ Assumes that the Preliminary Determination is published 7 days after issuance (*i.e.*, signature).

⁴ Assumes that the Preliminary Determination is published 7 days after issuance (*i.e.*, signature).

* Date may change if Preliminary Determination is postponed.

ANNEX II TO PART 351—DEADLINES FOR PARTIES IN COUNTERVAILING ADMINISTRATIVE REVIEWS

Day ¹	Event	Regulation
0 days	Request for review	351.213(b)(1) (Last day of the anniversary month).
30 days	Publication of initiation notice	351.221(c)(1)(i) (End of month following the anniversary month).
66 days ²	Notification of difficulty in responding to questionnaire.	351.301(c)(1)(iii) (14 days after date of receipt of initial questionnaire).
75 days	Application for an administrative protective order.	351.305(b)(3) (before submission of first response).
90 days ³	Initial Questionnaire response	351.301(c)(2)(iii) (At least 30 days after date of receipt of initial questionnaire).
104 days	Submission of factual information to rebut, clarify, or correct initial questionnaire response.	351.301(c)(1)(v) (14 days after initial questionnaire response).
110 days	Countervailable subsidy allegation	351.301(c)(2)(iv)(B) (20 days after filing of all responses to initial questionnaire).
120 days	Withdrawal of request for review	351.213(d)(1) (90 days after date of publication of initiation).
130 days	Request for verification	351.307(b)(1)(v) (100 days after date of publication of initiation).
185 days *	Submission of factual information to measure adequacy of remuneration.	351.301(c)(3)(ii) (60 days before preliminary results).
195 days	Rebuttal, clarification, or correction of factual information to measure adequacy of remuneration.	351.301(c)(3)(iv) (10 days after filing of factual information to measure adequacy of remuneration).
215 days *	Submission of factual information not directly responsive to or relating to that described in 351.102(b)(21)(i)–(iv).	351.301(c)(5) (30 days before preliminary results).
245 days (May be extended to 365 days).	Preliminary results of review	351.213(h)(1) (245 days after the last day of the anniversary month, but may be extended to 365 days after the last day of the anniversary).
282 days ⁴	Request for a hearing	351.310(c) (30 days after date of publication of preliminary results).
282 days	Request for a closed hearing session	351.310(f) (date on which the case briefs are due).
282 days	Submission of briefs	351.309(c)(1)(ii) (30 days after date of publication of preliminary results).
287 days	Submission of rebuttal briefs	351.309(d)(1) (5 days after deadline for filing case briefs).
289 days	Hearing	351.310(d)(1) (2 days after submission of rebuttal briefs).

ANNEX II TO PART 351—DEADLINES FOR PARTIES IN COUNTERVAILING ADMINISTRATIVE REVIEWS—Continued

Day ¹	Event	Regulation
372 days ⁵ (May be extended to 422 days).	Final results of review	351.213(h)(1) (120 days after date of publication of preliminary results, but may be extended to 180 days after date of publication of preliminary results).
382 days	Submission of ministerial error comments	351.224(c)(2) (5 days after the earlier of the release of disclosure documents or the disclosure meeting).
387 days	Replies to ministerial error comments	351.224(c)(3) (5 days after filing of comments).

¹ Indicates the number of days from the end of the anniversary month. Most of the deadlines shown here are approximate. The actual deadline in any particular segment of a proceeding may depend on the date of an earlier event or be established by the Secretary.

² Assumes that the Department sends out the questionnaire 45 days after the last day of the anniversary month and allows 7 days for receipt of the questionnaire from the date on which it was transmitted.

³ Assumes that the Department sends out the questionnaire on day 45 and the response is due 45 days later.

⁴ Assumes that the Preliminary Results are published 7 days after issuance (*i.e.*, signature).

⁵ Assumes that the Preliminary Results are published 7 days after issuance (*i.e.*, signature).

* Date may change if Preliminary Results are extended.

ANNEX III TO PART 351—DEADLINES FOR PARTIES IN ANTIDUMPING INVESTIGATIONS

Day ¹	Event	Regulation
0 days	Initiation.	
21 days	Application/certification for separate rate	351.108(d)(1) (21 days after publication).
37 days	Application for an administrative protective order.	351.305(b)(3) (before submission of first response to initial questionnaire).
50 days	Country-wide cost allegation	351.301(c)(2)(iii) (20 days after date on which initial questionnaire was transmitted).
51 days ²	Notification of difficulty in responding to questionnaire.	351.301(c)(1)(iii) (Within 14 days after date of receipt of initial questionnaire).
51 days	Section A response	None.
67 days	Sections B, C, D, E responses	351.301(c)(1)(i) (At least 30 days after date of receipt of initial questionnaire).
77 days	Viability arguments	351.301(c)(2)(i) (10 days after response to relevant section of the questionnaire was filed).
80 days *	Submission of publicly available information to value factors (nonmarket economy).	351.301(c)(3)(i)(A) (60 days before date of publication of preliminary determination).
87 days	Company-specific cost allegations	351.301(c)(2)(ii)(A) (within 20 days after response to relevant section of questionnaire was filed).
87 days	Major input cost allegations	351.301(c)(2)(iii) (within 20 days after response to relevant section of questionnaire was filed).
110 days * ³	Submission of other factual information	351.301(c)(5) (The sooner of 30 days before preliminary determination or 14 days before verification).
115 days	Request for postponement by petitioner	351.205(e) (25 days or more before preliminary determination).
120 days	Allegation of critical circumstances	351.206(c)(2)(i) (20 days before preliminary determination).
140 days (May be postponed to 190 days).	Preliminary determination	351.205(b)(1) (140 days after the publication of initiation, but may be extended to 190 days after the publication of initiation).
150 days	Submission of ministerial error comments	351.224(c)(2) (5 days after release of disclosure documents or holding of a disclosure meeting).
155 days	Submission of proposed suspension agreement.	351.208(f)(1)(i)(A) (15 days after preliminary determination).
177 days ⁴	Request for a hearing	351.310(c) (30 days after date of publication of preliminary determination).
194 days	Critical circumstance allegation	351.206(e) (21 days before final determination).
197 days (May be changed).	Request for closed hearing sessions	351.310(f) (No later than the date the case briefs are due).
197 days (May be changed).	Submission of briefs	351.309(c)(1)(i) (50 days after date of publication of preliminary determination).
202 days	Submission of rebuttal briefs	351.309(d)(1) (5 days after deadline for filing case briefs).
204 days	Hearing	351.310(d)(1) (2 days after submission of rebuttal briefs).
215 days	Request for postponement of the final determination.	351.210(e).
222 days ⁵ (May be postponed to 275 days).	Final determination	351.210(b)(1) (75 days after the date of publication of preliminary determination, but may be postponed to 135 days after the date of publication of preliminary determination).
232 days	Submission ministerial error comments	351.224(c)(2) (5 days after release of disclosure documents or holding of a disclosure meeting).
237 days	Replies to ministerial error comments	351.224(c)(3) (5 days after filing of comments).
274 days	Order issued	351.211(b).

¹ Indicates the number of days from the date of initiation. Most of the deadlines shown here are approximate. The actual deadline in any particular segment of a proceeding may depend on the date of an earlier event or be established by the Secretary.

² Assumes that the Department sends out the questionnaire 5 days after the ITC vote and allows 7 days for receipt of the questionnaire from the date on which it was transmitted.

³ Assumes 30 days before the preliminary determination is sooner than verification.

⁴ Assumes that the Preliminary Determination is published 7 days after issuance (*i.e.*, signature).

⁵ Assumes that the Preliminary Determination is published 7 days after issuance (*i.e.*, signature).

* Date may change if Preliminary Determination is postponed.

ANNEX IV TO PART 351—DEADLINES FOR PARTIES IN ANTIDUMPING ADMINISTRATIVE REVIEWS

Day ¹	Event	Regulation
0 days	Request for review	351.213(b)(1) (During the anniversary month).
30 days	Publication of initiation	351.221(c)(1)(i) (End of month following the anniversary month).
37 days	Application for an administrative protective order.	351.305(b)(3) (Before submission of first response to initial questionnaire).
44 days	Application/certification for separate rate	351.108(d)(2) (14 days after publication of initiation).
60 days	Request for examine absorption of duties (AD).	351.213(j) (30 days after date of publication of initiation).
66 days ²	Notification of difficulty in responding to questionnaire.	351.301(c)(1)(iii) (14 days after date of receipt of initial questionnaire).
66 days	Section A response	None.
85 days	Viability arguments	351.301(c)(2)(i) (10 days after relevant section is filed).
90 days ³	Sections B, C, D, E response	351.301(c)(1)(i) (At least 30 days after date of receipt of initial questionnaire).
110 days	Company-specific cost allegations	351.301(c)(2)(ii)(B) (20 days after relevant section is filed).
110 days	Major input cost allegations	351.301(c)(2)(iii) (20 days after relevant section is filed).
120 days	Withdrawal of request for review	351.213(d)(1) (90 days after date of publication of initiation).
130 days	Request for verification	351.307(b)(1)(v) (100 days after date of publication of initiation).
140 days	Submission of factual information	351.301(b)(2).
185 days	Submission of publicly available information to value factors (nonmarket economy).	351.301(c)(3)(ii) (60 days before date of publication of preliminary results).
215 days ⁴	Submission of other factual information	351.301(c)(5) (The sooner of 30 days before preliminary results or 14 days before verification).
245 days (May be extended to 365 days).	Preliminary results of review	351.213(h)(1) (245 days after the last day of the anniversary month, but may be extended to 365 days after the last day of the anniversary month).
282 days	Request for a hearing and/or closed hearing session.	351.310(c); 351.310(f) (30 days after date of publication of preliminary results).
282 days	Submission of briefs	351.309(c)(1)(ii) (30 days after date of publication of preliminary results).
287 days	Submission of rebuttal briefs	351.309(d)(1) (5 days after deadline for filing case briefs).
289 days	Hearing; closing hearing session	351.310(d)(1) (2 days after submission of rebuttal briefs).
372 days ⁵ (May be extended).	Final results of review	351.213(h)(1) (120 days after the date of publication of preliminary results, but may be extended to 300 days after the date of publication of the preliminary results).
382 days	Ministerial error comments	351.224(c)(2) (5 days after release of disclosure documents).
387 days	Replies to ministerial error comments	351.224(c)(3) (5 days after filing of comments).

¹ Indicates the number of days from the end of the anniversary month. Most of the deadlines shown here are approximate. The actual deadline in any particular segment of a proceeding may depend on the date of an earlier event or be established by the Secretary.

² Assumes that the Department sends out the questionnaire 45 days after the last day of the anniversary month and allows 7 days for receipt of the questionnaire from the date on which it was transmitted.

³ Assumes that the Department sends out the questionnaire on day 45 and the response is due 45 days later.

⁴ Assumes 30 days before the Preliminary Results is earlier than 14 days before verification.

⁵ Assumes that the Preliminary Results are published 7 days after issuance (*i.e.*, signature).

Annex V [Removed and Reserved]

■ 4. Revise annex VIII–A through VIII–

■ 3. Remove and reserve annex V.

C to read as follows:

ANNEX VIII–A TO PART 351—DEADLINES FOR PARTIES IN 90-DAY SUNSET REVIEWS

Day ¹	Event	Regulation
0 days	Initiation	351.218(c).
15 days	Filing of Notice of Intent to Participate by domestic interested parties.	351.218(d)(1)(i) (not later than 15 days after the date of publication of the Notice of Initiation).
20 days	Notification to the ITC that no domestic interested party(s) has responded to the Notice of Initiation.	351.218(d)(1)(iii)(B)(2) (normally not later than 20 days after the date of publication of the Notice of Initiation).
30 days	Filing of substantive response to the Notice of Initiation by all interested parties; industrial users; and consumers.	351.218(d)(3)(i) and 351.218(d)(3)(vi) (not later than 30 days after the date of publication of the Notice of Initiation).
35 days	Filing of rebuttal to substantive response to the Notice of Initiation.	351.218(d)(4) (not later than 5 days after the substantive response is filed with the Department).
40 days	Notification to the ITC that no domestic interested party(s) provided adequate response to the Notice of Initiation.	351.218(e)(1)(i)(C)(2) (normally not later than 40 days after the date of publication of the Notice of Initiation).

ANNEX VIII—A TO PART 351—DEADLINES FOR PARTIES IN 90-DAY SUNSET REVIEWS—Continued

Day ¹	Event	Regulation
90 days	Final determination revoking an order or terminating a suspended investigation where no domestic interested party(s) responds to the Notice of Initiation.	351.218(d)(1)(iii)(B)(3) and 351.222(i)(1)(i) (normally not later than 90 days after the date of publication of the notice of Initiation).

¹ Indicates the number of days from the date of publication of the Notice of Initiation. Most of the deadlines shown here are approximate. The actual deadline in any particular segment of a proceeding may depend on the date of an earlier event or be established by the Secretary.

ANNEX VIII—B TO PART 351—DEADLINES FOR PARTIES IN EXPEDITED SUNSET REVIEWS

Day ¹	Event	Regulation
0 days	Initiation	351.218(c).
15 days	Filing of Notice of Intent to Participate by domestic interested parties.	351.218(d)(1)(i) (not later than 15 days after the date of publication of the Notice of Initiation).
30 days	Filing of Statement of Waiver by respondent interested parties.	351.218(d)(2)(i) (not later than 30 days after the date of publication of the Notice of Initiation).
30 days	Filing of a complete substantive response to the Notice of Initiation by all interested parties and industrial users and consumers.	351.218(d)(3)(i) and 351.218(d)(3)(vi) (not later than 30 days after the date of publication of the Notice of Initiation).
35 days	Filing of rebuttal to substantive response to the Notice of Initiation.	351.218(d)(4) (not later than 5 days after the substantive response is filed with the Department).
50 days	Written notification to the ITC that respondent interested parties provided inadequate response to the Notice of Initiation.	351.218(e)(1)(ii)(C)(1) (normally not later than 50 days after the date of publication of the Notice of Initiation).
70 days	Comments on adequacy of response and appropriateness of expedited sunset review.	351.309(e)(ii) (not later than 70 days after the date of publication of the Notice of Initiation).
120 days	Final results of expedited sunset review where respondent interested parties, and foreign governments, provide inadequate response to the Notice of Initiation.	351.218(e)(1)(ii)(B) and 351.218(e)(1)(ii)(C)(2) (not later than 120 days after the date of publication of the Notice of Initiation).

¹ Indicates the number of days from the date of publication of the Notice of Initiation. Most of the deadlines shown here are approximate. The actual deadline in any particular segment of a proceeding may depend on the date of an earlier event or be established by the Secretary.

ANNEX VIII—C TO PART 351—DEADLINES FOR PARTIES IN FULL SUNSET REVIEWS

Day ¹	Event	Regulation
0 days	Initiation.	
15 days	Filing of Notice of Intent to Participate by domestic interested parties.	351.218(d)(1)(i) (not later than 15 days after the date of publication of the Notice of Initiation).
30 days	Filing of Statement of Waiver by respondent interested parties.	351.218(d)(2)(i) (not later than 30 days after the date of publication of the Notice of Initiation).
30 days	Filing of substantive response to the Notice of Initiation by all interested parties; industrial users; and consumers.	351.218(d)(3)(i) and 351.218(d)(3)(vi) (not later than 30 days after the date of publication of the Notice of Initiation).
35 days	Filing of rebuttal to substantive response to the Notice of Initiation.	351.218(d)(4) (not later than 5 days after the substantive response is filed with the Department).
110 days	Preliminary results of full sunset review	351.218(f)(1) (normally not later than 110 days after the date of publication of the Notice of Initiation).
120 days	Verification in a full sunset review, where needed.	351.218(f)(2)(ii) (normally an approximate of 120 days after the date of publication of the Notice of Initiation).
160 days	Filing of case brief in full sunset review	351.309(c)(1)(i) (50 days after the date of publication of the preliminary results of full sunset review).
165 days	Filing of rebuttal brief in full sunset review	351.309(d)(1) (5 days after the time limit for filing a case brief, unless the Secretary alters the time limit).
167 days	Public hearing in full sunset review if requested.	351.310(d)(i) (ordinarily 2 days after the time limit for filing a rebuttal brief, unless the Secretary alters the date).
240 days	Final results of full sunset review	351.218(f)(3)(i) (normally not later than 240 days after the date of publication of the Notice of Initiation).
330 days (may be extended to 420 days).	Final results of full sunset review if fully extended.	351.218(f)(3)(ii) (if full sunset review is extraordinarily complicated, period for issuing final results, but may be extended by not more than 90 days).

¹ Indicates the number of days from the date of publication of the Notice of Initiation. Most of the deadlines shown here are approximate. The actual deadline in any particular segment of a proceeding may depend on the date of an earlier event or be established by the Secretary.

■ 5. Add annexes IX and X to read as follows:

ANNEX IX TO PART 351—DEADLINES FOR PARTIES IN SCOPE RULINGS

Day ¹	Event	Regulation
0 days	Secretary's self-initiation or filing of scope rule application.	351.225(b)/(c)(1).
10 days	Comments on adequacy of the request by non-applicant.	351.225(c)(3) (10 days after applicant filed application under (c)(1)).
24 days	Comments and factual information Submission of rebuttal addressing self-initiation.	351.225(f)(1) (14 days after comments were filed under (b)).
30 days	Secretary's determination whether to initiate inquiry.	351.225(d)(1) (30 days after application was filed or response to questionnaire is filed).
30 days	Submission of comments and factual information addressing self-initiation.	351.225(f)(1) (30 days after Secretary's self-initiated scope inquiry under (b)).
31 days ²	Issuance of preliminary scope ruling	351.225(g).
45 days ³	Issuance of questionnaires	351.225(f)(3).
45 days	Scope comments under (g)	351.225(f)(4) (14 days after issuance of preliminary scope ruling).
52 days	Rebuttal comments under (g)	351.225(f)(4) (7 days after scope comments were filed under (f)(4)).
60 days	Comments and factual information Submission of rebuttal by non-applicant.	351.225(f)(2) (30 days after initiation under (d)(1)).
74 days	Comments and factual information Submission of rebuttal by applicant.	351.225(f)(2) (14 days after rebuttal by non-applicant was filed under (d)(1)).
90 days	Comments and factual information Response to questionnaires.	351.225(f)(3) (specified by the Secretary).
104 days	Comments and factual information Rebuttal to questionnaire response.	351.225(f)(3) (14 days after questionnaire response was filed by original submitter).
111 days	Comments and factual information Rebuttal to questionnaire response's rebuttal.	351.225(f)(3) (7 days after rebuttal to questionnaire response was filed).
120 days (may be extended to 300 days).	Issuance of final scope ruling	351.225(e)(1) (120 days after initiation under (b) or (d), but may be extended to 300 days after initiation).
	Publication of final scope rulings	351.225(o) (quarterly).
	Publication of scope clarifications	351.225(q).

¹ Indicates the number of days from the date of initiation. Most of the deadlines shown here are approximate. The actual deadline in any particular segment of a proceeding may depend on the date of an earlier event or be established by the Secretary.

² Assumes the Secretary did not issue a preliminary scope ruling concurrently with the Initiation of the scope inquiry.

³ Assumes that the Department sends out the questionnaire on day 45 and the response is due 45 days later.

ANNEX X TO PART 351—DEADLINES FOR PARTIES IN CIRCUMVENTION INQUIRIES

Day ¹	Event	Regulation
0 days	Circumvention inquiry request or self-initiation	351.226(b).
10 days	Comments and information on the adequacy of the request.	351.226(c)(3) (10 days after the circumvention inquiry request is filed).
15 days	Rebuttal comments	351.226(c)(3) (5 days after new factual information in support of adequacy comments is filed).
30 days	Initiation determination of circumvention inquiry based on a request.	351.226(d)(1) (30 days after the circumvention inquiry request is filed unless Secretary finds it is impracticable or seeks clarification).
30 days	Comments and information addressing self-initiation.	351.226(f)(1) (30 days after a circumvention inquiry is self-initiated).
30 days	Scope ruling application rebuttal comments	351.226(f)(2) (30 days after a circumvention inquiry is initiated under paragraph (d)(1)).
44 days	Applicant rebuttal comments	351.226(f)(2) (14 days after scope ruling application rebuttal comments are filed).
157 days ²	Preliminary determination of self-initiated circumvention inquiry.	351.226(e)(1) (150 days after the notice of self-initiation is published).
187 days ³	Preliminary determination of circumvention inquiry based on a request.	351.226(e)(1) (150 days after the notice of initiation is published).
171 days	Preliminary determination comments in self-initiated circumvention inquiry.	351.226(f)(4) (14 days after the preliminary determination is issued).
201 days	Preliminary determination comments in circumvention inquiry based on a request.	351.226(f)(4) (14 days after the preliminary determination is issued).
178 days	Preliminary determination rebuttal comments in self-initiated circumvention inquiry.	351.226(f)(4) (7 days after the preliminary determination are filed).
208 days	Preliminary determination rebuttal comments in circumvention inquiry based on a request.	351.226(f)(4) (7 days after the preliminary determination are filed).
300 days or 365 days ...	Final determination of self-initiated circumvention inquiry.	351.226(e)(2) (300 days after the notice of initiation is published) (May be extended by no more than 65 days).
330 days or 395 days ...	Final determination of circumvention inquiry based on a request.	351.226(e)(2) (300 days after the notice of initiation is published) (May be extended by no more than 65 days).

¹ Indicates the number of days from Initiation. Most of the deadlines shown here are approximate. The actual deadline in any particular segment of a proceeding may depend on the date of an earlier event or be established by the Secretary.

² Assumes that the Preliminary Results are published 7 days after issuance (*i.e.*, signature).

³ Assumes that the Preliminary Results are published 7 days after issuance (*i.e.*, signature).

■ 6. Add annexes XI–A and XI–B to read as follows:

ANNEX XI–A TO PART 351—DEADLINES FOR COVERED MERCHANDISE REFERRAL WITHOUT PRELIMINARY DETERMINATION

Day ¹	Event	Regulation
0 days	Initiation	351.227(b)(1) (within 20 days after acknowledging receipt of a covered merchandise referral from U.S. Customs and Border Protection).
30 days	Filing of comments and factual information to the Notice of Initiation by interested parties.	351.227(d)(1) (within 30 days after publication of the notice of an initiation of a covered merchandise).
44 days	Filing of rebuttal comments and factual information to the Notice of Initiation by other interested parties.	351.227(d)(1) (within 14 days after filing of comments and factual information by interested parties).
X ¹ days	Questionnaire submission received by Commerce.	351.227(d)(2) (after the initiation of a covered merchandise inquiry).
X + 14 days	Filing of rebuttal, clarification, or correction of factual comment by an interested party other than the original submitter to the questionnaire response.	351.227(d)(2) (within 14 days after a questionnaire response has been filed with the Secretary by the original submitter).
X + 21 days	Filing of rebuttal, clarification, or correction comment to the rebuttal, clarification, or correction of factual comment of the interested party by the original submitter.	351.227(d)(2) (within 7 days of the filing of the rebuttal comment by interested party).
120 days	Final covered merchandise determination	351.227(c)(1) (within 120 days from the date of publication of the Notice of Initiation, unless (1) extended by no more than 150 days under 351.227(c)(2), or (2) aligned with other segments under 351.227(c)(3)).

¹ Indicates the approximate number of days from the date of publication of the Notice of Initiation. Most of the deadlines shown here are approximate. The actual deadline in any particular segment of a proceeding may depend on the date of an earlier event or be established by the Secretary.

² X represents the date a questionnaire is received by Commerce.

ANNEX IX–B TO PART 351—DEADLINES FOR COVERED MERCHANDISE REFERRAL WITH PRELIMINARY DETERMINATION

Day ¹	Event	Regulation
0	Initiation ²	351.227(b)(1) (within 20 days after acknowledging receipt of a covered merchandise referral from U.S. Customs and Border Protection).
30	Filing of comments and factual information to the Notice of Initiation by interested parties.	351.227(d)(1) (within 30 days after publication of the notice of an initiation of a covered merchandise).
44	Filing of rebuttal comments and factual information to the Notice of Initiation by other interested parties.	351.227(d)(1) (within 14 days after filing of comments and factual information by interested parties).
X ³	Questionnaire submission received by Commerce.	351.227(d)(2) (after the initiation of a covered merchandise inquiry).
X + 14	Filing of rebuttal, clarification, or correction of factual comment by an interested party other than the original submitter to the questionnaire response.	351.227(d)(2) (within 14 days after a questionnaire response has been filed with the Secretary by the original submitter).
X + 21	Filing of rebuttal, clarification, or correction comment to the rebuttal, clarification, or correction of factual comment of the interested party by the original submitter.	351.227(d)(2) (within 7 days of the filing of the rebuttal comment by interested party).
Z ⁴	Preliminary Determination	351.227(e) (may be between concurrently with Initiation and before Final Determination).
Z + 14 ⁵	Comment to Preliminary Determination by interested parties.	351.227(d)(3) (within 14 days after Preliminary Determination unless otherwise specified by Commerce).
Z + 21	Rebuttal comment to comment to Preliminary Determination by other interested parties ³ .	351.227(d)(3) (within 7 days after comment to Preliminary Determination unless otherwise specified by Commerce).
120	Final covered merchandise determination	351.227(c)(1) (within 120 days from the date of publication of the Notice of Initiation, unless (1) extended by no more than 150 days under 351.227(c)(2), or (2) aligned with other segments under 351.227(c)(3)).

¹ Indicates the approximate number of days from the date of publication of the Notice of Initiation. Most of the deadlines shown here are approximate. The actual deadline in any particular segment of a proceeding may depend on the date of an earlier event or be established by the Secretary.

² Commerce may issue a preliminary determination, either concurrently with the initiation or not. 19 CFR 351.227(e)(1). If Commerce issues a Preliminary Determination concurrently with Initiation, 19 CFR 351.227(d)(1)–(3) will not apply, pursuant to 19 CFR 351.227(d)(4). In such cases, Commerce will establish appropriate procedures on a case-specific basis. 19 CFR 351.227(d)(4).

³ X represents the date a questionnaire is received by Commerce.

⁴ Z represents the date of the Preliminary Determination.

⁵ If a Preliminary Determination is not issued concurrently with Initiation, Commerce will establish a schedule for the filing of comments and rebuttal comments to the Preliminary Determination. 19 CFR 351.227(d)(3).

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DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Parts 510, 515, 526, 536, 544, 547, 548, 549, 550, 551, 552, 553, 555, 558, 569, 570, 576, 578, 579, 582, 583, 584, 585, 587, 588, 589, 590, 591, 594, 597, 598, and 599

Updating Authorizations for Payments for Legal Services

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is adopting a final rule amending multiple CFR parts to update general licenses authorizing payments for legal services from funds originating outside the United States. Specifically, OFAC is replacing the reporting requirement in the general license with a recordkeeping requirement in applicable parts of 31 CFR chapter V. Additionally, in two CFR parts, OFAC is updating the general licenses authorizing the provision of certain legal services and adding a general license authorizing payment for legal services from funds originating outside the United States.

DATES:

Effective date: This rule is effective December 19, 2024.

Applicability date: This rule is applicable on March 12, 2025.

FOR FURTHER INFORMATION CONTACT:

OFAC: Assistant Director for Licensing, 202–622–2480; Assistant Director for Regulatory Affairs, 202–622–4855; or Assistant Director for Compliance, 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: <https://ofac.treasury.gov>.

Background

Updating Existing General Licenses Authoring Payments for Legal Services From Funds Originating Outside the United States

In this rule, OFAC is updating 31 CFR 510, 515, 526, 536, 544, 547, 548, 549, 550, 551, 552, 553, 555, 558, 569, 570, 576, 578, 579, 582, 583, 584, 585, 587, 588, 589, 590, 591, 594, 597, 598, and 599 to update or add general licenses authorizing payments for legal services from funds originating outside the United States. Specifically, OFAC is replacing the requirement in the general license to submit annual reports for payments received with a requirement to retain for ten years records with details of payments received.

In 31 CFR 591, in addition to replacing the reporting requirement with a recordkeeping requirement as described above, OFAC is revising the general license by simplifying the language that authorizes payments.

In 31 CFR 594 and 597, in addition to replacing the reporting requirement with a recordkeeping requirement as described above, OFAC is updating § 594.517 and § 597.513 to conform with current standards for OFAC general licenses including by removing the requirement for a letter of engagement prior to receiving payment from funds originating outside the United States.

In 31 CFR 549, OFAC is updating the general license at § 549.507 authorizing the provision of certain legal services to conform with current standards for OFAC general licenses including by removing the requirement that payment for legal services be specifically licensed. Additionally, OFAC is renumbering the general licenses at § 549.508 through 549.512 as § 549.509 through 549.513, respectively, and adding new § 549.508, which authorizes payment for legal services from funds originating outside the United States.

In 31 CFR 576, OFAC is updating the general license at § 576.507 authorizing the provision of certain legal services to conform with current standards for OFAC general licenses including by removing the requirement that payment for legal services be specifically licensed. Additionally, OFAC is adding new § 576.508, which authorizes payment for legal services from funds originating outside the United States.

Public Participation

Because the Regulations involve a foreign affairs function, the provisions of E.O. 12866 of September 30, 1993, “Regulatory Planning and Review” (58 FR 51735, October 4, 1993), as amended, and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR part 501 (the “Reporting, Procedures and Penalties Regulations”). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505–0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects in 31 CFR Parts 510, 515, 526, 536, 544, 547, 548, 549, 550, 551, 552, 553, 555, 558, 569, 570, 576, 578, 579, 582, 583, 584, 585, 587, 588, 589, 590, 591, 594, 597, 598, and 599

Administrative practice and procedure, Banks, banking, Blocking of assets, Credit, Foreign trade, Legal services, Penalties, Reporting and recordkeeping requirements, Sanctions, Securities, Services.

For the reasons set forth in the preamble, OFAC amends 31 CFR chapter V to read as follows:

PART 510—NORTH KOREA SANCTIONS REGULATIONS

■ 1. The authority citation for part 510 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; 22 U.S.C. 287c, 9201–9255; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 115–44, 131 Stat. 886 (codified in scattered sections of 22 U.S.C.); E.O. 13466, 73 FR 36787, 3 CFR, 2008 Comp., p. 195; E.O. 13551, 75 FR 53837, 3 CFR, 2010 Comp., p. 242; E.O. 13570, 76 FR 22291, 3 CFR, 2011 Comp., p. 233; E.O. 13687, 80 FR 819, 3 CFR,

2015 Comp., p. 259; E.O. 13722, 81 FR 14943, 3 CFR, 2016 Comp., p. 446; E.O. 13810, 82 FR 44705, 3 CFR, 2017 Comp., p. 379.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 2. In § 510.508, revise and republish paragraph (b) to read as follows:

§ 510.508 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 515—CUBAN ASSETS CONTROL REGULATIONS

■ 3. The authority citation for part 515 continues to read as follows:

Authority: 22 U.S.C. 2370(a), 6001–6010, 7201–7211; 31 U.S.C. 321(b); 50 U.S.C. 4301–4341; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); 22 U.S.C. 6021–6091; Pub. L. 105–277, 112 Stat. 2681; Pub. L. 111–8, 123 Stat. 524; Pub. L. 111–117, 123 Stat. 3034; E.O. 9989, 13 FR 4891, 3 CFR, 1943–1948 Comp., p. 748; Proc. 3447, 27 FR 1085, 3 CFR, 1959–1963 Comp., p. 157; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 4. In § 515.512, revise and republish paragraph (e)(2) to read as follows:

§ 515.512 Provision of certain legal services authorized.

* * * * *

(e) * * *

(2) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, persons subject to U.S. jurisdiction who receive payments in connection with legal services authorized pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC

on demand, a record that specifies the following for each payment:

(i) The individual or entity from whom the funds originated and the amount of funds received; and

(ii) If applicable:

(A) The names of any persons subject to U.S. jurisdiction receiving payment in connection with authorized legal services to or on behalf of Cuba or a Cuban national, such as private investigators or expert witnesses;

(B) A general description of the services provided; and

(C) The amount of funds paid in connection with such services.

PART 526—HOSTAGES AND WRONGFUL DETENTION SANCTIONS REGULATIONS

■ 5. The authority citation for part 526 is revised to read as follows:

Authority: 3 U.S.C. 301; 22 U.S.C. 1741 *et seq.*; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 14078, 87 FR 43389, 3 CFR, 2022 Comp., p. 407.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 6. In § 526.508, revise and republish paragraph (b) to read as follows:

§ 526.508 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 536—NARCOTICS TRAFFICKING SANCTIONS REGULATIONS

■ 7. The authority citation for part 536 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L.

101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 12978, 60 FR 54579, 3 CFR, 1995 Comp., p. 415; E.O. 13286, 68 FR 10619, 3 CFR, 2003 Comp., p. 166.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 8. In § 536.507, revise and republish paragraph (b) to read as follows:

§ 536.507 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 544—WEAPONS OF MASS DESTRUCTION PROLIFERATORS SANCTIONS REGULATIONS

■ 9. The authority citation for part 544 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13094, 63 FR 40803, 3 CFR, 1998 Comp., p. 200; E.O. 13382, 70 FR 38567, 3 CFR, 2005 Comp., p. 170.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 10. In § 544.508, revise and republish paragraph (b) to read as follows:

§ 544.508 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 547—DEMOCRATIC REPUBLIC OF THE CONGO SANCTIONS REGULATIONS

■ 11. The authority citation for part 547 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13413, 71 FR 64105, 3 CFR, 2006 Comp., p. 247; E.O. 13671, 79 FR 39949, 3 CFR, 2015 Comp., p. 280.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 12. In § 547.508, revise and republish paragraph (b) to read as follows:

§ 547.508 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 548—BELARUS SANCTIONS REGULATIONS

■ 13. The authority citation for part 548 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28

U.S.C. 2461 note); E.O. 13405, 71 FR 35485, 3 CFR, 2006 Comp., p. 231; E.O. 14038, 86 FR 43905, 3 CFR, 2021 Comp., p. 626.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 14. In § 548.508, revise and republish paragraph (b) to read as follows:

§ 548.508 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 549—LEBANON SANCTIONS REGULATIONS

■ 15. The authority citation for part 549 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13441, 72 FR 43499, 3 CFR, 2008 Comp., p. 232.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 16. Revise § 549.507 to read as follows:

§ 549.507 Provision of certain legal services.

(a) The provision of the following legal services to or on behalf of persons whose property and interests in property are blocked pursuant to § 549.201 is authorized, provided that any receipt of payment of professional fees and reimbursement of incurred expenses must be authorized pursuant to § 549.508, which authorizes certain payments for legal services from funds originating outside the United States; via specific license; or otherwise pursuant to this part:

(1) Provision of legal advice and counseling on the requirements of and

compliance with the laws of the United States or any jurisdiction within the United States, provided that such advice and counseling are not provided to facilitate transactions in violation of this part;

(2) Representation of persons named as defendants in or otherwise made parties to legal, arbitration, or administrative proceedings before any U.S. federal, state, or local court or agency;

(3) Initiation and conduct of legal, arbitration, or administrative proceedings before any U.S. federal, state, or local court or agency;

(4) Representation of persons before any U.S. federal, state, or local court or agency with respect to the imposition, administration, or enforcement of U.S. sanctions against such persons; and

(5) Provision of legal services in any other context in which prevailing U.S. law requires access to legal counsel at public expense.

(b) The provision of any other legal services to or on behalf of persons whose property and interests in property are blocked pursuant to § 549.201, not otherwise authorized in this part, requires the issuance of a specific license.

(c) U.S. persons do not need to obtain specific authorization to provide related services, such as making filings and providing other administrative services, that are ordinarily incident to the provision of services authorized by paragraph (a) of this section.

Additionally, U.S. persons who provide services authorized by paragraph (a) of this section do not need to obtain specific authorization to contract for related services that are ordinarily incident to the provision of those legal services, such as those provided by private investigators or expert witnesses, or to pay for such services. See § 549.404.

(d) Entry into a settlement agreement or the enforcement of any lien, judgment, arbitral award, decree, or other order through execution, garnishment, or other judicial process purporting to transfer or otherwise alter or affect property or interests in property blocked pursuant to § 549.201 is prohibited unless licensed pursuant to this part.

Note 1 to § 549.507. Pursuant to part 501, subpart E, of this chapter, U.S. persons seeking administrative reconsideration or judicial review of their designation or the blocking of their property and interests in property may apply for a specific license from OFAC to authorize the release of certain blocked funds for the payment of professional fees and reimbursement of incurred expenses for the provision of such

legal services where alternative funding sources are not available.

§§ 549.508 through 549.512 [Redesignated]

- 17. Redesignate §§ 549.508 through 549.512 as §§ 549.509 through 549.513.
- 18. Add new § 549.508 to read as follows:

§ 549.508 Payments for legal services from funds originating outside the United States.

(a) *Professional fees and incurred expenses.* (1) Receipt of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 549.507(a) to or on behalf of any person whose property and interests in property are blocked pursuant to § 549.201 is authorized from funds originating outside the United States, provided that the funds do not originate from:

- (i) A source within the United States;
- (ii) Any source, wherever located, within the possession or control of a U.S. person; or
- (iii) Any individual or entity, other than the person on whose behalf the legal services authorized pursuant to § 549.507(a) are to be provided, whose property and interests in property are blocked pursuant to any part of this chapter or any Executive order or statute.

(2) Nothing in this paragraph (a) authorizes payments for legal services using funds in which any other person whose property and interests in property are blocked pursuant to § 549.201, any other part of this chapter, or any Executive order or statute has an interest.

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

- (1) The individual or entity from whom the funds originated and the amount of funds received; and
- (2) If applicable:
 - (i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;
 - (ii) A general description of the services provided; and
 - (iii) The amount of funds paid in connection with such services.

PART 550—ETHIOPIA SANCTIONS REGULATIONS

- 19. The authority citation for part 550 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 14046, 86 FR 52389, 3 CFR, 2022 Comp., p. 549.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

- 20. In § 550.507, revise and republish paragraph (b) to read as follows:

§ 550.507 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

- (1) The individual or entity from whom the funds originated and the amount of funds received; and
- (2) If applicable:
 - (i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;
 - (ii) A general description of the services provided; and
 - (iii) The amount of funds paid in connection with such services.

PART 551—SOMALIA SANCTIONS REGULATIONS

- 21. The authority citation for part 551 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13536, 75 FR 19869, 3 CFR, 2010 Comp., p. 203; E.O. 13620, 77 FR 43483, 3 CFR, 2012 Comp., p. 281.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

- 22. In § 551.508, revise and republish paragraph (b) to read as follows:

§ 551.508 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date

of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

- (1) The individual or entity from whom the funds originated and the amount of funds received; and
- (2) If applicable:
 - (i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;
 - (ii) A general description of the services provided; and
 - (iii) The amount of funds paid in connection with such services.

PART 552—YEMEN SANCTIONS REGULATIONS

- 23. The authority citation for part 552 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13611, 77 FR 29533, 3 CFR, 2012 Comp., p. 260.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

- 24. In § 552.508, revise and republish paragraph (b) to read as follows:

§ 552.508 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

- (1) The individual or entity from whom the funds originated and the amount of funds received; and
- (2) If applicable:
 - (i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;
 - (ii) A general description of the services provided; and
 - (iii) The amount of funds paid in connection with such services.

PART 553—CENTRAL AFRICAN REPUBLIC SANCTIONS REGULATIONS

- 25. The authority citation for part 553 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; 22 U.S.C.

287c; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13667, 79 FR 28387, 3 CFR, 2014 Comp., p. 243.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 26. In § 553.508, revise and republish paragraph (b) to read as follows:

§ 553.508 Payments for legal services from funds originating outside the United States.

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 555—MALI SANCTIONS REGULATIONS

■ 27. The authority citation for part 555 is revised to read as follows:

Authority: 3 U.S.C. 301; 22 U.S.C. 287c; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13882, 84 FR 37055, 3 CFR, 2019 Comp., p. 346.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 28. In § 555.508, revise and republish paragraph (b) to read as follows:

§ 555.508 Payments for legal services from funds originating outside the United States.

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the

U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 558—SOUTH SUDAN SANCTIONS REGULATIONS

■ 29. The authority citation for part 558 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13664, 79 FR 19283, 3 CFR, 2014 Comp., p. 238.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 30. In § 558.508 revise and republish paragraph (b) to read as follows:

§ 558.508 Payments for legal services from funds originating outside the United States.

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 569—SYRIA-RELATED SANCTIONS REGULATIONS

■ 31. The authority citation for part 569 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13894, 84 FR 55851, 3 CFR, 2019 Comp., p. 382.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 32. In § 569.507, revise and republish paragraph (b) to read as follows:

§ 569.507 Payments for legal services from funds originating outside the United States.

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 570—LIBYAN SANCTIONS REGULATIONS

■ 33. The authority citation for part 570 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13566, 76 FR 11315, 3 CFR, 2011 Comp., p. 222; E.O. 13726, 81 FR 23559, 3 CFR, 2016 Comp., p. 454.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 34. In § 570.508, revise and republish paragraph (b) to read as follows:

§ 570.508 Payments for legal services from funds originating outside the United States.

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 576—IRAQ STABILIZATION AND INSURGENCY SANCTIONS REGULATIONS

■ 35. The authority citation for part 576 is revised to read as follows:

Authority: 3 U.S.C. 301; 22 U.S.C. 287c; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13303, 68 FR 31931, 3 CFR, 2003 Comp., p. 227; E.O. 13315, 68 FR 52315, 3 CFR, 2003 Comp., p. 252; E.O. 13350, 69 FR 46055, 3 CFR, 2004 Comp., p. 196; E.O. 13364, 69 FR 70177, 3 CFR, 2004 Comp., p. 236; E.O. 13438, 72 FR 39719, 3 CFR, 2007 Comp., p. 224; E.O. 13668, 79 FR 31019, 3 CFR, 2014 Comp., p. 248.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 39. Revise and republish § 576.507 to read as follows:

§ 576.507 Provision of certain legal services.

(a) The provision of the following legal services to or on behalf of persons whose property and interests in property are blocked pursuant to § 576.201 is authorized, provided that any receipt of payment of professional fees and reimbursement of incurred expenses must be authorized pursuant to § 576.508, which authorizes certain payments for legal services from funds originating outside the United States; via specific license; or otherwise pursuant to this part:

(1) Provision of legal advice and counseling on the requirements of and compliance with the laws of the United States or any jurisdiction within the United States, provided that such advice and counseling are not provided to facilitate transactions in violation of this part;

(2) Representation of persons named as defendants in or otherwise made parties to legal, arbitration, or administrative proceedings before any U.S. federal, state, or local court or agency;

(3) Initiation and conduct of legal, arbitration, or administrative proceedings before any U.S. federal, state, or local court or agency;

(4) Representation of persons before any U.S. federal, state, or local court or agency with respect to the imposition, administration, or enforcement of U.S. sanctions against such persons; and

(5) Provision of legal services in any other context in which prevailing U.S. law requires access to legal counsel at public expense.

(b) The provision of any other legal services to or on behalf of persons whose property and interests in property are blocked pursuant to § 576.201, not otherwise authorized in this part, requires the issuance of a specific license.

(c) U.S. persons do not need to obtain specific authorization to provide related services, such as making filings and providing other administrative services, that are ordinarily incident to the provision of services authorized by paragraph (a) of this section. Additionally, U.S. persons who provide services authorized by paragraph (a) of this section do not need to obtain specific authorization to contract for related services that are ordinarily incident to the provision of those legal services, such as those provided by private investigators or expert witnesses, or to pay for such services. See § 576.405.

(d) Entry into a settlement agreement or the enforcement of any lien, judgment, arbitral award, decree, or other order through execution, garnishment, or other judicial process purporting to transfer or otherwise alter or affect property or interests in property blocked pursuant to § 576.201 is prohibited unless licensed pursuant to this part.

Note 1 to § 576.507. Pursuant to part 501, subpart E, of this chapter, U.S. persons seeking administrative reconsideration or judicial review of their designation or the blocking of their property and interests in property may apply for a specific license from OFAC to authorize the release of certain blocked funds for the payment of professional fees and reimbursement of incurred expenses for the provision of such legal services where alternative funding sources are not available.

■ 36. Add § 576.508 to read as follows:

§ 576.508 Payments for legal services from funds originating outside the United States.

(a) *Professional fees and incurred expenses.* (1) Receipt of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 576.507(a) to or on behalf of any person whose property and interests in property are blocked pursuant to § 576.201, is authorized from funds originating outside the United States, provided that the funds do not originate from:

(i) A source within the United States;

(ii) Any source, wherever located, within the possession or control of a U.S. person; or

(iii) Any individual or entity, other than the person on whose behalf the legal services authorized pursuant to

§ 576.507(a) are to be provided, whose property and interests in property are blocked pursuant to any part of this chapter or any Executive order or statute.

(2) Nothing in this paragraph (a) authorizes payments for legal services using funds in which any other person whose property and interests in property are blocked pursuant to § 576.201, any other part of this chapter, or any Executive order or statute has an interest.

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 578—CYBER-RELATED SANCTIONS REGULATIONS

■ 37. The authority citation for part 578 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 115–44, 131 Stat. 886 (codified in scattered sections of 22 U.S.C.); E.O. 13694, 80 FR 18077, 3 CFR 2015 Comp., p. 297; E.O. 13757, 82 FR 1, 3 CFR 2016 Comp., p. 659.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 38. In § 578.508, revise and republish paragraph (b) to read as follows:

§ 578.508 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 579—FOREIGN INTERFERENCE IN U.S. ELECTIONS SANCTIONS REGULATIONS

■ 39. The authority citation for part 579 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13848, 83 FR 46843, 3 CFR, 2018 Comp., p. 869.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 40. In § 579.507, revise and republish paragraph (b) to read as follows:

§ 579.507 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 582—NICARAGUA SANCTIONS REGULATIONS

■ 41. The authority citation for part 582 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 115–335, 132 Stat. 5019 (50 U.S.C. 1701 note); E.O. 13851, 83 FR 61505, 3 CFR, 2018 Comp., p. 884.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 42. In § 582.507, revise and republish paragraph (b) to read as follows:

§ 582.507 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 583—GLOBAL MAGNITSKY SANCTIONS REGULATIONS

■ 43. The authority citation for part 583 is revised to read as follows:

Authority: 3 U.S.C. 301; 22 U.S.C. 10101–10103; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 116–145, 134 Stat. 651, as amended (22 U.S.C. 6901 note); Pub. L. 117–78, 135 Stat. 1531 (22 U.S.C. 6901 note); E.O. 13818, 82 FR 60839, 3 CFR, 2017 Comp. p. 399.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 583.508 [AMENDED]

■ 44. In § 583.508, revise and republish paragraph (b) to read as follows:

§ 583.508 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 584—MAGNITSKY ACT SANCTIONS REGULATIONS

■ 45. The authority citation for part 584 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 112–208, Title IV, 126 Stat. 1502 (22 U.S.C. 5811 note).

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 46. In § 584.508, revise and republish paragraph (b) to read as follows:

§ 584.508 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 585—HONG KONG-RELATED SANCTIONS REGULATIONS

■ 47. The authority citation for part 585 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 13936, 85 FR 43413, 3 CFR, 2020 Comp., p. 399.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 48. In § 585.507, revise and republish paragraph (b) to read as follows:

§ 585.507 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 587—RUSSIAN HARMFUL FOREIGN ACTIVITIES SANCTIONS REGULATIONS

■ 49. The authority citation for part 587 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 14024, 86 FR 20249, 3 CFR, 2021 Comp., p. 542.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 50. In § 587.507, revise and republish paragraph (b) to read as follows:

§ 587.507 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 588—WESTERN BALKANS STABILIZATION REGULATIONS

■ 51. The authority citation for part 588 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13219, 66 FR 34777, 3 CFR, 2001 Comp., p. 778; E.O. 13304, 68 FR 32315, 3 CFR, 2004 Comp., p. 229; E.O. 14033, 86 FR 43905, 3 CFR, 2022 Comp., p. 591.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 52. In § 588.508, revise and republish paragraph (b) to read as follows:

§ 588.508 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 589—UKRAINE-/RUSSIA-RELATED SANCTIONS REGULATIONS

■ 53. The authority citation for part 589 is revised to read as follows:

Authority: 3 U.S.C. 301; 22 U.S.C. 8901–8910, 8921–8930; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 115–44, 131 Stat. 886 (codified in scattered sections of 22 U.S.C.); E.O. 13660, 79 FR 13493, 3 CFR, 2014 Comp., p. 226; E.O. 13661, 79 FR 15535, 3 CFR, 2014 Comp., p. 229; E.O. 13662, 79 FR 16169, 3 CFR, 2014 Comp., p. 233; E.O. 13685, 79 FR 77357, 3 CFR, 2014 Comp., p. 313.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 54. In § 589.507, revise and republish paragraph (b) to read as follows:

§ 589.507 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 590—TRANSNATIONAL CRIMINAL ORGANIZATIONS SANCTIONS REGULATIONS

■ 55. The authority citation for part 590 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13581, 76 FR 44757, 3 CFR, 2011 Comp., p. 260; E.O. 13863, 84 FR 10255, 3 CFR, 2019 Comp., p. 267.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 56. In § 590.508, revise and republish paragraph (b) to read as follows:

§ 590.508 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 591—VENEZUELA SANCTIONS REGULATIONS

■ 57. The authority citation for part 591 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 113–278, 128 Stat. 3011 (50 U.S.C. 1701 note); E.O. 13692, 80 FR 12747, 3 CFR, 2015 Comp., p. 276; E.O. 13808, 82 FR 41155, 3 CFR, 2017 Comp., p. 377; E.O. 13827, 83 FR 12469, 3 CFR, 2018 Comp., p. 794; E.O. 13835, 83 FR 24001, 3 CFR, 2018 Comp., p. 817; E.O. 13850, 83 FR 55243, 3 CFR, 2018 Comp., p. 881; E.O. 13857, 84 FR 509, 3 CFR, 2019 Comp., p. 251; E.O. 13884, 84 FR 38843, 3 CFR, 2019 Comp., p. 351.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 58. Revise and republish § 591.507 to read as follows:

§ 591.507 Payments for legal services from funds originating outside the United States.

(a) *Professional fees and incurred expenses.* (1) Receipt of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 591.506(a) to or on behalf of any person whose property and interests in property are blocked pursuant to § 591.201, is authorized from funds originating outside the United States, provided that the funds do not originate from:

- (i) A source within the United States;
- (ii) Any source, wherever located, within the possession or control of a U.S. person; or
- (iii) Any individual or entity, other than the person on whose behalf the legal services authorized pursuant to § 591.507(a) are to be provided, whose property and interests in property are blocked pursuant to any part of this chapter or any Executive order or statute.

(2) Nothing in this paragraph (a) authorizes payments for legal services using funds in which any other person whose property and interests in property are blocked pursuant to § 591.201, any other part of this chapter, or any Executive order or statute has interest.

(b) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that

specifies the following for each payment:

- (1) The individual or entity from whom the funds originated and the amount of funds received; and
- (2) If applicable:
 - (i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;
 - (ii) A general description of the services provided; and
 - (iii) The amount of funds paid in connection with such services.

PART 594—GLOBAL TERRORISM SANCTIONS REGULATIONS

■ 59. The authority citation for part 594 is revised to read as follows:

Authority: 3 U.S.C. 301; 22 U.S.C. 287c; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 114–102, 129 Stat. 2205, as amended (50 U.S.C. 1701 note); Pub. L. 115–44, 131 Stat. 886 (codified in scattered sections of 22 U.S.C.); Pub. L. 115–348, 132 Stat. 5055 (50 U.S.C. 1701 note); E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; E.O. 13268, 67 FR 44751, 3 CFR 2002 Comp., p. 240; E.O. 13284, 68 FR 4075, 3 CFR, 2003 Comp., p. 161; E.O. 13372, 70 FR 8499, 3 CFR, 2006 Comp., p. 159; E.O. 13886, 84 FR 48041, 3 CFR, 2019 Comp., p. 356.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 60. Revise and republish § 594.517 to read as follows:

§ 594.517 Payments for legal services from funds originating outside the United States and the formation of legal defense funds.

(a) *Payments from funds originating outside the United States.* (1) Effective December 7, 2010, receipt of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 594.506(a) to or on behalf of any person whose property and interests in property are blocked pursuant to § 594.201 are authorized from funds originating outside the United States, provided that the funds do not originate from:

- (i) A source within the United States;
- (ii) Any source, wherever located, within the possession or control of a U.S. person; or
- (iii) Any individual or entity, other than the person on whose behalf the legal services authorized pursuant to § 594.506(a) are to be provided, whose property and interests in property are blocked pursuant to any part of this chapter or any Executive order or statute.

(2) Nothing in this paragraph (a) authorizes payments for legal services using funds in which any other person whose property and interests in property are blocked pursuant to § 594.201, any other part of this chapter, or any Executive order or statute has an interest or the receipt or payment of professional fees or reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 594.506(b).

(b) *Legal defense funds.* Effective December 7, 2010, U.S. persons that are attorneys, law firms, or legal services organizations are authorized to form legal defense funds from which payments of professional fees and reimbursement for expenses incurred in connection with the provision of legal services authorized pursuant to § 594.506(a) may be debited provided that:

(1) The legal defense fund must be held in a savings or checking account at a financial institution located in the United States;

(2) Prior to debiting the legal defense fund, the U.S. person responsible for establishing the legal defense fund must submit the following information to OFAC: a copy of a letter of engagement or a letter of intent to engage, specifying the services to be performed and signed by the individual to whom such services are to be provided, or, where services are to be provided to an entity, by a legal representative of the entity; the name of the individual or entity responsible for establishing the legal defense fund; the name of the financial institution at which the account for the legal defense fund will be held; a point of contact at the financial institution holding the account for the legal defense fund; and the account name and account number for the legal defense fund. The foregoing information must be accompanied by correspondence referencing this paragraph (b) and is to be submitted to OFAC at OFACReport@treasury.gov with this section number in the subject line.

(3) The legal defense fund may not receive funds from a person whose property and interests in property are blocked pursuant to § 594.201 or any other part of this chapter or any Executive order or statute; and

(4) The U.S. person responsible for establishing the legal defense fund must notify the financial institution at which the account for the legal defense fund is held that the account may only be debited to make payments of professional fees and reimbursement expenses incurred in connection with the provision of legal services authorized pursuant to § 594.506(a).

(5) Nothing in this paragraph (b) authorizes the formation or debiting of legal defense funds in connection with the provision of legal services authorized pursuant to § 594.506(b).

Note 1 to paragraph (b). Any funds remaining in a legal defense fund account after all payments of professional fees and reimbursement of incurred expenses authorized pursuant to this paragraph have been made or upon termination of the legal services for which payment is authorized pursuant to this paragraph are property in which the person to or on whose behalf the legal services were rendered has an interest and is subject to the prohibitions of this part. Persons in the possession or control of such remaining funds may apply for the unblocking of the funds by following the procedures set forth at § 501.801 of this chapter.

(c) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) or (b) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 597—FOREIGN TERRORIST ORGANIZATIONS SANCTIONS REGULATIONS

■ 61. The authority citation for part 597 continues to read as follows:

Authority: 8 U.S.C. 1189; 18 U.S.C. 2339B; 31 U.S.C. 321(b); Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note).

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 62. Revise and republish § 597.513 to read as follows:

§ 597.513 Payments for legal services from funds originating outside the United States and the formation of legal defense funds.

(a) *Payments from funds originating outside the United States.* (1) Effective December 7, 2010, receipt of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 597.505 to or on behalf of any person

whose property and interests in property are blocked pursuant to § 597.201 are authorized from funds originating outside the United States, provided that the funds do not originate from:

(i) A source within the United States;

(ii) Any source, wherever located, within the possession or control of a U.S. person; or

(iii) Any individual or entity, other than the person on whose behalf the legal services authorized pursuant to § 597.505 are to be provided, whose property and interests in property are blocked pursuant to any part of this chapter or any Executive order or statute.

(2) Nothing in this paragraph (a) authorizes payments for legal services using funds in which any other person whose property and interests in property are blocked pursuant to § 597.201, any other part of this chapter, or any Executive order or statute has an interest.

(b) *Legal defense funds.* Effective December 7, 2010, U.S. persons that are attorneys, law firms, or legal services organizations are authorized to form legal defense funds from which payments of professional fees and reimbursement for expenses incurred in connection with the provision of legal services authorized pursuant to § 597.505 may be debited provided that:

(1) The legal defense fund must be held in a savings or checking account at a financial institution located in the United States;

(2) Prior to debiting the legal defense fund, the U.S. person responsible for establishing the legal defense fund must submit the following information to OFAC: a copy of a letter of engagement or a letter of intent to engage, specifying the services to be performed and signed by the individual to whom such services are to be provided, or, where services are to be provided to an entity, by a legal representative of the entity; the name of the individual or entity responsible for establishing the legal defense fund; the name of the financial institution at which the account for the legal defense fund will be held; a point of contact at the financial institution holding the account for the legal defense fund; and the account name and account number for the legal defense fund. The foregoing information must be accompanied by correspondence referencing this paragraph (b) and is to be submitted to OFAC at OFACReport@treasury.gov with this section number in the subject line.

(3) The legal defense fund may not receive funds from a person whose property and interests in property are

blocked pursuant to § 597.201 or any other part of this chapter or any Executive order or statute; and

(4) The U.S. person responsible for establishing the legal defense fund must notify the financial institution at which the account for the legal defense fund is held that the account may only be debited to make payments of professional fees and reimburse expenses incurred in connection with the provision of legal services authorized pursuant to § 597.505.

Note 1 to paragraph (b). Any funds remaining in a legal defense fund account after all payments of professional fees and reimbursement of incurred expenses authorized pursuant to this paragraph have been made or upon termination of the legal services for which payment is authorized pursuant to this paragraph are property in which the person to or on whose behalf the legal services were rendered has an interest and is subject to the prohibitions of this part. Persons in the possession or control of such remaining funds may apply for the unblocking of the funds by following the procedures set forth at § 501.801 of this chapter.

(c) *Records.* Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) or (b) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 598—FOREIGN NARCOTICS KINGPIN SANCTIONS REGULATIONS

■ 63. The authority citation for part 598 continues to read as follows:

Authority: 3 U.S.C. 301; 21 U.S.C. 1901–1908; 31 U.S.C. 321(b); Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note).

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 64. In § 598.508, revise and republish paragraph (b) to read as follows:

§ 598.508 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records*. Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten five years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

PART 599—ILLICIT DRUG TRADE SANCTIONS REGULATIONS

■ 65. The authority citation for part 599 is revised to read as follows:

Authority: 3 U.S.C. 301; 21 U.S.C. 2301 *et seq.*; 31 U.S.C. 321(b); 50 U.S.C. 1601 *et seq.*, 1701 *et seq.*; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 14059, 86 FR 71549, 3 CFR, 2021 Comp., p. 715.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 66. In § 599.507, revise and republish paragraph (b) to read as follows:

§ 599.507 Payments for legal services from funds originating outside the United States.

* * * * *

(b) *Records*. Consistent with §§ 501.601 and 501.602 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for ten years from the date of the relevant payment, and furnish to OFAC on demand, a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2024–30344 Filed 12–17–24; 11:15 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 591

Publication of Venezuela Sanctions Regulations Web General Licenses 5Q and 8O

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury’s Office of Foreign Assets Control (OFAC) is publishing two general licenses (GL) issued pursuant to the Venezuela Sanctions Regulations: GL 5Q and GL 8O, each of which was previously made available on OFAC’s website.

DATES: GL 5Q was issued on November 7, 2024. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Licensing, 202–622–2480; Assistant Director for Regulatory Affairs, 202–622–4855; or Assistant Director for Compliance, 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC’s website: <https://ofac.treasury.gov>.

Background

On November 7, 2024, OFAC issued GL 5Q and GL 8O to authorize certain transactions otherwise prohibited by the Venezuela Sanctions Regulations (VSR), 31 CFR part 591. Each GL was made available on OFAC’s website (<https://ofac.treasury.gov>) when it was issued. GL 5Q supersedes GL 5P, which was issued on August 12, 2024. GL 8O supersedes GL 8N, which was issued on May 10, 2024. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Venezuela Sanctions Regulations

31 CFR Part 591

GENERAL LICENSE NO. 5Q

Authorizing Certain Transactions Related to the Petróleos de Venezuela, S.A. 2020 8.5 Percent Bond on or After March 7, 2025

(a) Except as provided in paragraph (b) of this general license, on or after March 7, 2025, all transactions related to, the provision of financing for, and other dealings in the Petróleos de Venezuela, S.A. 2020 8.5 Percent Bond that would be prohibited by subsection l(a)(iii) of Executive Order (E.O.) 13835 of May 21, 2018, as amended by E.O. 13857 of January 25, 2019, and incorporated into the Venezuela Sanctions Regulations, 31 CFR part 591 (the VSR), are authorized.

(b) This general license does not authorize any transactions or activities otherwise prohibited by the VSR, or any other part of 31 CFR chapter V.

(c) Effective November 7, 2024, General License No. 5P, dated August 12, 2024, is replaced and superseded in its entirety by this General License No. 5Q.

Lisa M. Palluconi,
Acting Director, Office of Foreign Assets Control.

Dated: November 7, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Venezuela Sanctions Regulations

31 CFR Part 591

GENERAL LICENSE NO. 8O

Authorizing Transactions Involving Petróleos de Venezuela, S.A. (PdVSA) Necessary for the Limited Maintenance of Essential Operations in Venezuela or the Wind Down of Operations in Venezuela for Certain Entities

(a) Except as provided in paragraphs (c) and (d) of this general license, all transactions and activities prohibited by Executive Order (E.O.) 13850 of November 1, 2018, as amended by E.O. 13857 of January 25, 2019, or E.O. 13884 of August 5, 2019, each as incorporated into the Venezuela Sanctions Regulations, 31 CFR part 591 (the VSR), that are ordinarily incident and necessary to the limited maintenance of essential operations, contracts, or other agreements, that: (i) are for safety or the preservation of assets in Venezuela; (ii) involve PdVSA or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest; and (iii) were in effect prior to July 26, 2019, are authorized through 12:01 a.m. eastern daylight time, May 9, 2025, for the following entities and their subsidiaries (collectively, the “Covered Entities”):

- Halliburton
- Schlumberger Limited
- Baker Hughes Holdings LLC
- Weatherford International, Public Limited Company

Note to paragraph (a). Transactions and activities necessary for safety or the preservation of assets in Venezuela that are authorized by paragraph (a) of this general

license include: transactions and activities necessary to ensure the safety of personnel, or the integrity of operations and assets in Venezuela; participation in shareholder and board of directors meetings; making payments on third-party invoices for transactions and activities authorized by paragraph (a) of this general license, or incurred prior to April 21, 2020, provided such activity was authorized at the time it occurred; payment of local taxes and purchase of utility services in Venezuela; and payment of salaries for employees and contractors in Venezuela.

(b) Except as provided in paragraph (d) of this general license, all transactions and activities prohibited by E.O. 13850, as amended, or E.O. 13884, each as incorporated into the VSR, that are ordinarily incident and necessary to the wind down of operations, contracts, or other agreements in Venezuela involving PdVSA or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest, and that were in effect prior to July 26, 2019, are authorized through 12:01 a.m. eastern daylight time, May 9, 2025, for the Covered Entities.

(c) Paragraph (a) of this general license does not authorize:

(1) The drilling, lifting, or processing of, purchase or sale of, or transport or shipping of any Venezuelan-origin petroleum or petroleum products;

(2) The provision or receipt of insurance or reinsurance with respect to the transactions and activities described in paragraph (c)(1) of this general license;

(3) The design, construction, installation, repair, or improvement of any wells or other facilities or infrastructure in Venezuela or the purchasing or provision of any goods or services, except as required for safety;

(4) Contracting for additional personnel or services, except as required for safety; or

(5) The payment of any dividend, including in kind, to PdVSA, or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest.

(d) This general license does not authorize:

(1) Any transactions or dealings related to the exportation or reexportation of diluents, directly or indirectly, to Venezuela;

(2) Any loans to, accrual of additional debt by, or subsidization of PdVSA, or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest, including in kind, prohibited by E.O. 13808 of August 24, 2017, as amended by E.O. 13857, and incorporated into the VSR; or

(3) Any transactions or activities otherwise prohibited by the VSR, or any other part of 31 CFR chapter V, or any transactions or activities with any blocked person other than the blocked persons identified in paragraphs (a) and (b) of this general license.

(e) Effective November 7, 2024, General License No. 8N, dated May 10, 2024, is replaced and superseded in its entirety by this General License No. 8O.

Lisa M. Palluconi,
Acting Director, Office of Foreign Assets Control.

Dated: November 7, 2024.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2024–29991 Filed 12–18–24; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50 and 58

[EPA–HQ–OAR–2015–0072; FRL–8635.1–02–OAR]

RIN 2060–AW48

Reconsideration of the National Ambient Air Quality Standards for Particulate Matter; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction and correcting amendment.

SUMMARY: The Environmental Protection Agency (EPA) is correcting a final rule published in the **Federal Register** on March 6, 2024, that became effective on May 6, 2024. The final rule revised the primary annual PM_{2.5} standard by lowering the level from 12.0 µg/m³ to 9.0 µg/m³, retained the current primary 24-hour PM_{2.5} standard and the primary 24-hour PM₁₀ standard, retained the secondary 24-hour PM_{2.5} standard, secondary annual PM_{2.5} standard, and secondary 24-hour PM₁₀ standard, and finalized revisions to the Air Quality Index (AQI) and monitoring requirements for the national ambient air quality standards for particulate matter (PM NAAQS). After publication, the EPA became aware of an error in the preamble text regarding the due date for infrastructure State implementation plan (infrastructure SIP) submissions for the 2024 p.m. NAAQS. With this action, the EPA is clarifying the due date for infrastructure SIP submissions for the 2024 p.m. NAAQS. The EPA is also correcting inadvertent errors in the PM_{2.5} monitoring regulatory text. These corrections do not include any substantive changes to the final rule.

DATES: This correction is effective on December 19, 2024.

ADDRESSES: The EPA has established a docket for the final rule under Docket ID No. EPA–HQ–OAR–2015–0072. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, e.g., confidential business information or other information whose disclosure is restricted by statute. Certain other

material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy. Publicly available docket materials are available electronically through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Tim Hanley, Air Quality Assessment Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C304–06, Research Triangle Park, NC 27711; telephone: (919) 541–4417; email: hanley.tim@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. What is the authority for this action?

The EPA is correcting the deadline for infrastructure SIP submissions under its authority provided in section 110(a)(1) of the Clean Air Act (CAA) (42 U.S.C. 7410), which directs the States to submit their implementation plans within 3 years after promulgation of a primary or secondary NAAQS.

The EPA is also acting under the authority provided by CAA sections 103, 105, 110, 114, 301, 311, 314, and 319, which direct the EPA to develop and implement measures to conduct ambient air quality surveillance. Under this authority, this action implements minor, non-substantive typographical and technical corrections to conform the 40 CFR part 58 regulatory text to the rule's preamble and remedies regulatory text formatting errors.

B. What corrective action is the Agency taking?

Correction to Preamble of March 6 Final Rule

In the proposed rule published on January 27, 2023 (88 FR 5558), the preamble states that “Under CAA sections 110(a)(1), all states are required to make these infrastructure SIP submissions within 3 years after promulgation of a new or revised primary standard.” However, in the final rule published on March 6, 2024 (89 FR 16202), the preamble incorrectly and inadvertently states that “Under CAA section 110(a)(1), all States are required to make these infrastructure SIP submissions within three years after the effective date of a new or revised primary standard. While the CAA authorizes the EPA to set a shorter time for States to make these SIP submissions, the EPA is requiring submission of infrastructure SIPs within three years of the effective date of this revised primary annual PM_{2.5} NAAQS.”

Pursuant to CAA section 110(a)(1), infrastructure SIP submissions are not

due within three years of the effective date, but within three years of the promulgation of a new or revised NAAQS. The EPA has traditionally held that “promulgation” means the signature and widespread dissemination of a final rulemaking in the context of the NAAQS. Per this standard practice, because the EPA promulgated (signed and made available on the EPA’s website) the reconsideration of the PM_{2.5} NAAQS on February 7, 2024, infrastructure SIP submissions are due by no later than February 7, 2027.

To be consistent with the CAA and the proposed rule, the EPA is correcting the last two sentences of the first paragraph of *B. Section 110(a)(1) and (2) Infrastructure SIP Requirements* in the final rule preamble.

Correction

In FR Doc. 2024–02637, at 89 FR 16202 in the **Federal Register** of March 6, 2024, on page 16367, in the second column, the last two sentences of the first paragraph of *B. Section 110(a)(1) and (2) Infrastructure SIP Requirements* are corrected to read as follows:

“Under CAA section 110(a)(1), all States are required to make these infrastructure SIP submissions within three years after the promulgation date of a new or revised primary standard. While the CAA authorizes the EPA to set a shorter time for States to make these SIP submissions, the EPA is requiring submission of infrastructure SIPs within three years of the promulgation date of this revised primary annual PM_{2.5} NAAQS.”

Correcting Amendments to 40 CFR Parts 50 and 58

The EPA is also making several corrections to inadvertent errors in the PM_{2.5} monitoring regulatory text as described below.

After publication, it was realized that the EPA did not add promulgated § 50.20 to the 40 CFR 50.3 list of sections containing PM_{2.5} standards, which was inconsistent with past NAAQS regulations. Therefore, in 40 CFR 50.3, the EPA is adding § 50.20 to its list of sections containing PM_{2.5} standards to be consistent with all existing PM_{2.5} standards and methods.

The EPA proposed to adjust the minimum value required by appendix A, section 3.2.4, to be considered valid sample pairs for the PM_{2.5} Performance Evaluation Program (PEP) from 3 µg/m³ to 2 µg/m³ (88 FR 5665, January 27, 2023). In section 3.2.4 of appendices A and B to part 58, the EPA finalized 2 µg/m³ for the quality assurance program that assesses PM_{2.5} network bias. However, in the final rule, section

4(c)(5) in appendix A and section 4(b)(5) and (c) in appendix B, which provides the PM_{2.5} limit for use in bias assessments, was not updated to reflect the finalized 2 µg/m³ for PM_{2.5} and instead states the previous 3 µg/m³, which is inconsistent with section 3.2.4 in the two appendices. Within the PM NAAQS, the same criteria should be used for PM_{2.5} for consistency. Therefore, the EPA is correcting section 4(c)(5) of appendix A and section 4(b)(5) and (c) of appendix B to part 58 to be consistent with section 3.2.4 of appendices A and B to part 58.

In the PM NAAQS Reconsideration proposed rule (88 FR 5665, January 27, 2023), the EPA proposed to revise equation 6 in section 4.2.1 of appendices A and B to part 58. The proposed equation 6 had a plus sign in the denominator. However, in the final rule, the EPA inadvertently published equation 6 with a minus sign in the denominator instead of a plus sign. Therefore, the EPA is correcting the denominator in equation 6 of section 4.2.1 in appendices A and B by changing the minus sign to a plus sign, which is consistent with what was proposed.

In section 2.2.2 in appendix C to part 58, the EPA is correcting a typo by replacing “multijusinstincional” with “multijurisdictional.”

Appendix C to part 58 of the final rule’s regulatory text had an incorrect instruction to remove and reserve sections 2.4 and 2.4.1 and remove sections 2.4.1. through 2.4.1.7. The EPA’s intention was to reserve all of section 2.4, which includes sections 2.4.1 through 2.4.6 and their subsections, and to remove sections 2.4.1.1 through 2.4.1.7. However, due to the EPA’s confusing instructions, only sections 2.4 and 2.4.1 were reserved. To correct this issue, the EPA is reserving sections 2.4.2 through 2.4.6 of appendix C to part 58, including their subsections, so that all of section 2.4 is reserved as intended.

Also, when the EPA reserved section 2.4 in appendix C to part 58, the EPA revoked language associated with Approved Regional Methods (ARMs). However, after publication, several mentions of the revoked term “ARM” and references to the reserved section 2.4 were left in appendices A and C to part 58. To correct this issue, the EPA is removing the revoked term “ARM” and references to the reserved section 2.4 from section 3.2.4.2 in appendix A to part 58 and sections 2.7.1, 2.8.4, 2.7.6, 2.8.1, 2.8.5, and 3.1 in appendix C to part 58.

Lastly, after publication of the final rule, the EPA became aware that, in the

finalized tables E–3 and E–6 of appendix E to part 58, several merged cells were inadvertently unmerged, resulting in misalignment of the data presented for each pollutant-specific row in the tables. The EPA is correcting this error by providing reformatted tables E–3 and E–6 so that each pollutant-specific row and the information in each column is displayed correctly.

II. Rulemaking Procedures

Section 553(b)(B) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that when an agency for good cause finds that public notice and comment 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 correction final without prior proposal. In this instance, notice and opportunity for comment is unnecessary because this action implements minor, non-substantive typographical and technical corrections that correct preamble language in one instance, conform the regulatory text to the rule’s preamble, and remedy formatting errors.

Moreover, EPA has determined that there is good cause for making this final rule effective less than 30 days after publication in the **Federal Register**. Section 553(d)(3) of the APA, 5 U.S.C. 553(d)(3), provides that final rules shall not become effective until 30 days after publication in the **Federal Register** “except . . . as otherwise provided by the agency for good cause found and published with the rule.” “In determining whether good cause exists, an agency should ‘balance the necessity for immediate implementation against principles of fundamental fairness which require that all affected persons be afforded a reasonable amount of time to prepare for the effective date of its ruling.’” *Omnipoint Corp. v. Fed. Comm’n Comm’n*, 78 F.3d 620, 630 (D.C. Cir. 1996) (quoting *United States v. Gavrilovic*, 551 F.2d 1099, 1105 (8th Cir. 1977)). This action adjusts a deadline that will not apply for at least two years (from May 6, 2027, to February 7, 2027) and makes only minor technical and typographical corrections to the monitoring provisions that are not connected to immediate regulatory obligations.

For these reasons, the Agency finds that good cause exists under APA section 553(d)(3) to make this rule effective on December 19, 2024.

III. Statutory and Executive Orders Reviews

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

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

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

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. The EPA is clarifying the due date for infrastructure SIP submissions for the 2024 PM NAAQS and correcting inadvertent errors in the PM_{2.5} monitoring regulatory text. However, the Office of Management and Budget (OMB) has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2060–0084.

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. Rather, this action corrects inadvertent errors in the final rule's preamble and regulatory text.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more as described in the Unfunded Mandates Reform Act (UMRA), 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action corrects inadvertent errors in the final rule's preamble and regulatory text.

E. Executive Order 13132: Federalism

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

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

This action does not have Tribal implications, as specified in Executive Order 13175. It does not have a substantial direct effect on one or more Indian Tribes as Tribes are not obligated to adopt or implement any NAAQS. In addition, Tribes are not obligated to conduct ambient monitoring for PM or to adopt the ambient monitoring requirements of 40 CFR part 58. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. This action corrects inadvertent errors in the final rule's preamble and regulatory text.

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

The final rule involved environmental monitoring or measurement. The PM NAAQS final rule maintained the use of the existing indicators for fine (PM_{2.5}) and coarse (PM₁₀) particles. The indicator for fine particles is measured using the Reference Method for the Determination of Fine Particulate Matter as PM_{2.5} in the Atmosphere (appendix L to 40 CFR part 50), which is known as the PM_{2.5} FRM, and the indicator for coarse particles is measured using the Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere (appendix J to 40 CFR part 50), which is known as the PM₁₀ FRM. To the extent feasible, the EPA employs a Performance-Based Measurement System (PBMS), which does not require the use of specific, prescribed analytic methods. The PBMS is defined as a set of processes wherein the data quality needs, mandates or limitations of a

program or project are specified and serve as criteria for selecting appropriate methods to meet those needs in a cost-effective manner. It is intended to be more flexible and cost effective for the regulated community; it is also intended to encourage innovation in analytical technology and improved data quality. This action corrects inadvertent errors in the monitoring regulatory text for parts 50 and 58.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this correction does not concern human health or environmental conditions and, therefore, cannot be evaluated with respect to potentially disproportionate and adverse effects on people of color, low-income populations and/or indigenous peoples. This action corrects inadvertent errors in the final rule's preamble and regulatory text.

Although this action does not concern human health or environmental conditions, the EPA identified and addressed environmental justice concerns in the underlying final rule in sections II.A.2, II.B.3.a, II.B.3.c, II.B.2, and II.B.4. of the final rule preamble and also in the 2019 Integrated Science Assessment, Supplement to the 2019 Integrated Science Assessment, and 2022 Policy Assessment.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. The CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and comment rulemaking procedures are impracticable, unnecessary or contrary to the public interest (5 U.S.C. 808(2)). The EPA has made a good cause finding for this rule as discussed in the **SUPPLEMENTARY INFORMATION** section. The EPA has determined that there is good cause for making this correction final without prior proposal. In this instance, notice and opportunity for comment is unnecessary because this action implements minor, non-substantive typographical and technical corrections that conform the regulatory text to the rule's preamble and remedy formatting errors.

List of Subjects**40 CFR Part 50**

Environmental protection, Air pollution control, Particulate matter.

40 CFR Part 58

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Michael S. Regan,
Administrator.

Accordingly, 40 CFR parts 50 and 58 are corrected by making the following correcting amendments:

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

- 1. The authority citation for part 50 continues to read as follows:

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

- 2. Revise § 50.3 to read as follows:

§ 50.3 Reference conditions.

All measurements of air quality that are expressed as mass per unit volume (*e.g.*, micrograms per cubic meter) other than for particulate matter (PM_{2.5}) standards contained in §§ 50.7, 50.13, 50.18, and 50.20, and lead standards contained in § 50.16 shall be corrected to a reference temperature of 25 (deg) C and a reference pressure of 760 millimeters of mercury (1,013.2 millibars). Measurements of PM_{2.5} for purposes of comparison to the standards contained in §§ 50.7, 50.13, 50.18, and 50.20, and of lead for purposes of comparison to the standards contained in § 50.16 shall be reported based on actual ambient air volume measured at the actual ambient temperature and pressure at the monitoring site during the measurement period.

PART 58—AMBIENT AIR QUALITY SURVEILLANCE

- 3. The authority citation for part 58 continues to read as follows:

Authority: 42 U.S.C. 7403, 7405, 7410, 7414, 7601, 7611, 7614, and 7619.

- 4. Amend appendix A to part 58 by revising sections 3.2.4.2 and 4(c)(5) and equation 6 in section 4.2.1 to read as follows:

Appendix A to Part 58—Quality Assurance Requirements for Monitors Used in Evaluations of National Ambient Air Quality Standards

* * * * *

3.2.4.2 Have all FRM and FEM samplers subject to a PEP audit at least once every 6

years, which equates to approximately 15 percent of the monitoring sites audited each year.

* * * * *
4. * * *
(c) * * *
(5) PM_{2.5}: 2 µg/m³.
* * * * *
4.2.1 * * *

Equation 6 to Section 4.2.1 of Appendix A

$$t_i = \frac{X_i - Y_i}{\sqrt{(X_i + Y_i)/2}}$$

* * * * *

- 5. Amend appendix B to part 58 by revising section 4(b)(5) and (c) and equation 6 in section 4.2.1 to read as follows:

Appendix B to Part 58—Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring

* * * * *
4. * * *
(b) * * *
(5) PM_{2.5}: 2 µg/m³.
(c) The PM_{2.5} 2 µg/m³ limit for the PM_{2.5}–PEP may be superseded by mutual agreement between the PSD PQAO and the PSD reviewing authority as specified in section 3.2.4 of this appendix and detailed in the approved QAPP.
* * * * *
4.2.1 * * *

Equation 6 to Section 4.2.1 of Appendix B

$$t_i = \frac{X_i - Y_i}{\sqrt{(X_i + Y_i)/2}}$$

* * * * *

- 6. Amend appendix C to part 58 by:
■ a. Revising section 2.2.2; and
■ b. Removing and reserving sections 2.4.2 through 2.4.6; and
■ c. Revising sections 2.7.1, 2.7.4, 2.7.6, 2.8.1, 2.8.5, and 3.1.

The revisions read as follows:

Appendix C to Part 58—Ambient Air Quality Monitoring Methodology

* * * * *
2.2.2 A request to update a designated methods calibration may be initiated by the instrument manufacturer of record or the EPA Administrator. State, local, Tribal, and multijurisdictional organizations of these entities may work with an instrument manufacture to update a designated method calibration.
* * * * *

2.7.1 Requests for approval under section 2.2, 2.6.2, or 2.8 of this appendix must be submitted to: Director, Center for Environmental Measurement and Modeling, Reference and Equivalent Methods Designation Program (MD–D205–03), U.S.

Environmental Protection Agency, P.O. Box 12055, Research Triangle Park, North Carolina 27711.

* * * * *

2.7.4 To the extent that such incorporation by reference provides data or information required by this section (2.7) or by section 2.5 or 2.6 of this appendix, independent data or duplicative information need not be submitted.

* * * * *

2.7.6 If the Administrator determines, on the basis of any available information, that any of the determinations or statements on which approval of a request under this section was based are invalid or no longer valid, or that the requirements of section 2.5 or 2.6, as applicable, have not been met, he/she may withdraw the approval after affording the person who obtained the approval an opportunity to submit information and arguments opposing such action.

* * * * *

2.8.1 Except as otherwise provided in this section, no reference method or equivalent method may be used in a SLAMS network if it has been modified in a manner that could significantly alter the performance characteristics of the method without prior approval by the Administrator. For purposes of this section, “alternative method” means an analyzer, the use of which has been approved under section 2.5 or 2.6 of this appendix or some combination thereof.

* * * * *

2.8.5 A temporary modification that could alter the performance characteristics of a reference or equivalent may be made without prior approval under this section if the method is not functioning or is malfunctioning, provided that parts necessary for repair in accordance with the applicable operation manual cannot be obtained within 45 days. Unless such temporary modification is later approved under section 2.8.4 of this appendix, the temporarily modified method shall be repaired in accordance with the applicable operation manual as quickly as practicable but in no event later than 4 months after the temporary modification was made, unless an extension of time is granted by the Administrator. Unless and until the temporary modification is approved, air quality data obtained with the method as temporarily modified must be clearly identified as such when submitted in accordance with § 58.16 and must be accompanied by a report containing the information specified in section 2.8.3 of this appendix. A request that the Administrator approve a temporary modification may be submitted in accordance with sections 2.8.1 through 2.8.4 of this appendix. In such cases, the request will be considered as if a request for prior approval had been made.

* * * * *

3.1 Methods employed in NCore multipollutant sites used to measure SO₂, CO, NO₂, O₃, PM_{2.5}, or PM_{10–2.5} must be reference or equivalent methods as defined in § 50.1 of this chapter for any monitors

intended for comparison with applicable NAAQS.

* * * *

■ 7. Amend appendix E to part 58 by revising table E-3 to section 2.7 and

table E-6 to section 3.8 to read as follows:

Appendix E to Part 58—Probe and Monitoring Path Siting Criteria for Ambient Air Quality Monitoring

* * * *

2.7 * * *

TABLE E-3 TO SECTION 2.7 OF APPENDIX E—SUMMARY OF PROBE SITING CRITERIA

Pollutant	Scale ⁹	Height from ground to probe ⁸ (meters)	Horizontal or vertical distance from supporting structures ^{1 8} to probe inlet (meters)	Distance from drip line of trees to probe ⁸ (meters)	Distance from roadways to probe ⁸ (meters)
SO ₂ ^{2 3 4 5}	Middle, Neighborhood, Urban, and Regional	2.0–15	≥1.0	≥10	N/A.
CO ^{3 4 6}	Micro [downtown or street canyon sites]	2.5–3.5	≥1.0	≥10	2.0–10 for downtown areas or street canyon microscale.
CO ^{3 4 6}	Micro [Near-Road sites]	2.0–7.0	≥1.0	≥10	≤50 for near-road microscale.
CO ^{3 4 6}	Middle and Neighborhood	2.0–15	≥1.0	≥10	See Table E-2 of this appendix for middle and neighborhood scales.
O ₃ ^{2 3 4}	Middle, Neighborhood, Urban, and Regional	2.0–15	≥1.0	≥10	See Table E-1 of this appendix.
NO ₂ ^{2 3 4}	Micro	2.0–7.0	≥1.0	≥10	≤50 for near-road microscale.
NO ₂ ^{2 3 4}	Middle, Neighborhood, Urban, and Regional	2.0–15	≥1.0	≥10	See Table E-1 of this appendix.
PAMS ^{2 3 4} Ozone precursors.	Neighborhood and Urban	2.0–15	≥1.0	≥10	See Table E-1 of this appendix.
PM, Pb ^{2 3 4 7}	Micro	2.0–7.0	≥2.0 (horizontal distance only)	≥10	See Figure E-1 of this appendix.
PM, Pb ^{2 3 4 7}	Middle, Neighborhood, Urban and Regional	2.0–15	≥2.0 (horizontal distance only)	≥10	See Figure E-1 of this appendix.

N/A—Not applicable.

¹When a probe is located on a rooftop, this separation distance is in reference to walls, parapets, or penthouses located on the roof.

²Should be greater than 20 meters from the dripline of tree(s) and must be 10 meters from the dripline.

³Distance from sampler or probe inlet to obstacle, such as a building, must be at least twice the height the obstacle protrudes above the sampler or probe inlet. Sites not meeting this criterion may be classified as microscale or middle scale (see paragraphs 2.3(a) and 2.3(c) of this appendix).

⁴Must have unrestricted airflow in a continuous arc of at least 270 degrees around the probe or sampler; 180 degrees if the probe is on the side of a building or a wall for street canyon monitoring.

⁵The probe or sampler should be away from minor sources, such as furnace or incineration flues. The separation distance is dependent on the height of the minor source emission point(s), the type of fuel or waste burned, and the quality of the fuel (sulfur, ash, or lead content). This criterion is designed to avoid undue influences from minor sources.

⁶For microscale CO monitoring sites, the probe must be ≥10 meters from a street intersection and preferably at a midblock location.

⁷Collocated monitor inlets must be within 4.0 meters of each other and at least 2.0 meters apart for flow rates greater than 200 liters/min or at least 1.0 meter apart for samplers having flow rates less than 200 liters/min to preclude airflow interference, unless a waiver has been granted by the Regional Administrator pursuant to paragraph 3.3.4.2(c) of appendix A of this part. For PM_{2.5}, collocated monitor inlet heights should be within 1.0 meter of each other vertically.

⁸All distances listed are expressed as having 2 significant figures. When rounding is performed to assess compliance with these siting requirements, the distance measurements will be rounded such as to retain at least two significant figures.

⁹See section 1.2 of appendix D to this part for definitions of monitoring scales.

* * * *

3.8 * * *

TABLE E-6 TO SECTION 3.8 OF APPENDIX E—SUMMARY OF MONITORING PATH SITING CRITERIA

Pollutant	Maximum monitoring path length ^{9 10}	Height from ground to 80% of monitoring path ^{1 8} (meters)	Horizontal or vertical distance from supporting structures ² to 90% of monitoring path ^{1 8} (meters)	Distance from trees to 90% of monitoring path ^{1 8} (meters)	Distance from roadways to monitoring path ^{1 8} (meters)
SO ₂ ^{3 4 5 6}	≤ 300 m for Middle	2.0–15	≥1.0	≥10	N/A.
CO ^{4 5 7}	≤ 1.0 km for Neighborhood, Urban, and Regional	2.5–3.5	≥1.0	≥10	2.0–10 for downtown areas or street canyon microscale.
CO ^{4 5 7}	≤ 300 m for Micro [Near-Road sites]	2.0–7.0	≥1.0	≥10	≤50 for near-road microscale.
CO ^{4 5 7}	≤ 300 m for Middle	2.0–15	≥1.0	≥10	See Table E-5.
CO ^{4 5 7}	≤ 1.0 km for Neighborhood	2.0–15	≥1.0	≥10	See Table E-5.
O ₃ ^{3 4 5}	≤ 300 m for Middle	2.0–15	≥1.0	≥10	See Table E-4.
O ₃ ^{3 4 5}	≤ 1.0 km for Neighborhood, Urban, and Regional	2.0–15	≥1.0	≥10	See Table E-4.
NO ₂ ^{3 4 5}	Between 50 m-300 m for Micro (Near-Road)	2.0–7.0	≥1.0	≥10	≤50 for near-road microscale.
NO ₂ ^{3 4 5}	≤ 300 m for Middle	2.0–15	≥1.0	≥10	See Table E-4 of this appendix.
NO ₂ ^{3 4 5}	≤ 1.0 km for Neighborhood, Urban, and Regional	2.0–15	≥1.0	≥10	See Table E-4 of this appendix.

TABLE E–6 TO SECTION 3.8 OF APPENDIX E—SUMMARY OF MONITORING PATH SITING CRITERIA—Continued

Pollutant	Maximum monitoring path length ^{9 10}	Height from ground to 80% of monitoring path ^{1 8} (meters)	Horizontal or vertical distance from supporting structures ² to 90% of monitoring path ^{1 8} (meters)	Distance from trees to 90% of monitoring path ^{1 8} (meters)	Distance from roadways to monitoring path ^{1 8} (meters)
PAMS ^{3 4 5} Ozone precursors.	<= 1.0 km for Neighborhood and Urban	2.0–15	≥1.0	≥10	See Table E–4 of this appendix.

N/A—Not applicable.

¹ Monitoring path for open path analyzers is applicable only to middle or neighborhood scale CO monitoring, middle, neighborhood, urban, and regional scale NO₂ monitoring, and all applicable scales for monitoring SO₂, O₃, and O₃ precursors.

² When the monitoring path is located on a rooftop, this separation distance is in reference to walls, parapets, or penthouses located on roof.

³ At least 90 percent of the monitoring path should be greater than 20 meters from the dripline of tree(s) and must be 10-meters from the dripline.

⁴ Distance from 90 percent of monitoring path to obstacle, such as a building, must be at least twice the height the obstacle protrudes above the monitoring path. Sites not meeting this criterion may be classified as microscale or middle scale (see text).

⁵ Must have unrestricted airflow 270 degrees around at least 90 percent of the monitoring path; 180 degrees if the monitoring path is adjacent to the side of a building or a wall for street canyon monitoring.

⁶ The monitoring path should be away from minor sources, such as furnace or incineration flues. The separation distance is dependent on the height of the minor source's emission point (such as a flue), the type of fuel or waste burned, and the quality of the fuel (sulfur, ash, or lead content). This criterion is designed to avoid undue influences from minor sources.

⁷ For microscale CO monitoring sites, the monitoring path must be ≥10. meters from a street intersection and preferably at a midblock location.

⁸ All distances listed are expressed as having 2 significant figures. When rounding is performed to assess compliance with these siting requirements, the distance measurements will be rounded such as to retain at least two significant figures.

⁹ See section 1.2 of appendix D to this part for definitions of monitoring scales.

¹⁰ See section 3.7 of this appendix.

* * * * *

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R09–OAR–2024–0553; FRL–12419–01–R9]

Finding of Failure To Attain and Reclassification of Las Vegas Area as Serious for the 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final determination.

SUMMARY: The Environmental Protection Agency (EPA) is determining that the Las Vegas, Nevada area failed to attain the 2015 ozone national ambient air quality standards (NAAQS or “standards”) 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 from “Moderate” to “Serious” nonattainment for the 2015 ozone NAAQS on January 21, 2025, the effective date of this final rule. This action fulfills the EPA’s obligation under the Clean Air Act (CAA) to determine whether the Las Vegas, Nevada ozone nonattainment area attained the NAAQS by the attainment date and to publish a document in the **Federal Register** identifying the area as having failed to attain and identifying the reclassification.

DATES: This final rule is effective on January 21, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2024–0553. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Lindsay Wickersham, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947–4192, or by email at wickersham.lindsay@epa.gov.

SUPPLEMENTARY INFORMATION:

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- IV. How does the EPA determine whether an area has attained the standards?
- V. What is the EPA’s determination for the area?
- VI. What action is the EPA taking?
- VII. Statutory and Executive Order Reviews

I. Overview of Action

The EPA is required to determine whether areas designated nonattainment for an ozone NAAQS attained the standards 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 one area in Nevada that was classified as Moderate for the 2015 ozone NAAQS as of the

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.

Moderate area attainment date of August 3, 2024. The EPA is addressing the remaining areas in other states in

separate actions. Table 1 provides the DV and the EPA’s air quality-based

determination for the Moderate area addressed in this action.

TABLE 1—SUMMARY OF NONATTAINMENT AREA IN NEVADA CLASSIFIED AS MODERATE FOR THE 2015 OZONE NAAQS

Nonattainment area	2021–2023 DV (ppm)	Attainment by the attainment date
Las Vegas, NV	0.074	Failed to attain.

Source: AMP480_LasVegas_DesignValueReport_2021_2023.

The EPA is finding that the Moderate area listed in Table 1 did not attain by its attainment dates because their 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 notice 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 this 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.

Once reclassified as Serious, the relevant state must submit to the EPA the SIP revisions for this area that satisfy the statutory and regulatory requirements applicable to Serious areas established in CAA section 182(c) and in the EPA’s implementing regulations for the 2015 ozone NAAQS.² The EPA is establishing deadlines for submitting SIP revisions for this reclassified area in a separate action.³

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 new 8-hour standards.⁴ 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.⁵ 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.⁶ The EPA established the attainment date for “Marginal,” Moderate, and Serious nonattainment areas as three years, six years, and nine years, respectively, from the effective date of the final designations. 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 January 3, 2023, the EPA determined that the Las Vegas, NV area addressed in this action did not attain the standards by the Marginal attainment date, reclassifying the area as Moderate by operation of law.⁷

III. What is the statutory authority for this action?

The statutory authority for these determinations 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 six 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.⁸ 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 six months after the attainment date, which,

² 83 FR 62998, “Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements” (December 6, 2018).

³ See proposed rule at 89 FR 80833 (October 4, 2024).

⁴ 80 FR 65452.

⁵ 83 FR 25776 (June 4, 2018).

⁶ 83 FR 10376 (March 9, 2018).

⁷ 88 FR 775.

⁸ Las Vegas, Nevada will be classified to the next higher classification, Serious because it does not have a DV that would otherwise place it in a higher classification.

in the case of the Moderate nonattainment area 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 that these areas may not yet have met, in a separate rulemaking.⁹

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

The level of the 2015 ozone NAAQS is 0.070 ppm.¹⁰ 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.¹¹ The data handling convention in appendix U 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 standards, 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.¹²

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.¹³ 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 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 Moderate nonattainment area addressed in this action (Las Vegas, NV) failed to attain the 2015 ozone NAAQS by the attainment date of August 3, 2024. As shown in Table 1 of this notice, at least one monitor had a 2021–2023 DV greater than 0.070 ppm. The EPA has further determined that this 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 Las Vegas area had a 2023 fourth highest daily maximum 8-hour average that was greater than 0.070 ppm. Table 2 of this notice shows the annual fourth highest daily maximum 8-hour average ozone concentration and 2021–2023 DV for each monitor in the Las Vegas area.

TABLE 2—2021–2023 FOURTH HIGHEST DAILY MAXIMUM 8-HOUR AVERAGE OZONE CONCENTRATIONS AND DESIGN VALUES AT ALL MONITORS IN THE LAS VEGAS, NV 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	
32–003–0044	Clark	Nevada	0.075	0.073	0.074	0.074
32–003–2003	Clark	Nevada	0.074	0.073	0.071	0.072
32–003–0299	Clark	Nevada	0.074	0.072	0.069	0.071
32–003–0075	Clark	Nevada	0.075	0.070	0.072	0.072
32–003–0540	Clark	Nevada	0.070	0.068	0.066	0.068
32–003–0043	Clark	Nevada	0.074	0.074	0.071	0.073

⁹ See proposed rule at 89 FR 80833.

¹⁰ See 40 CFR 50.19.

¹¹ 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.

¹² 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>.

¹³ 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>. The plans relevant to this action 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>. The plans relevant to this action and the EPA’s letters approving those plans are also available in the docket for this action.

TABLE 2—2021–2023 FOURTH HIGHEST DAILY MAXIMUM 8-HOUR AVERAGE OZONE CONCENTRATIONS AND DESIGN VALUES AT ALL MONITORS IN THE LAS VEGAS, NV AREA—Continued

AQS site ID	County	State	Fourth highest daily maximum 8-hour average ozone concentration (ppm)			2021–2023 design value (DV) (ppm)
			2021	2022	2023	
32–003–0071	Clark	Nevada	0.075	0.070	0.072	0.072
32–003–0073	Clark	Nevada	0.076	0.070	0.071	0.072
32–003–0298	Clark	Nevada	0.072	0.067	0.071	0.070

Source: AMP480_LasVegas_DesignValueReport_2021_2023.

VI. What action is the EPA taking?

Pursuant to CAA section 181(b)(2), the EPA is determining that the Las Vegas, NV 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, this area will be required to attain the standards “as expeditiously as practicable” but no later than nine years after the initial designation as nonattainment, which in this case would be no later than August 3, 2027.

Section 553 of the APA, 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 notice are calculations based on the certified air quality monitoring data governed by the 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 Las Vegas, NV nonattainment area failed to attain the 2015 ozone standards by the August 3, 2024 attainment date. This 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.”

The EPA has identified a tribal area within the nonattainment area covered by this proposed rule that would be potentially affected by this rulemaking. Specifically, the Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony is located within the boundaries of the Las Vegas nonattainment area. The EPA has concluded that this rule may have tribal implications for this tribe for the purposes of Executive Order 13175, but it would not impose substantial direct costs upon the tribes, nor would it preempt tribal law. A tribe that is part of an area that is reclassified from Moderate to Serious nonattainment is not required to submit a tribal implementation plan revision to address new Serious area requirements. However, the nonattainment new source review major source threshold and offset requirements would change for stationary sources seeking preconstruction permits in any nonattainment areas newly reclassified as Serious, including on tribal lands within these nonattainment areas.

The EPA has communicated with the potentially affected tribe located within the boundaries of the nonattainment area addressed in this proposal, including offering government-to-government consultation, as appropriate.¹⁴

¹⁴ See letter dated July 23, 2024 from Matthew Lakin, Director, Air and Radiation Division, EPA Region 9 to the Honorable Benny Tso, Chairman,

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. Executive Order 14096 (Revitalizing Our Nation’s Commitment to Environmental Justice for All, 88 FR 25251, April 26, 2023) builds on and supplements Executive Order 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.”

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 goals of Executive Orders 12898 and 14096 of achieving environmental justice for communities with EJ concerns.

K. Congressional Review Act

This rule is exempt from the CRA because it is a rule of particular applicability. The rule makes factual determinations for an identified entity (the Las Vegas, Nevada area) based on facts and circumstances specific to that entity. 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 February 18, 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: December 5, 2024.

Martha Guzman Aceves,
Regional Administrator, Region IX, Region IX.

For the reasons stated in the preamble, title 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.*

■ 2. Section 81.329 is amended in the table for “Nevada—2015 8-Hour Ozone NAAQS [Primary and Secondary]” by revising the entry for “Las Vegas, NV: Clark County (part), NV” to read as follows:

§ 81.329 Nevada.

* * * * *

NEVADA—2015 8-HOUR OZONE NAAQS

[Primary and Secondary]

Designated area ¹	Designation		Classification	
	Date ²	Type	Date ²	Type
Las Vegas, NV		Nonattainment	1/21/2025	Serious.
Clark County (part):				
That portion of Clark County that lies in hydrographic area 212. ³				
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony.				
* * * * *				

¹ Includes any Indian country in each county or area, unless otherwise specified. 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 Hydrographic areas are shown on the State of Nevada Division of Water Resources’ map titled Water Resources and Inter-basin Flows (September 1971).

* * * * *

[FR Doc. 2024–29061 Filed 12–18–24; 8:45 am]

BILLING CODE 6560–50–P

**GENERAL SERVICES
ADMINISTRATION****41 CFR Part 105–70****[FPMR Case 2025–01; Docket No. GSA–
FPMR–2025–0021; Sequence No. 1]****RIN 3090–AK89****Civil Monetary Penalties Inflation
Adjustment****AGENCY:** The Office of the General
Counsel, General Services
Administration.**ACTION:** Final rule.

SUMMARY: In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvement Act of 2015, this final rule applies the inflation adjustments for GSA’s civil monetary penalties.

DATES: Effective 30 days after the date of publication.

FOR FURTHER INFORMATION CONTACT: Mr. Aaron Pound, Assistant General Counsel, General Law Division (LG), General Services Administration, 1800 F Street NW, Washington DC 20405. Telephone Number 202–501–1460.

SUPPLEMENTARY INFORMATION:**I. The Debt Collection Improvement Act of 1996**

To maintain the remedial impact of civil monetary penalties (CMPs) and to promote compliance with the law, the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410) was amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134) and the Federal Civil Penalties Inflation Adjustment Act Improvement Act of 2015 (Sec. 701 of Pub. L. 114–74) to require Federal agencies to regularly adjust certain CMPs for inflation. As amended, the law requires each agency to make an initial inflationary adjustment for all applicable CMPs, and to make further adjustments at least once every year thereafter for these penalty amounts. The Debt Collection Improvement Act of 1996 further stipulates that any resulting increases in a CMP due to the calculated inflation adjustments shall apply only to violations which occur after the date the increase takes effect 30 days after the date of publication in the

Federal Register. Pursuant to the 2015 Act, agencies are required to adjust the level of the CMP with an initial “fix”, and make subsequent annual adjustments for inflation. Catch up adjustments are based on the percent change between the Consumer Price Index for Urban Consumers (CPI–U) for the month of October for the year of the previous adjustment, and the October 2015 CPI–U. Annual inflation adjustments will be based on the percent change between the October CPI–U preceding the date of adjustment and the prior year’s October CPI–U.

II. The Program Fraud Civil Remedies Act of 1986

Sections 6103 and 6104 of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99–509) set forth the Program Fraud Civil Remedies Act of 1986 (PFCRA). Specifically, this statute imposes a CMP and an assessment against any person who, with knowledge or reason to know, makes, submits, or presents a false, fictitious, or fraudulent claim or statement to the Government. The General Services Administration’s regulations, published in the **Federal Register** (61 FR 246, December 20, 1996) and codified at 41 CFR part 105–70, currently set forth a CMP of up to \$13,400 for each false claim or statement made to the agency. Based on the penalty amount inflation factor calculation, derived from originally dividing the October 2023 CPI by the October 2024 CPI and making the CPI-based annual adjustment thereafter, after rounding, we are adjusting the maximum penalty amount for this CMP to \$13,700 for each false claim or statement made to the agency.

III. Subsequent Annual Adjustments

The 2015 Act also requires agencies to make annual adjustments to civil penalty amounts no later than January 15 of each year following the initial adjustment described above. For subsequent adjustments made in accordance with the 2015 Act, the amount of the adjustment is based on the percent increase between the CPI–U for the month of October preceding the date of the adjustment and the CPI–U for the October one year prior to the October immediately preceding the date of the adjustment. If there is no increase, there is no adjustment of civil penalties. Therefore, if GSA adjusts penalties in January 2026, the adjustment will be calculated based on the percent change between the CPI–U for October 2026 (the October immediately preceding the date of adjustment) and October 2025 (the October one year prior to October 2026). GSA will publish the amount of

these annual inflation adjustments in the **Federal Register** no later than January 15 of each year, starting in 2026.

IV. Public Participation

The Federal Civil Penalties Inflation Adjustment Act Improvement Act of 2015 expressly exempts this final rule from the notice and comment requirements of the Administrative Procedure Act by directing agencies to adjust civil monetary penalties for inflation “notwithstanding section 553 of title 5, United States Code” (Pub. L. 114–74, 129 Stat. 599; 28 U.S.C. 2461 note). As such, this final rule is being issued without prior public notice or opportunity for public comment, with an effective date 30 days after the date of publication in the **Federal Register**.

V. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 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 reviewed this final rule in accordance with the provisions of E.O. 12866 and has determined that it does not meet the criteria for a significant regulatory action and thus was not subject to review under Section 6(b) of E.O. 12866. As indicated above, the provisions contained in this final rulemaking set forth the inflation adjustments in compliance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, for specific applicable CMPs. The great majority of individuals, organizations and entities addressed through these regulations do not engage in such prohibited conduct, and as a result, we believe that any aggregate economic impact of these revised regulations will be minimal, affecting only those limited few who may engage in prohibited conduct in violation of the statute. As such, this final rule and the inflation adjustment contained therein should have no effect on Federal or State expenditures.

VI. Congressional Review Act

The agency and the Office of Information and Regulatory Affairs, OMB have determined that this rule is not a major rule under 5 U.S.C. 804(2). Subtitle E of the Small Business

Regulatory Enforcement Fairness Act of 1996 (codified at 5 U.S.C. 801–808), also known as the Congressional Review Act or CRA, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. GSA 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.

VII. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. See 5 U.S.C. 603(a) and 604(a). As explained above, GSA is not required to first publish a proposed rule here. Thus, the RFA does not apply to this final rule.

VIII. Paperwork Reduction Act

This final rule imposes no new reporting or recordkeeping requirements necessitating clearance by OMB.

List of Subjects in 41 CFR Part 105–70

Administrative hearing, Claims, Program fraud.

Robin Carnahan,
Administrator.

Accordingly, 41 CFR part 105–70 is amended as set forth below:

PART 105–70—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

- 1. The authority citation for part 105–70 continues to read as follows:

Authority: 40 U.S.C. 121(c); 31 U.S.C. 3809.

- 2. Amend § 105–70.003 by—
 - a. Removing from paragraph (a)(1)(iv) the amount “13,400” and adding “13,700” in its place;
 - b. Removing from paragraph (b)(1)(ii) the amount “13,400” and adding “13,700” in its place; and
 - c. Adding paragraphs (f) and (g).
 The additions read as follows:

§ 105–70.003 Basis for civil penalties and assessments.

* * * * *

(f) For violations occurring on or after January 1, 2025, the maximum penalty, which may be assessed under

paragraphs (a)(1)(iv) or (b)(1)(ii) of this section, is the larger of:

- (1) The amount for the previous calendar year, or
- (2) An amount adjusted for inflation, calculated by multiplying the amount for the previous calendar year by the percentage by which the CPI–U for the month of October preceding the current calendar year exceeds the CPI–U for the month of October of the calendar year two years prior to the current calendar year, adding that amount to the amount for the previous calendar year, and rounding the total to the nearest hundred dollar increment.

(g) Notice of the maximum penalty which may be assessed under paragraphs (a)(1)(iv) and (b)(1)(ii) of this section for calendar year 2026 and thereafter will be published by GSA in the **Federal Register** on an annual basis on or before January 15 of each calendar year.

[FR Doc. 2024–30242 Filed 12–18–24; 8:45 am]

BILLING CODE 6820–81–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 8360

[PO #4820000251]

Final Supplementary Rule for Public Lands in the Colorado River Valley, Grand Junction and Kremmling Field Offices, and the Dominguez-Escalante National Conservation Area, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Final supplementary rule.

SUMMARY: The Bureau of Land Management (BLM) is finalizing a supplementary rule to protect natural resources and public health and safety. The final supplementary rule applies to public lands and BLM facilities managed by the Colorado River Valley, Grand Junction, and Kremmling Field Offices, and the Dominguez-Escalante National Conservation Area (NCA) in Colorado managed by the Grand Junction and Uncompahgre Field Offices.

DATES: This final supplementary rule is effective January 18, 2025.

ADDRESSES: Inquiries may be directed to the Colorado River Valley Field Office at (970) 876–9000 or 2300 River Frontage Road, Silt, CO 81652; the Grand Junction Field Office at (970) 244–3000 or 2815 H Road, Grand Junction, CO 81506; or the Kremmling Field Office at (970) 724–3000 or 2103 E. Park Avenue, Kremmling, CO 81459.

The final rule and accompanying documentation are available for inspection on the ePlanning website at: <https://eplanning.blm.gov/eplanning-ui/project/90071/510>.

FOR FURTHER INFORMATION CONTACT: Erin Jones, Upper Colorado River District Associate District Manager, 2815 H Road, Grand Junction, CO 81506; telephone (970) 244–3008; email: erjones@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Background

The BLM is establishing this supplementary rule under the authority of 43 CFR 8365.1–6, which authorizes BLM State Directors to establish supplementary rules for the protection of persons, property, and public lands and resources.

The BLM approved resource management plans (RMPs) for the Colorado River Valley, Grand Junction, and Kremmling Field Offices in 2015, and for the Dominguez-Escalante NCA in 2017. The RMPs identify management actions that restrict certain activities and define allowable uses to protect natural resources and public health and safety. This final supplementary rule is necessary to implement those management decisions and make them enforceable.

The field offices completed their RMP processes and issued Records of Decision (RODs) after inviting the public to comment during scoping and public-comment periods. The field offices reviewed each public comment received during each step of the process and responded to all comments received during the public comment periods. (See the individual RMPs for responses to public comments.)

II. Discussion of Public Comments

The BLM published a proposed supplementary rule on January 25, 2024 (89 FR 4872). The BLM received 432 comment letters during the 60-day public comment period, 344 of which were identical form letters and 88 of which were unique comments. Of those 88 unique comment letters, 17 contained substantive comments. Many comment letters expressed support for the proposed supplementary rule, but

other letters said the proposed rules were too restrictive. Many of the form letters expressed the need for clarification and justification of some of the rules.

The proposed rule's restrictions on dispersed camping received the most comments. Commenters were concerned that the rule would diminish their ability to camp in dispersed areas. However, even with these restrictions, the vast majority of each of the field offices and the NCA would still be open to dispersed camping. Over 500,000 acres in the Colorado River Valley Field Office, over 300,000 acres in the Kremmling Field Office, and over 1 million acres in the Grand Junction Field Office (including the Dominguez-Escalante NCA) would still be available for dispersed camping. These comments did not result in changes to the final rule.

Some commenters said the public would not know about the new rule once it is finalized and that the BLM would have trouble enforcing it. The BLM plans to begin a public education campaign to help inform the public of the new rule, including through personal contacts in the field, signs, and other methods. These comments did not result in changes to the final rule.

In its comment, Eagle County requested that the BLM add a rule prohibiting public land users from leaving unsecured trash at campsites and requiring that unattended food and trash be stored in a sealed container or in locked vehicles. However, the BLM did not consider or analyze this requirement when preparing the Colorado River Valley Field Office RMP and the proposed supplementary rule, which precludes us from including this requirement in this final rule. The BLM will work with the county and the public to address trash concerns. The BLM did not change the final rule to address this comment.

The Kremmling Board of Trustees commented that the proposed rule would greatly reduce the number of areas within the Kremmling Field Office's jurisdiction that are available for recreational shooting. The BLM included this reduction in the final 2015 Kremmling RMP, and the public had the opportunity to comment on it at that time. Implementation of the restrictions in this final rule will result in over 300,000 acres still being available for recreational target shooting in areas managed by the Kremmling Field Office. This comment did not result in a change to the rule.

The BLM changed the definition of "target backstop" in the final rule based on comments received from Shooting

Sports Round-table members that the proposed definition was too specific and that there are other backstop designs that will accomplish the same goal. The BLM also added language that states "you must not engage in target shooting without a target backstop" to each of the field offices' final rules. In the proposed rule, the BLM listed this requirement under the Colorado River Valley Field Office's rules only, which was an error.

In its comment on the proposed rule, Mesa County pointed out that the BLM made an error in including "Coal Gulch" in the Grand Junction Field Office mechanized travel winter closure areas in Table 6—Areas Closed to Mechanized Travel During Winter/Spring. The BLM agrees that this is an error and has removed Coal Gulch from this list (see Rule 8 below).

III. Discussion of the Final Supplementary Rule

This final supplementary rule will apply to public lands and BLM facilities managed by the Colorado River Valley Field Office, Grand Junction Field Office, Kremmling Field Office, and Dominguez-Escalante NCA.

This final supplementary rule will address resource damage, public safety, wildland fire, and wildlife disruption concerns. The BLM consulted with the Shooting Sports Roundtable while preparing each RMP to coordinate on the shooting closures described in this final rule.

The final supplementary rule conforms with management decisions contained in the following RMPs:

- Colorado River Valley RMP (2015) as amended by the Sutey Ranch and Haines Parcel Approved RMP Amendment (2019);
- Grand Junction RMP (2015);
- Kremmling RMP (2015); and
- Dominguez-Escalante NCA RMP (2017).

IV. Procedural Matters

Regulatory Planning and Review
(Executive Orders (E.O.) 12866, 13563, and 14094)

This final supplementary rule is not subject to review by the Office of Management and Budget under E.O. 12866 as amended by E.O. 14094. This final supplementary rule will not have an effect of \$200 million or more on the economy and will not adversely affect in a material way productivity; competition; jobs; the environment; public health or safety; or State, local, or Tribal governments or communities. This final supplementary rule will not create a serious inconsistency or

otherwise interfere with an action taken or planned by another agency. This final supplementary rule will not materially alter the budgetary effects of entitlements, grants, user fees, or loan programs, or the rights or obligations of their recipients, nor does it raise novel legal or policy issues.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980 (RFA), as amended, 5 U.S.C. 601–612, to ensure that government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule will have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. The BLM considered economic impacts at the time it developed the land use plans that underpin this final supplementary rule and it deemed these impacts to be minimal. The BLM expects that impacts from this final rule will affect a small number of outfitters and will have only a minor socioeconomic impact relative to the area's overall economy. For more economic information and analyses, please refer to the four RMPs listed earlier in this preamble and their supporting documents (see **ADDRESSES**). The BLM has determined under the RFA that this final supplementary rule will not have a significant economic impact on a substantial number of small entities.

Congressional Review Act

This final supplementary rule is not a "major rule" as defined at 5 U.S.C. 804(2). This final supplementary rule will not:

- (1) Have an annual effect on the economy of \$100 million or more.
- (2) Cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local agencies; or geographic regions; or
- (3) Have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

Unfunded Mandates Reform Act

The final supplementary rule will not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than \$100 million per year; nor will it have a significant or unique effect on State, local, or Tribal governments or the private sector. Therefore, the BLM is not required to prepare a statement containing the

information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

Governmental Actions and Interference With Constitutionally Protected Property Rights—Takings (E.O. 12630)

The final supplementary rule does not constitute a government action capable of interfering with constitutionally protected property rights. The final supplementary rule does not address property rights in any form and will not cause the impairment of constitutionally protected property rights. Therefore, the BLM has determined that this final supplementary rule will not cause a “taking” of private property or require further discussion of takings implications under this Executive order.

Federalism (E.O. 13132)

This final supplementary rule 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. Therefore, in accordance with E.O. 13132, the BLM has determined that this final supplementary rule does not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

Civil Justice Reform (E.O. 12988)

Under E.O. 12988, the BLM has determined that this final supplementary rule will not unduly burden the judicial system and that it meets the requirements of Sections 3(a) and 3(b)(2).

Consultation and Coordination With Indian Tribal Governments (E.O. 13175 and Departmental Policy)

In accordance with E.O. 13175, the BLM has found that this final supplementary rule does not include policies that have Tribal implications and will have no bearing on trust lands or on lands for which title is held in fee status by Indian Tribes or U.S. Government-owned lands managed by the Bureau of Indian Affairs.

Paperwork Reduction Act

This final supplementary rule does not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521.

National Environmental Policy Act

This final supplementary rule implements key decisions in the following RMPs: Colorado River Valley

Field Office, Grand Junction Field Office, Kremmling Field Office, and Dominguez-Escalante NCA. The BLM’s National Environmental Policy Act (NEPA) reviews for these management plans analyzed the effects of implementing the RMP decisions through a supplementary rule. The BLM prepared a Determination of NEPA Adequacy to confirm that the prior analyses and public comment processes were sufficient to inform the decision to establish this supplementary rule. Therefore, additional NEPA analysis is not required. Copies of the Environmental Impact Statements and RODs for each RMP and the Determination of NEPA Adequacy for this final supplementary rule are on file at the BLM offices (see **ADDRESSES**) and electronic copies are available online at <https://eplanning.blm.gov/eplanning-ui/project/90071/510>.

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use (E.O. 13211)

This final supplementary rule does not comprise a significant energy action. This final supplementary rule will not have an adverse effect on energy supply, production, or consumption and has no connection with energy policy.

Information Quality Act

In developing this final supplementary rule, the BLM did not conduct or use a study, experiment, or survey requiring peer review under the Information Quality Act (Section 515 of Pub. L. 106–554).

Facilitation of Cooperative Conservation (E.O. 13352)

In accordance with E.O. 13352, the BLM has determined that the final supplementary rule will not impede facilitating cooperative conservation; will take appropriate account of and consider the interests of persons with ownership or other legally recognized interests in land or other natural resources; will properly accommodate local participation in the Federal decision-making process; and will provide that the associated programs, projects, and activities are consistent with protecting public health and safety.

V. Final Rule

Author

The principal author of this final supplementary rule is Erin Jones, Deputy District Manager BLM Upper Colorado River District Office.

For the reasons stated in the preamble, and under the authority of 43 U.S.C. 1733(a) and 1740, and 43 CFR 8365.1–6, the State Director establishes

the following supplementary rule for public lands and facilities managed by the Colorado River Valley Field Office, Grand Junction Field Office, Kremmling Field Office, and Dominguez-Escalante National Conservation Area (NCA).

Supplementary Rule for the Colorado River Valley Field Office, Grand Junction Field Office, Kremmling Field Office, and Dominguez-Escalante National Conservation Area

Definitions and Acronyms

(1) As used in this Supplementary Rule, the term:

Approved portable toilet means any non-biodegradable, durable container designated to receive and hold human waste, in any container position without leaking, and equipped with a dumping system that allows the container to be emptied into a standard receiving or dump system designed for that purpose (such as a SCAT machine or recreational vehicle dump station), in a sanitary manner, without spills, seepage, or human exposure to human waste, or any approved biodegradable landfill-approved bag system designed for landfill or garbage can disposal (such as a “WAG” bag, a human waste disposal bag).

ATV (all terrain vehicle) means a motorized off-highway vehicle 50 inches (1¼ m) or less in width, traveling on four or more low-pressure tires, having a single seat to be straddled by the operator and a handlebar for steering control.

Camp means erecting a tent or shelter of natural or synthetic material; preparing a sleeping bag or other bedding material; parking a motor vehicle, motor home, or trailer; or mooring a vessel for the apparent purpose of overnight occupancy.

Campfire means a controlled fire occurring out of doors, used for cooking, branding, personal warmth, lighting, ceremonial, or aesthetic purposes.

Designated campsite means a BLM-designated campsite, marked with a visible number or identification mounted on a post or placard.

Designated sites may be undeveloped or developed with basic amenities.

Developed recreation site. See definition at 43 CFR 8360.0–5(c).

Developed toilet facility means a vault-type, pit, or portable toilet provided by the BLM or its partners.

Dispersed campsite means an undesignated campsite not located in a campground that is traditionally used for camping.

Firearm means a weapon, by whatever name known, that is designed to expel a projectile by the action of powder; and be readily capable of use as a weapon.

Fire pan means a durable metal pan at least 12 inches in diameter with at least a 1.5-inch lip around its outer edge and sufficient to contain fire and fire remains containing fire, charcoal, and ash, while preventing ashes or burning material from spilling onto the ground, and that is elevated above the ground.

Fire ring means a ring designed to contain a fire on the ground, constructed of non-flammable, natural or manmade materials, that is not considered a designated trash receptacle.

Intent to camp means any off-loading or preparing for use of common overnight equipment, such as tents, sleeping bags or bedding, food, cooking or dining equipment, or lighting equipment, or preparing common camping equipment for use in or on any boat.

Mechanized travel means moving by means of a mechanical device, such as a bicycle or game retrieval cart, not powered by a motor.

Motorized travel means moving in vehicles propelled by motors or engines, such as cars, trucks, off-highway vehicles, motorcycles, snowmobiles, and boats.

OHV (off highway vehicle) means all-terrain vehicles (ATVs), utility terrain vehicles (UTVs), and snowmobiles.

Over-snow vehicle means a motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow.

Public lands means any lands and interests in lands owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management (BLM) without regard to how the United States acquired ownership, except for:

(a) lands located on the Outer Continental Shelf and

(b) lands held for the benefit of Indians, Aleuts, and Eskimos.

Recreational target shooting means target shooting that uses any devices to propel a projectile, including but not limited to firearms, bow and arrow, sling shots, paint ball guns, and air guns. Target shooting is not considered hunting. Hunting with a valid hunting license is allowed in areas that are closed to target shooting.

Resource damage means impacts to natural resources or public lands due to injury, destruction, or loss of natural resources, resulting in the necessary restoration or replacement of such natural resources.

Sport rock climbing means a style of climbing that relies on fixed protection against falls, usually bolts and/or top anchors.

Target means an object constructed of wood, paper, or biodegradable materials, or commercially manufactured and designed for target shooting, and that may be supported by a target frame (e.g., metal or PVC frame).

Target backstop means an unobstructed earthen mound, bank, or other feature that must stop the progress of and contain all projectiles, fragments, and ricochets in a safe manner.

UTV (utility terrain vehicle) means a motorized vehicle designed for off-highway use and capable of maneuvering over uneven terrain, designed with side-by-side seats, seatbelts, steering wheel, four or more low pressure tires, and a rollover protection system.

Vehicle means any motorized transportation conveyance designed and licensed for use on roadways, such as an automobile, bus, motorcycle, or truck, and any motorized conveyance originally equipped with safety belts.

WAG bag means any approved, commercially engineered, biodegradable, landfill-approved bag system containing enzymes, polymers, or waste-alleviating gelling compounds

that is designed for landfill or garbage can disposal (such as a “Waste Alleviation and Gelling” bag, a human waste disposal bag). The bag system must be made of puncture resistant material, must be spill proof, hygienic, and approved for disposal in any garbage can.

(2) As used in this final supplementary rule, the following additional acronyms apply:

ACEC means Area of Critical Environmental Concern.

ERMA means Extensive Recreation Management Area.

NCA means National Conservation Area.

OHV means off-highway vehicle.

RMA means Recreation Management Area.

RMZ means Recreation Management Zone.

SRMA means Special Recreation Management Area.

USFS means United States Forest Service.

WSA means Wilderness Study Area.

Prohibited Acts

Unless otherwise authorized, the following acts are prohibited on all public lands, roads, trails, and waterways administered by the Colorado River Valley Field Office, Grand Junction Field Office, Kremmling Field Office, and Dominguez-Escalante NCA.

(1) You must not abandon animal carcasses, or any part of an animal carcass, within 100 feet of the outer perimeter of any campsite (designated or dispersed) or 100 feet from the edge of any roadway or any water source.

(2) You must not operate mechanical transport (e.g., bicycles, mountain bikes) other than on designated roads and trails allowing such use or in designated-open areas and within designated-open timeframes.

(3) You must not have a campfire outside of a designated campsite in the following areas:

TABLE 1—NO CAMPFIRE OUTSIDE OF DESIGNATED CAMPSITES

[Accompanying maps in Appendix A]

Grand Junction Field Office	Dominguez-Escalante NCA
■ Pyramid Rock Area of Critical Environmental Concern (ACEC) ■ Unaweep Seep ACEC ■ Dolores River Riparian ACEC ■ Bangs SRMA Recreation Management Zone (RMZ) 1 ■ Bangs SRMA RMZ 3 ■ Bangs SRMA RMZ 2 in the portion of the RMZ north of the drainage at the bottom of Rough Canyon ■ Palisade Rim SRMA ■ Grand Valley Shooting Ranges ERMA ■ Gunnison River Bluffs ERMA ■ Horse Mountain ERMA RMZ 1 ■ Horse Mountain ERMA RMZ 2 ■ Horse Mountain ERMA RMZ 3 ■ 18 Road Open OHV Area within the North Desert ERMA	■ In the Gunnison River SRMA Corridor and other riparian and wetland areas.

TABLE 1—NO CAMPFIRE OUTSIDE OF DESIGNATED CAMPSITES—Continued

[Accompanying maps in Appendix A]

Grand Junction Field Office	Dominguez-Escalante NCA
■ Within 100 meters (or approximately 328 feet) of standing historic structures to include, but not limited to, Calamity Camp and New Verde Mine, unless administratively permitted	

(4) You must not camp outside of designated campsites and developed campgrounds in the following areas:

TABLE 2—CAMPING RESTRICTED TO DESIGNATED CAMPSITES AND DEVELOPED CAMPGROUNDS ONLY

[Accompanying maps in Appendix A]

Colorado River Valley Field Office	Grand Junction Field Office	Kremmling Field Office	Dominguez-Escalante NCA
■ Within 0.25-mile of the Fisher Creek Cemetery Road ■ Within 300 feet from the centerline of North Hardscrabble Access Road (Spring Creek) ■ Glenwood Canyon in the Horseshoe Canyon (Bend) area ■ Within 0.25-mile of Prince Creek Road (Pitkin County Road 7), including the Haines Parcel ■ Eagle River ERMA ■ Garfield Creek Colorado River Access Site and on surrounding BLM lands ■ Silt Mesa ERMA (BLM lands south of the crest of the Grand Hogback mountain) ■ Thompson Creek area within 0.25-mile of USFS Road 305 ■ Red Hill SRMA (north of Carbondale, Colorado) ■ East Glenwood Canyon Trailhead area north of the Colorado River ■ South Canyon Recreation Site and surrounding area ■ Ute Trailhead (near Dotsero) west and north of the Colorado River ■ Sutey Ranch	■ Pyramid Rock ACEC ■ Unaweep Seep ACEC ■ Dolores River Riparian ACEC ■ Bangs SRMA RMZ 1 ■ Bangs SRMA RMZ 2 in the portion of the RMZ north of the drainage at the bottom of Rough Canyon ■ Bangs SRMA RMZ 3 ■ Dolores River SRMA ■ North Fruita Desert SRMA ■ Palisade Rim SRMA ■ Grand Valley Shooting Ranges ERMA ■ Gunnison River Bluffs ERMA ■ Horse Mountain ERMA (all RMZs) ■ 18 Road Open OHV Area within the North Desert ERMA ■ Miracle Rock Recreation Site ■ Mud Springs Campground ■ Within 100 meters (or approximately 328 feet) of standing historic structures to include, but not limited to, Calamity Camp and New Verde Mine, unless administratively permitted	■ Within 0.25-mile of the Colorado River of the Upper Colorado River SRMA ■ The open OHV area south and east of Wolford Mountain ■ Wolford SRMA Recreation Management Zone 3—Lands west of Grand County Road 224, south of Wolford Mountain, west of Wolford Reservoir, and east of U.S. Hwy 40 ■ Confluence Recreation Site, and adjacent BLM-managed public lands ■ Reeder Creek Fishing Access, and adjacent BLM-managed public lands ■ Sunset Fishing Access, and adjacent BLM managed public lands ■ Windy Gap Fishing Access Parking Area ■ Fraser River Fishing Access Parking Area ■ Sidewinder Jeep Trail Parking Area ■ Kremmling Cretaceous Ammonite Site ■ Barger Gulch Paleo-Indian Site ■ Yarmony Pit House Site ■ Upper CO River SRMA Yarmony Jeep Trail Recreation Management Zone 4 ■ Independence Mountain Tipi Site ■ Junction Butte Wetlands ■ Upper CO River SRMA Gore Canyon Ranch Recreation Management Zone 5 ■ Hurd Peak and Tab Rock staging areas ■ Headwaters RMA Jacques staging area, and adjacent BLM-managed public lands ■ North Sand Hills Instant Study Area	■ Cactus Park SRMA. ■ Gunnison River SRMA. ■ Escalante Canyon SRMA, including the Escalante Potholes Recreation Site. ■ RMZ 2 Sawmill Mesa/Wagon Park ERMA.

(5) Equestrian travel is prohibited on or in the following trails and areas:

TABLE 3—AREAS CLOSED TO EQUESTRIAN TRAVEL

[Accompanying maps in Appendix A]

Colorado River Valley Field Office	Grand Junction Field Office	Kremmling Field Office
■ Storm King Trail ■ Sutey Ranch from December 1 through April 15	■ Pyramid Rock ACEC ■ Mica Mine Trail ■ Rough Canyon Trail ■ Free Lunch Trail ■ Pucker Up Trail	■ Kremmling Cretaceous Ammonite ACEC/Resource Natural Area. ■ Fraser River Canyon Access Trail. ■ Gore Canyon Trail. ■ Argentine Trail.

(6) Recreational target shooting is prohibited on the following BLM-managed lands to protect visitor safety

(discharge of firearms, other weapons, and fireworks on developed recreation

sites and areas is prohibited under 43 CFR 8365.2–5(a)):

TABLE 4—AREAS WHERE RECREATIONAL TARGET SHOOTING IS PROHIBITED

[Accompanying maps in Appendix A]

Colorado River Valley Field Office	Grand Junction Field Office	Kremmling Field Office	Dominguez-Escalante NCA
■ Within 300 feet from the center-line of North Hardscrabble Access Road (Spring Creek) ■ Silt Mesa ERMA (BLM lands south of the crest of the Grand Hogback Mountain)	■ Bangs SRMA RMZs 1, 2, and 3 ■ Coal Canyon and Main Canyon areas ■ Grand Valley OHV SRMA ■ Gunnison River Bluffs ERMA ■ Horse Mountain ERMA, including RMZ 1 west of Sink Creek, RMZ 2, and areas adjacent to residences at the end of C Road ■ Mt. Garfield ACEC ■ North Desert ERMA18 Road Open OHV area ■ North Fruita Desert SRMA ■ Palisade Rim SRMA ■ Pyramid Rock ACEC	■ Upper Colorado River SRMA ■ Barger Gulch fishing access ■ Highway 9 fishing access ■ Reeder Creek fishing area ■ Reeder Creek parking/access ■ Sunset fishing access ■ Upper Colorado River corridor and Scenic Byway ■ Hebron Watchable Wildlife Area ■ Wolford SRMA, south portion ■ Strawberry SRMA, Strawberry/Hurd Peak Area ■ North Sand Hills SRMA and Cooperative Management Area ■ Headwaters ERMA ■ Kinney Creek trailhead ■ Jacques parking area	■ Dominguez Canyon Wilderness Zone 1. ■ Gunnison River SRMA. ■ Escalante Canyon SRMA. ■ East Creek ERMA.

(7) Overnight use is prohibited in the following areas (day-use allowed only):

TABLE 5—DAY USE ONLY—OVERNIGHT USE PROHIBITED

[Accompanying maps in Appendix A]

Colorado River Valley Field Office (Use prohibited from 10:00 p.m.–6:00 a.m.)	Grand Junction Field Office (Use prohibited from Sunset–Sunrise)	Kremmling Field Office (Use prohibited from Sunset–Sunrise)	Dominguez-Escalante NCA (Use prohibited from Sunset–Sunrise)
■ BLM recreation sites where camping facilities are not provided ■ Deep Creek Canyon—within 0.25-miles of Deep Creek accessible from the Coffee Pot Road ■ Sutey Ranch	■ 34 and C Roads (areas adjacent to the Horse Mountain ERMA) ■ Grand Valley Shooting Ranges ERMA (with an exception for authorized training exercises) ■ Horse Mountain ERMA (RMZ 1 (portion of the RMZ west of Sink Creek), RMZ 2 and RMZ 3) ■ Redlands Dam area along the Gunnison River ■ The Potholes on the Little Dolores River off of 9.8 Road in the Glade Park area	■ BLM recreation sites where camping facilities are not provided	■ Rambo/Little Dominguez Canyon Heritage Area. ■ The Wilderness portion of Big Dominguez Heritage Area. ■ The Wilderness portion of Leonard's Basin Heritage Area. ■ Wilderness Zone 1. ■ Wilderness portion of the Leonards Basin Heritage Area. ■ East Creek ERMA.

(8) The following areas are closed to mechanized travel during the specified

timeframes to protect wintering big game species:

TABLE 6—AREAS CLOSED TO MECHANIZED TRAVEL DURING WINTER/SPRING

[Accompanying maps in Appendix A]

Colorado River Valley Field Office (December 1 through April 15)	Grand Junction Field Office (December 1 through May 1)	Kremmling Field Office (December 15 through April 15)	Dominguez-Escalante NCA (December 1 through April 30)
■ Basalt Mountain (south portion—1,300 acres) ■ Boiler-East Elk Creek-New Castle (4,400 acres) ■ Cottonwood Creek (13,800 acres) ■ Dry Rifle Creek (2,200 acres) ■ East Eagle except for the following bike trails: (a) Boneyard Trail; (b) Redneck Ridge Trail; and (c) Western portion of Pool and Ice Trail (6,000 acres) ■ Fisher Creek-Cattle Creek (2,800 acres) ■ Flatiron Mesa (800 acres) ■ Hardscrabble (24,600 acres) ■ Light Hill (3,800 acres) ■ Red Canyon-Hells Pocket-Bocco Mountain-East Castle Peak (14,500 acres) ■ Red Hill SRMA (north side) (2,600 acres) ■ The Crown, except for the bike trail system paralleling Prince Creek Road (9,200 acres) ■ Thompson Creek/Holgate Mesa (9,500 acres) ■ West Rifle Creek (1,100 acres) ■ Williams Hill (1,500 acres) ■ Winter Ridge, Black Mountain, Pisgah Mountain, Windy Point, Boore Flat, and Domantle (33,500 acres)	■ Little Book Cliffs Wild Horse Range ■ Beehive Wildlife Emphasis Area (WEA) ■ Blue Mesa WEA ■ East Salt Creek WEA ■ Rapid Creek WEA ■ Chalk Mountain ■ Coal Canyon ■ Demaree Canyon outside of the Wilderness Study Area (WSA) ■ Garvey Canyon ■ Grand Mesa Slopes ■ Howard Canyon Flats ■ Indian Point ■ Post Canyon ■ Lapham Canyon ■ Fruita Slopes ■ Rapid Creek	■ Strawberry SRMA Wolford Mountain Travel Management Area and SRMA ■ North Sand Hills SRMA	■ Gibbler Gulch. ■ Wagon Park. ■ Sowbelly. ■ Upper Sawmill Mesa. ■ Dry Mesa.

Restrictions on Activities on Public Lands Managed by the Colorado River Valley Field Office

(1) You must not engage in target shooting without a target backstop.

(2) You must not build or maintain a fire more than 3 feet in diameter, unless otherwise authorized.

(3) Unless the campsite is marked and designated by the BLM, you must not camp within 100 feet from any spring, pond, lake, or perennial stream.

(4) You must keep dogs and other domesticated animals on a leash or other similar constraint (*e.g.*, voice control, shock collar) where indicated by a BLM sign, brochure, or map. This regulation does not apply to livestock-working or hunting dogs engaged in those activities. You must remove and properly dispose of all pet waste from developed recreation sites and areas.

(5) You must not cut live or dead standing trees unless otherwise permitted. You may collect only dead and down wood for campfires.

(6) You must not camp or otherwise occupy any location or site for more than 7 consecutive days from April 1 to

August 31, unless otherwise authorized in writing by the BLM.

(7) You must not camp or otherwise occupy any location or site for more than 14 consecutive days between September 1 and March 31, unless otherwise authorized in writing by the BLM.

(8) In areas with limited travel designations, mechanized travel is limited to designated routes.

(9) In areas with limited travel designations, mechanized and motorized travel up to 300 feet from designated motorized or mechanized routes is permitted for direct access to dispersed campsites provided that:

(a) No resource damage occurs;

(b) No new routes beyond the campsite are created; and

(c) Such access is not otherwise prohibited (such as in WSAs).

(10) In areas open for over-snow travel, travel off designated routes is prohibited unless a minimum of 12 inches of snow cover exists and no resource damage will occur from over-snow travel.

(11) In the Thompson Creek ERMA:

(a) You may reestablish old rock-climbing routes and permanent fixed climbing anchors (bolts and pitons) only at the BLM-recognized sport rock climbing area (rock fins, narrow walls of hard sedimentary rock).

(b) You must not develop additional bolted routes outside of the BLM-recognized sport rock climbing area.

(c) You may use mechanical devices (*e.g.*, power drills) only at the BLM-recognized sport rock climbing area.

(d) You must not exceed a climbing group size (per route) of four people per day, including staff, at the BLM-recognized sport rock climbing area.

(12) In the Upper Colorado SRMA:

(a) You must not exceed a group size of 25 people per group (including guides) for commercial and private river groups.

(b) You must not camp or display an intent to camp during an overnight river trip without an approved fire pan.

(c) You must not camp, or display an intent to camp, overnight without an approved portable toilet.

(d) You must carry and use an approved portable toilet on an overnight trip. The system must be adequate for

the size of the group and length of the trip. All solid human bodily waste, including WAG bags, must be contained in a leak-proof, hard-sided container with a screw-on or ratchet-locking lid.

(e) You must not fail to set up an approved portable toilet, ready for use, as soon as practical upon arriving at the campsite to be occupied on an overnight trip if a toilet facility (porta-potty or vault toilet) is not provided by the BLM.

(f) You must not empty an approved portable toilet into a developed toilet facility, or any other facility not developed and identified especially for that purpose. Leaving solid human waste on public lands or dumping it into vault toilets is prohibited. Only WAG-bag systems (see definition) may be disposed of in trash receptacles at BLM-managed facilities.

(g) You must remove and properly dispose of all pet waste from developed recreation sites and areas.

(13) On the Sutey Ranch:

(a) You must not enter from December 1 through April 15 when closure orders are in effect to protect wintering big game, except when allowed under other applicable laws.

(b) You must not harvest timber, firewood, or special forest products.

(c) You must not travel by mechanized vehicle from October 1 through May 31.

Restrictions on Activities on Public Lands Managed by the Grand Junction Field Office

(1) You must not engage in target shooting without a target backstop.

(2) You must use an approved portable toilet at designated undeveloped sites in the following areas: North Fruita Desert SRMA, Bangs SRMA RMZ 2, and Dolores River SRMA.

(3) You must not enter the Pyramid Rock ACEC.

(4) You must not travel via any mode of transport (including foot and horse travel) off designated routes in the following areas: Bangs SRMA RMZ 1 north of Little Park Road and Andy's Loop, and Gunnison River Bluffs ERMA.

(5) You must not collect dead and down wood in the following areas, except for campfire use: Unaweep lands with wilderness characteristics area; riparian areas; Pyramid Rock ACEC; Unaweep Seep ACEC; Bangs SRMA RMZ 2.

(6) You must collect only dead and down wood for campfires in the North Desert ERMA.

(7) You must not harvest timber or cut firewood in the following areas: Bangs SRMA RMZ 1; RMZ 3; RMZ 4; North

Fruita Desert SRMA; Palisade Rim SRMA.

(8) You must not exceed the following group-size limits, including guides and dogs, without written authorization from the BLM: 12 in WSAs and areas managed to protect wilderness characteristics; and 25 for more than 2 hours in the remaining lands managed by the Grand Junction Field Office. For groups that exceed these limits, you must contact the BLM prior to the outing so that the BLM can determine whether an organized group Special Recreation Permit is required.

(9) You must have campfires within agency-provided fire rings or approved fire pans at designated undeveloped sites in the following areas: Dolores River SRMA, Bangs SRMA RMZ 2, North Fruita Desert SRMA.

(10) You must not install permanent climbing anchors that do not match the color of the rock surface (fixtures, hardware, and webbing, etc.).

Restrictions on Activities on Public Lands Managed by the Kremmling Field Office

(1) You must not engage in target shooting without a target backstop.

(2) You must not empty or dispose of sewage and/or gray water held in a containment tank on public lands or at any facility not specifically identified for such disposal.

(3) You must not build or maintain a fire more than 3 feet in diameter, unless otherwise authorized in writing by the BLM.

(4) You must not leave, deposit, or scatter human waste, toilet paper, or items used as toilet paper, when an approved portable toilet or developed toilet facility is available. Where a developed toilet facility is not provided, and an approved portable toilet is not required, all human waste and toilet paper, or material used as toilet paper, must be buried at least 6 inches below the surface of the ground in natural soil, and at least 100 feet from the edge of a river or any other water source.

(5) You must not dig in or level the ground at any campsite.

(6) In areas open to dispersed camping, you must not camp outside of designated sites within 50 feet of any spring, pond, lake, or perennial stream.

(7) You must keep dogs and other domesticated animals on a leash or other similar constraint (e.g., voice control, shock collar). This regulation does not apply to livestock-working or hunting dogs engaged in those activities. You must remove and properly dispose of all pet waste from developed recreation sites and areas.

(8) Fuel wood collection is prohibited in developed recreation areas. Fuel wood for recreational campfires outside of developed recreation areas is limited to dead and downed vegetation, unless otherwise prohibited.

(9) You must not camp or otherwise occupy any location or site for more than 7 consecutive days from April 1 to August 31, unless otherwise authorized in writing by the BLM.

(10) You must not camp or otherwise occupy any location or site for more than 14 consecutive days between September 1 and March 31, unless otherwise authorized in writing by the BLM.

(11) In areas open for over-snow travel in the field office, travel off designated routes is prohibited unless a minimum of 12 inches of snow cover exists and no resource damage will occur from over-snow travel.

(12) In areas with limited travel designations, mechanized travel is limited to designated routes.

(13) In areas with limited travel designations, motorized and mechanized travel (bicycles) are allowed up to 300 feet from designated motorized or mechanized transport routes for direct access to dispersed campsites or parking provided that:

- (a) No resource damage occurs;
- (b) No new routes are created; and
- (c) Such access is not otherwise prohibited.

(14) In the Wolford Mountain Travel Management Area, motorized and mechanized travel (bicycles) is allowed up to 50 feet from designated motorized or mechanized routes for direct access to dispersed campsites or parking provided that:

- (a) No resource damage occurs;
- (b) No new routes are created; and
- (c) Such access is not otherwise prohibited.

(15) In the North Sand Hills SRMA:

(a) You must not park a vehicle in such a manner as to impede or obstruct the normal flow of traffic or create a hazardous condition.

(b) You must obey posted parking closures or restrictions.

(c) You must not operate a motor vehicle or OHV in excess of the posted speed limit, or in excess of 15 mph around camping areas, 50 feet from any campsite, parked vehicle(s), person(s), or animal(s).

(d) You must not possess or use any glass container on the open sand dunes or trails. Persons may possess glass containers within the confines of their camping area.

(e) You must not cut, collect, or use live, dead, or down wood.

(16) In the Wolford Mountain SRMA:

(a) You must possess and use a hazardous materials spill kit, if necessary, during travel on the Sidewinder Extreme 4x4 trail.

(b) Travel is allowed on the Sidewinder Extreme 4x4 trail only when the top 1 inch of soil is dry and there is no rutting.

(17) In the Upper Colorado River SRMA:

(a) You must not camp, or display intent to camp overnight, without an approved portable toilet.

(b) You must carry and use an approved portable toilet when on an overnight trip. The system must be adequate for the size of the group and length of the trip. The toilet system must be a reusable, washable, leak-proof toilet system that allows for the carry-out and disposal of solid human body waste in a responsible and lawful manner and must be accessible during the trip.

(c) All solid human waste, including WAG bags, must be contained in a leak-proof, animal-proof, hard-sided container with a screw-on or ratchet-locking lid.

(d) You must set up an approved portable toilet, ready for use, as soon as practical upon arriving at the campsite to be occupied on an overnight trip. You must not empty an approved portable toilet into a developed toilet facility, or any other facility not developed and identified especially for that purpose. Leaving solid human waste on public lands or dumping it into vault toilets or trash receptacles at BLM-managed facilities is prohibited.

(e) You must not camp or display intent to camp during an overnight river trip without an approved fire pan.

(f) You must not build, ignite, maintain, or use a campfire not contained in an approved fire pan.

(g) You must not leave fresh fire ash produced from a campfire in a fire pan or in a constructed, permanently installed metal fire pit provided by the BLM except at the Pumphouse, Radium, and State Bridge Recreation Sites. Fire blankets under fire pans to facilitate total ash removal are recommended but are not required.

(h) You must remove and properly dispose of all pet waste from developed recreation sites and areas.

(i) You must not launch or take out a vessel in areas signed as prohibiting those activities.

(j) You must not cut, collect, or use live, dead, or down wood except driftwood.

Restrictions on Activities on Public Lands in the Dominguez-Escalante NCA

(1) You must not engage in target shooting without a target backstop.

(2) You must not install permanent climbing anchors in outstanding geologic features identified on a BLM sign or map.

(3) You must not place or maintain permanent climbing anchors inside the Dominguez Canyon Wilderness Area without a permit from the BLM.

(4) You must not install permanent climbing anchors that do not match the color of the rock surface (fixtures, hardware, and webbing, etc.).

(5) You must not collect or harvest firewood or native species in riparian and wetland areas, except for driftwood.

(6) You must not possess domestic goats.

(7) You must keep all domestic dogs on leashes, except those actively working on a livestock operation in Wilderness Zone 1 and in the Escalante Triangle RMZ in the Sawmill Mesa ERMA (after the loop trail system is constructed).

(8) You must not exceed group-size limit of 25 people in Wilderness Zone 1.

(9) You must not exceed a group-size limit of 12 people in Wilderness Zones 2 and 3.

(10) You must pack out all solid human waste in Wilderness Zone 2.

(11) You must pack out solid human waste or bury solid human waste in a cathole of at least 6 inches deep and more than 100 meters (approximately 383 feet) from natural water sources (rivers, creeks, springs, and seeps) in Wilderness Zone 3.

(12) You must not place recreational geocaches without BLM authorization prior to placement.

(13) You must not use a metal detector.

(14) You must not use a paintball gun.

(15) You must not use glass containers in the Potholes Recreation Site (Escalante Canyon) and Gunnison River SRMA.

(16) Consistent with Public Law 111-11, you must not remove minerals from the NCA.

(17) You must pack out solid human waste and fire ash. You must use portable toilet systems and fire pans for all overnight camping in undeveloped camp sites in the following RMAs: Gunnison River, Cactus Park, Escalante Canyon.

(18) You must not rock climb (*e.g.* bouldering, scrambling, trad climbing, or sport climbing) in the East Creek RMA or Escalante Canyon RMA in areas or on routes marked as closed by the BLM.

(19) You must not ride a horse, donkey, mule, or burro in Wilderness Zone 1 except on existing routes identified on a BLM sign or map.

(20) In the Gunnison River RMA:

(a) Motorized boat use is prohibited at BLM boat ramps and at campsites from May 1 through Labor Day Weekend.

(b) You must not have your dog off leash at boat ramps or the mouth of Dominguez Canyon.

(c) Exceeding a group size of 25 on the river (including guides and dogs) is prohibited.

(d) You must not camp outside of designated campsites.

(e) Non-boating overnight camping is prohibited at the mouth of Dominguez Canyon from May 1 through Labor Day Weekend.

(f) You must not camp more than 7 consecutive nights, unless otherwise authorized in writing by the BLM.

(21) In the Ninemile Hill Recreation Management Area (RMA):

(a) You must not camp outside of designated campsites. Dispersed camping is allowed outside of designated campsites, so long as such camping takes place at least a ¼ mile (approximately 1320 feet) away from designated motorized routes.

(b) You must not camp for more than 7 consecutive days, unless otherwise authorized in writing by the BLM.

(22) In the Cactus Park RMA:

(a) You must not camp outside of designated campsites.

(b) You must not camp for more than 7 consecutive days from April 1 through Labor Day Weekend unless otherwise authorized by the BLM.

(23) In the Hunting Ground RMA, you must not camp for more than 7 consecutive days, unless otherwise authorized in writing by the BLM.

Exemptions

The following persons are exempt from this supplementary rule: Federal, State, or local officers or employees acting within the scope of their official duties; members of any organized law enforcement, military, rescue or fire fighting force performing an official duty; and persons whose activities are authorized in writing by the BLM.

Enforcement

Any person who violates any part of this supplementary rule may be tried before a United States Magistrate and fined in accordance with 18 U.S.C. 3571, imprisoned no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.0-7, or both. In accordance with 43 CFR 8365.1-7, State or local officials may also impose penalties for violations of Colorado law.

(Authority: 43 U.S.C. 1733, 43 U.S.C. 1740; 43 CFR 8365.1–6).

Douglas J. Vilsack,
BLM Colorado State Director.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 8360

[BLM_CO_FRN_MO4500180623]

Notice of Final Supplementary Rule for Public Lands Administered by the Tres Rios Field Office in Archuleta, La Plata, Montezuma, Dolores, San Miguel, and Montrose Counties, and by the Gunnison Field Office in Gunnison, Ouray, San Juan, and Hinsdale Counties, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Final supplementary rule.

SUMMARY: The Bureau of Land Management (BLM) is finalizing a supplementary rule for BLM-administered public lands in the Tres Rios Field Office (TRFO) and Gunnison Field Office (GFO). The final supplementary rule will allow the BLM to implement and enforce decisions related to motorized and non-motorized vehicles, day-use areas, seasonal wildlife habitat protection, camping, and campfires.

DATES: The final supplementary rule is effective on January 18, 2025.

ADDRESSES: Inquiries may be directed to the BLM TRFO, 29211 Highway 184, Dolores, CO 81323, or at (970) 882–1120; or to the BLM GFO, 2500 E. New York Ave, Gunnison, CO 81230 or at (970) 642–4940.

FOR FURTHER INFORMATION CONTACT: Tyler Fouss, Field Staff Ranger, BLM TRFO, 29211 Highway 184, Dolores, CO 81323; telephone 970–882–1131; email: tfouss@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion of Public Comments
- III. Discussion of Final Supplementary Rule
- IV. Procedural Matters

V. Final Supplementary Rule

I. Background

The BLM is establishing this supplementary rule under the authority of 43 CFR 8365.1–6, which authorizes BLM State Directors to establish supplementary rules for the protection of persons, property, and public lands and resources.

In 2015, the TRFO approved a Resource Management Plan (RMP) to replace portions of the San Juan/San Miguel RMP that are within the jurisdiction of the TRFO (previously known as the San Juan Resource Area). The two approved RMPs and Records of Decision provide direction on how the BLM will manage public lands in Archuleta, La Plata, Montezuma, Dolores, San Miguel, Montrose, Gunnison, San Juan, Ouray, and Hinsdale counties, Colorado, except for public lands that are within the Canyon of the Ancients National Monument, which is managed under a separate RMP approved in 2010. During the public planning and analysis processes for the TRFO RMP, the BLM identified the need to establish a supplementary rule to provide for visitor health and safety and to protect cultural, wildlife, and natural resources on public lands managed by the BLM.

The TRFO RMP carries forward decisions in the Dolores River Corridor Management Plan (CMP) and the Alpine Triangle Recreation Area Management Plan (RAMP), which were approved in 1990 and 2010, respectively. The Silverton Travel Management Plan (TMP) and the TRFO Transportation and Access Plan for Travel Area 1 (TAP1) were both approved in 2020.

Over the past 10 years, the BLM has recorded increases in visitation numbers and subsequent pressures to Special Recreation Management Areas (SRMAs), critical winter wildlife habitat areas, and archaeological sites throughout the TRFO and GFO. To address the growing concerns, the BLM is establishing this supplementary rule to implement decisions in the five management plans to protect visitor health and safety and prevent natural and cultural resource degradation.

When the BLM adopted the TRFO RMP, the plan included BLM-managed lands that are now under the jurisdiction of the GFO due to changes in the TRFO and GFO boundaries. Neither the TRFO RMP nor the GFO RMP have been updated to reflect these changes; thus, the rule will also apply to BLM-managed lands now administered by the GFO in parts of Hinsdale, San Juan, and Ouray counties.

Several sections of the rule will implement decisions spanning all public lands managed by the BLM in the TRFO and GFO. Other sections will apply only to specific types of BLM-managed lands, such as SRMAs or critical winter wildlife habitat areas experiencing the most visitation. The rule will only address land use limitations and restrictions previously proposed, analyzed, and approved as part of the public planning processes for the TRFO RMP, Dolores River CMP, Alpine Triangle RAMP, Silverton TMP, and TRFO TAP1, and their associated environmental impact statements (EIS) or environmental assessments (EA). The BLM developed the five management plans with extensive input from the public, Tribes, and elected officials through scoping, opportunities for public comment, and resource advisory committee meetings. The BLM took the following steps to involve the public in developing the plans that are the basis for this final supplementary rule:

1. The TRFO RMP was initially a joint agency planning effort by the BLM and U.S. Forest Service, which included extensive public participation in determining appropriate uses in the planning area. Public comments and input received during all planning stages resulted in the BLM fine-tuning the TRFO RMP, which applies only to public lands managed by the BLM.

2. Public participation for the Dolores River CMP was a coordinated effort consisting of a task force of people representing diverse interests, including local governments, private landowners, wildlife and fishing enthusiasts, resource conservationists, and private and commercial boaters. In addition, the BLM hosted several public meetings in local communities surrounding the planning area to consider options for managing the river canyon.

3. Public participation was vital to developing the Alpine Triangle RAMP. The BLM developed and implemented a public involvement strategy to obtain input from a diverse group of stakeholders and set the stage for community support.

4. The public involvement effort for the Silverton TMP included opportunities for the public to provide feedback during scoping and review of the EA and a BLM open house public meeting at Kendall Mountain in Silverton, Colorado.

5. To develop the TRFO TAP1, the BLM met with various individuals, organizations, and interest groups representing motorized, equestrian, and mechanized users as well as conservation organizations. The BLM

also hosted open-house meetings to solicit initial public input.

II. Discussion of Public Comments

The BLM published a proposed supplementary rule on February 28, 2024 (89 FR 14606) and received 24 comments during the 60-day public comment period. Five commenters expressed support for the supplementary rule.

One commenter expressed opposition to proposed rules restricting mechanized travel and indicated that the rule is an affront to accessibility for people unable to walk or bike. Under proposed Rules 1, 4, 8, and 12, mechanized travel is allowed on designated routes. Proposed Rules 5 and 7 prohibit all mechanized travel within the Perins Peak Wildlife Management Area, designated Wilderness Study Areas, and the Coyote Wash and Snaggletooth lands with wilderness characteristics. Proposed Rule 4 prohibits mechanized vehicles within the Willow Creek Wildlife Management Area from December 1 through June 30 each year. The proposed rule's definition of mechanized travel exempts wheelchairs from mechanized-travel restrictions. Any change to the mechanized travel restrictions would require the BLM to amend the underlying RMP. The BLM did not revise the final supplementary rule in response to this comment.

One commenter indicated that proposed rule 24, which states that "You must register at a developed BLM river launch point prior to watercraft use from Bradfield Bridge to Bedrock," is unclear. In response, the BLM is clarifying the language in the final rule to read that the rule applies only to river trips. The same commenter stated that the rule cannot apply to private lands. The proposed rule already stipulates that it applies only to specified BLM public lands as does the final rule, so no change is needed.

One commenter stated that the TRFO RMP does not have a Phil's World Recreation Management Zone (RMZ), does not specify that wildlife closures are to be lifted on April 15 of each year, and does not have restrictions for domestic animals in the Cortez SRMA, Durango SRMA, or Silverton SRMA. In response to this comment, the final rule changes the reference to "Phil's World RMZ" in proposed Rule 16 to the "Phil's World Area." Lifting wildlife closures on April 15 is specific to the annual Durango area wildlife closures as set forth in the TRFO RMP. Restrictions pertaining to domestic animals are detailed in Appendix E of the TRFO RMP.

One commenter disputed the proposed requirement in Rule 15 that, particularly within the Silverton SRMA, domestic animals such as dogs must be controlled by leash or voice command to prevent negative interactions between recreationalists and sheep herds, including the dogs used to protect them. The commenter indicated that the rule should apply to the dogs used to protect the sheep as well and that sheepherders should consider using less aggressive dog breeds. Any change to the decisions that domestic animals be leashed and under voice control in the Silverton SRMA would require the BLM to amend the underlying RMP. The BLM did not revise the final rule in response to this comment.

A form email received from 14 individuals expressed general concerns with what they view as arbitrary dates for closures, group size limits, and camping limitations and indicated that they do not want to see additional restrictions in the Dolores River corridor. The commenters further indicated that, if a certain amount of acreage is restricted to overnight camping, the BLM needs to open additional acreage somewhere else to accommodate the growing number of recreation users on public lands.

Rules that have user-restriction dates are for winter wildlife closures, which are needed to reduce stress and impacts on wildlife. The restricted dates were analyzed as part of the Tres Rios RMP and correspond with the dates set by Colorado Parks and Wildlife for winter wildlife closures on State-managed public lands. Rules that have group-size limits are for river trips within the Dolores River corridor and were analyzed in the Dolores River CMP. Rules that have camping limitations are in place in the Cortez SRMA, the Durango SRMA, and within the Alpine Triangle. In the Cortez SRMA, the Phil's World and Mud Springs areas are designated as day-use areas. Camping is available elsewhere within the Cortez SRMA. The Durango SRMA is in the urban interface with the City of Durango, and dispersed camping is available on BLM-managed public lands within a short distance from the Durango SRMA. In the Alpine Triangle, camping is only restricted around historic sites, and dispersed camping is allowed throughout the rest of the area and in developed campgrounds. Rules stipulating wildlife closure dates, group size limits, and camping restrictions were established in the five management plans and cannot be changed without plan amendments.

One commenter indicated that proposed rule number 27, which states

that "You must not gather dead or down wood," should be clearer. In response to this comment, the BLM has revised the final rule to clarify that only the collection and burning of driftwood during river trips is prohibited, as specified in the Dolores River CMP.

III. Discussion of the Final Supplementary Rule

The final supplementary rule will apply only to public lands and facilities managed by the TRFO and the GFO.

The decisions from the five management plans that this final supplementary rule will implement are focused on protecting public health and safety and preventing damage to natural and cultural resources. The five management plans include decisions concerning restrictions, prohibitions, and allowable uses to address identified issues or achieve management goals and objectives. For these decisions to be effectively implemented, enforcement is needed, first to ensure the management decisions are properly understood and followed, and second to provide for civil and criminal penalties should these restrictions and prohibitions not be followed. Most public land users will not notice meaningful changes as many of the sections of the supplementary rule have been long-held recommendations that will now become regulations.

IV. Procedural Matters

Regulatory Planning and Review
(Executive Orders (E.O.) 12866 and 13563)

The final supplementary rule is not a significant regulatory action and is not subject to review by the Office of Management and Budget under E.O. 12866 as amended by E.O. 14094. The final supplementary rule will not have an annual effect of \$200 million or more on the economy. It will not adversely affect, in a material way, the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or Tribal governments or communities. The final supplementary rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The final supplementary rule will not materially alter the budgetary effects of entitlements, grants, user fees, loan programs, or the rights or obligations of their recipients; nor does it raise novel legal or policy issues. The final rule merely establishes rules of conduct for public use on a limited area of public lands.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act (RFA) of 1980, as amended (5 U.S.C. 601–612), to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. The BLM considered economic impacts at the time the land use plans were developed and these impacts were deemed to be minimal. The BLM expects impacts from this final rule to affect a small number of outfitters and have only a minor socioeconomic impact relative to the area's overall economy.

The requirements contained within this final supplementary rule are based on decisions the BLM made when it developed five land-use management plans between 1990 and 2015. This final rule codifies those decisions so that the BLM can ensure the public properly understands and follows them. This final rule also provides for civil and criminal penalties should the public not follow these restrictions and prohibitions. Most public land users, including small businesses that operate on BLM-managed public lands, will not notice any meaningful changes as many of the sections of the supplementary rule have been long-held recommendations that the public has largely been following. These recommendations will now become regulations. Therefore, the BLM has determined under the RFA the final supplementary rule will not have a significant economic impact on a substantial number of small entities.

Congressional Review Act

This final supplementary rule is not “major” as defined under 5 U.S.C. 804(2). This rule:

- (a) Will not have an annual effect on the economy of \$200 million or more.
- (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- (c) Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

This final supplementary rule will not impose an unfunded mandate on State, local, or Tribal governments in the aggregate, or the private sector, of more

than \$100 million per year, nor will it have a significant or unique effect on small governments. Therefore, the BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

Governmental Actions, and Interference With Constitutionally Protected Property Rights (Takings) (E.O. 12630)

The final supplementary rule is not a government action capable of interfering with constitutionally protected property rights. The final supplementary rule does not address property rights in any form and will not cause the impairment of constitutionally protected property rights. Therefore, the BLM has determined the final supplementary rule will not cause a “taking” of private property or require further discussion of takings implications under this Executive order.

Federalism (E.O. 13132)

The final supplementary rule will not have a substantial direct effect 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. The final supplementary rule does not conflict with any State law or regulation. Therefore, in accordance with E.O. 13132, the BLM has determined the supplementary rule does not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

Civil Justice Reform (E.O. 12988)

Under E.O. 12988, the BLM has determined the final supplementary rule will not unduly burden the judicial system and the requirements of sections 3(a) and 3(b)(2) of the Order are met.

Consultation and Coordination With Indian Tribal Governments (E.O. 13175 and Departmental Policy)

In accordance with E.O. 13175, the BLM has determined the final supplementary rule does not include policies that have Tribal implications and will have no bearing on trust lands or on lands for which title is held in fee status by American Indian Tribes or U.S. Government-owned lands managed by the Bureau of Indian Affairs. Since the supplementary rule does not involve Indian reservation lands or resources, the BLM has determined government-to-government relationships remain unaffected.

Paperwork Reduction Act

The final supplementary rule does not contain information collection requirements the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 through 3521.

National Environmental Policy Act (NEPA)

The final supplementary rule will allow the BLM to implement and enforce key decisions in the TRFO RMP, the Dolores River CMP, the Alpine Triangle RAMP, the Silverton TMP, and the TRFO TAP1 within TRFO and GFO. The supplementary rule will not change the NEPA analysis or decisions set forth in each of the plans. During the NEPA review for each of these planning efforts, the BLM fully analyzed the effects of this final supplementary rule in their respective NEPA documents:

- TRFO RMP EIS (DOI–BLM–CO–S010–2011–0067–EIS)
- Dolores River CMP EA (DOI–BLM–CO–030–SJ–90–46)
- Alpine Triangle RAMP EA (DOI–BLM–CO–160–2008–023–EA)
- Silverton TMP EA (DOI–BLM–CO–F070–2019–0008–EA)
- TRFO TAP1 EA (DOI–BLM–CO–S010–2018–0013)

The BLM prepared a Determination of NEPA Adequacy to confirm that the prior analyses and public comment processes were sufficient to inform the decision to establish this supplementary rule. Therefore, additional NEPA analysis is not required. Copies of the NEPA analysis and relevant decision document for each of the aforementioned plans, and the Determination of NEPA Adequacy for this supplementary rulemaking, are on file at the BLM offices at the addresses specified in the **ADDRESSES** section and electronic copies are available online at <https://eplanning.blm.gov/eplanning-ui/project/96401/510>.

Information Quality Act

In developing the final supplementary rule, the BLM did not conduct or use a study, experiment or survey requiring peer review under the Information Quality Act (section 515 of Pub. L. 106–554).

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (E.O. 13211)

The final supplementary rule does not comprise a significant energy action. The final supplementary rule will not have an adverse effect on energy supply, production, or consumption and have no connection with energy policy.

Facilitation of Cooperative Conservation (E.O. 13352)

In accordance with E.O. 13352, the BLM has determined the final supplementary rule will not impede facilitating cooperative conservation; will take appropriate account of and consider the interests of persons with ownership or other legally recognized interests in land or other natural resources; will properly accommodate local participation in the Federal decision-making process; and will provide that the programs, projects, and activities are consistent with protecting public health and safety.

Author

The principal author of the final supplementary rule is Tyler Fouss, Field Staff Ranger, Bureau of Land Management, Tres Rios Field Office, Colorado.

V. Final Supplementary Rule

For the reasons stated in the preamble, and under the authorities for supplementary rules at 43 U.S.C. 1733, 43 U.S.C. 1740, and 43 CFR 8365.1–6, the BLM Colorado State Director establishes this Supplementary Rule for public lands managed by the BLM in the Tres Rios Field Office and the Gunnison Field Office, to read as follows:

FINAL SUPPLEMENTARY RULE FOR THE TRES RIOS FIELD OFFICE AND GUNNISON FIELD OFFICE

Definitions

Area of Critical Environmental Concern (ACEC) has the same meaning as it does at 43 CFR 1601.0–5(a).

Campfire has the same meaning as it does at 43 CFR 8360.0–5(b).

Camping means the erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel, for the apparent purpose of recreational overnight occupancy.

Designated travel route means roads and trails open to specified modes of travel and identified on a map of designated roads and trails available for public inspection at the BLM Tres Rios Field Office, Colorado. Designated roads and trails are open to public OHV use in accordance with such limits and restrictions as are, or may be, specified in the RMP or a Travel Management Plan (TMP), or in future decisions implementing the RMP. This definition excludes any road or trail with BLM-authorized restrictions preventing use of the road or trail. Restrictions may include, but are not limited to, signs or

physical barriers such as gates, fences, posts, branches, or rocks.

Fire pan means a metal container capable of containing a campfire for purposes of containing all ash and protecting the underlying soils from scorching.

Herd Management Area means those lands under the supervision of the Bureau of Land Management managed for the maintenance of wild horse and burro herds.

Historic structure means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places. The term includes properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization and that meet the National Register criteria. The term “eligible for inclusion in the National Register of Historic Places” includes both properties formally determined as such by the Secretary of the Interior and all other properties that meet National Register of Historic Places listing criteria.

Lands managed to protect wilderness characteristics means those lands that have been:

- (1) Inventoried and determined by the BLM to contain wilderness characteristics as defined in section 2(c) of the Wilderness Act; and
- (2) Identified to protect those characteristics through a land use planning process and subsequent Record of Decision.

Mechanized vehicle means any device propelled solely by human power, upon which a person, or persons, may ride on land, having any wheels, with the exception of a wheelchair.

Motorized vehicle means any vehicle propelled by a motor or engine, capable of, or designed for, travel on or immediately over land, water, or other natural terrain, such as a car, truck, off-highway vehicle, motorcycle, or snowmobile. Off-highway vehicle has the same meaning as it does in 43 CFR 8340.0–5(a).

Portable toilet means a washable, leak-proof, reusable toilet system that allows for the carry-out and disposal of solid human body waste in a responsible and lawful manner; the system must be adequate for the size of the group and length of the trip. If a Wag Bag system is used it must be in a hard-sided, clamped or screw top container—not a dry bag.

Public lands has the same meaning as it does at 43 U.S.C. 1702(e).

Resource damage means damage to or disturbance of the soil, wildlife, wildlife

habitat, improvements, cultural, or vegetative resources.

Special Recreation Management Area (SRMA) means an administrative unit where the existing or proposed recreation opportunities and recreation setting characteristics are recognized for their unique value, importance and/or distinctiveness, especially as compared to other areas used for recreation.

Wilderness Study Area (WSA) means an area that has been identified as a Wilderness Study Area in either the Gunnison or TRFO RMPs.

Prohibited Acts

Unless otherwise authorized, the following acts are prohibited on all public lands, roads, trails, and waterways administered by the BLM within the areas defined:

Within the Cortez Special Recreation Management Area (SRMA), the Dolores River SRMA, the Durango SRMA, the Ancestral Puebloan Area of Critical Environmental Concern (ACEC), the Gypsum Valley ACEC, the Mesa Verde Escarpment ACEC, the Perins Peak and Willow Creek Wildlife Management Areas, the Spring Creek Wild Horse Herd Management Area, as identified in the TRFO RMP:

1. You must not operate or possess a mechanized vehicle on any route, trail, or area not designated as open to such use, unless you are using a mechanized game cart to retrieve a large game animal with a valid carcass tag. Game carts are not allowed within the Perins Peak Wildlife Management Area.
2. You must not use vehicles designed for traveling over snow unless there is adequate snow cover to protect the underlying vegetation and soils from the impact of that use. This use is prohibited in designated Wilderness, Wilderness Study Areas (WSAs), or lands with wilderness characteristics that are managed to protect wilderness characteristics, in areas designated by Colorado Parks and Wildlife as critical big game winter relief and winter concentration areas, or areas designated by Colorado Parks and Wildlife as occupied Gunnison sage-grouse habitat.
3. You must not operate or possess a motorized vehicle beginning 2.4 miles north of the San Miguel/Dolores County line on the section of Road 14F vacated by San Miguel County (road vacated 2.4 miles north of the San Miguel/Dolores County line for a distance of 2.4 miles) from February 1 through May 1 each year to protect Desert Bighorn Sheep lambing, within the Dolores River SRMA.
4. You must not operate a mechanized vehicle within the Willow Creek Wildlife Management Area from

December 1 through June 30 each year for the protection of Gunnison Sage-grouse habitat.

5. You must not operate a mechanized vehicle within the Perins Peak Wildlife Management Area.

6. You must not hike, ride, or be in possession of horses or other pack animals on any route, trail, or area not designated as open to such use within the Ancestral Puebloan ACEC and Mesa Verde Escarpment ACEC. Hiking and horseback riding is allowed both on and off designated travel routes throughout the remainder of the area managed by the Tres Rios Field Office.

Within Designated WSAs and the Coyote Wash and Snaggletooth Lands With Wilderness Characteristics, as Identified in the TRFO RMP

7. You must not operate or possess a mechanized vehicle.

Within Archuleta County, La Plata County, and Montezuma County, as Identified in the TRFO TAP-1

8. You must not operate or possess a mechanized vehicle on any route, trail, or area not designated as open to such use, unless you are using a mechanized game cart to retrieve a large game animal with a valid carcass tag. Game carts are not allowed within the Perins Peak Wildlife Management Area.

9. You must not park or use a motorized or mechanized vehicle more than 100 feet from the edge of a designated travel route (e.g., for such uses as camping, picnicking, or firewood cutting) as identified in the Travel Management Plan and travel management maps and firewood cutting map.

10. You must not park a motorized vehicle more than 20 feet from the edge of a designated travel route or in a manner that causes resource damage in the Chutes and Ladders portion of the Cortez SRMA or the Mahan area within La Plata County.

11. You must not use vehicles designed for traveling over snow unless there is adequate snow cover to protect the underlying vegetation and soils from the impact of that use. This use is prohibited in designated Wilderness, WSAs, or other lands managed to protect wilderness characteristics, in areas designated by Colorado Parks and Wildlife as critical big game winter relief and winter concentration areas, or in areas designated by Colorado Parks and Wildlife as occupied Gunnison sage-grouse habitat.

Within the Silverton SRMA as Identified in the TRFO RMP and the Silverton TMP Administered by the GFO

12. You must not operate or possess a mechanized vehicle on any route, trail, or area not designated as open to such use unless you are using a mechanized game cart to retrieve a large game animal with a valid carcass tag outside of designated WSAs, or congressionally designated Wilderness Areas.

13. You must not park a motorized vehicle more than 30 feet from the edge of a designated travel route or in a manner that causes resource damage.

14. You must not use vehicles designed for traveling over snow unless there is adequate snow cover to protect the underlying vegetation and soils from the impact of that use. This use is prohibited in designated WSAs, congressionally designated Wilderness areas, and other lands managed to protect wilderness characteristics. This use is also prohibited in areas designated by Colorado Parks and Wildlife as critical big game winter relief and winter concentration areas or areas designated by Colorado Parks and Wildlife as occupied Gunnison sage-grouse habitat.

Within the Cortez SRMA, Durango SRMA and Silverton SRMA, as Identified in the TRFO RMP

15. Domestic animals must be on a leash or under voice command.

Within the Cortez SRMA and the Durango SRMA as Identified in the TRFO RMP

16. You must not enter or use the area within the Phil's World Area and Mud Springs RMZ portion of the Cortez SRMA ½ hour after sunset to ½ hour before sunrise unless:

- a. You are using the non-motorized trails within the Phil's World Area; or
- b. You are a licensed hunter and acting in accordance with all rules and regulations as defined by Colorado Parks and Wildlife.

17. You must not enter or use the area ½ hour after sunset to ½ hour before sunrise within the Animas City Mountain, Skyline, and Grandview Recreation Management Zones of the Durango SRMA, except if you are a licensed hunter and acting in accordance with all rules and regulations as defined by Colorado Parks and Wildlife.

18. You must not build, ignite, maintain, or attend to a fire or campfire within the Animas City Mountain, Skyline, and Grandview Recreation

Management Zones of the Durango SRMA.

Within the Alpine Triangle as Identified in the TRFO RMP and the Alpine Triangle RAMP for the GFO

19. You must not camp within 300 feet of the Animas Forks district boundary and the Gold Prince Mill National Register Districts.

20. You must not camp within 150 feet of a historic structure.

21. You must not ignite or maintain a campfire within 150 feet of a historic structure.

22. You must not ignite or maintain a campfire above 12,000 feet within the Redcloud Peak ACEC.

Within the Dolores River SRMA as Identified in the TRFO RMP and the Dolores River CMP

23. You must not use motorized watercraft from Bradfield Bridge to Bedrock.

24. During river trips, you must register at a developed BLM river launch point or with the Tres Rios Field Office prior to watercraft use from Bradfield Bridge to Bedrock.

25. During river trips, you must not exceed posted group-size limits.

26. During overnight river trips, you must dispose of human waste into a portable toilet.

27. You must not gather or burn driftwood.

28. You must not have a campfire or charcoal fire without the use of a fire pan.

29. You must pack out all ashes associated with a campfire or charcoal fire.

Within the Cortez SRMA, Durango SRMA and Perins Peak Wildlife Management Area as Identified in the TRFO RMP

30. You must not enter the Chutes-n-Ladders, Summit, and Aqueduct areas of the Montezuma Triangle Recreation Management Zone within the Cortez SRMA from December 1 through April 30 each year for the protection of critical winter wildlife habitat. Travel on county roads through the areas is allowed.

31. You must not enter identified closure areas in the Animas City Mountain and Grandview Ridge Recreation Management Zones of the Durango SRMA from December 1 through April 30 each year for the protection of critical winter wildlife habitat. This closure may be opened April 15 if conditions and wildlife needs warrant.

32. You must not enter identified closure areas in the Perins Peak Wildlife

Management Area from December 1 through April 30 each year for the protection of critical winter wildlife habitat. This closure may be opened April 15 if conditions and wildlife needs warrant.

33. You must not enter identified closure areas in the Perins Peak Wildlife Management Area from March 15 through July 31 each year for the protection of critical raptor habitat.

Exemptions

The following persons are exempt from this supplementary rule: any Federal, State, or local officers or employees acting within the scope of their official duties; members of any organized law enforcement, military, rescue, or fire-fighting force performing an official duty; and any persons who are expressly authorized or approved by the BLM Authorized Officer.

Enforcement

Any person who violates any part of this supplementary rule may be tried before a United States Magistrate and fined in accordance with 18 U.S.C. 3571, imprisoned no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.0–7, or both. In accordance with 43 CFR 8365.1–7, State or local officials may also impose penalties for violations of Colorado or local law.

(Authority: 43 U.S.C. 1733, 43 U.S.C. 1740; 43 CFR 8365.1–6)

Douglas J. Vilsack,
BLM Colorado State Director.

[FR Doc. 2024–30059 Filed 12–18–24; 8:45 am]

BILLING CODE 4331–16–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 215

[Docket No. FRA–2023–0021, Notice No. 2]

RIN 2130–AC94

Freight Car Safety Standards Implementing the Infrastructure Investment and Jobs Act

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FRA is amending the Freight Car Safety Standards (FCSS) to implement section 22425 of the Infrastructure Investment and Jobs Act (Act). The Act places certain restrictions on newly built freight cars placed into service in the United States (U.S.)

including limiting content that originates from a country of concern (COC) or is sourced from a state-owned enterprise (SOE) and prohibiting sensitive technology that originates from a COC or is sourced from a SOE. The Act mandates that FRA issue a regulation to monitor and enforce industry's compliance with the Act's standards.

DATES: The Final Rule is effective January 21, 2025.

ADDRESSES: *Docket:* For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Check Kam, Mechanical Engineer, Office of Railroad Safety at (202) 366–2139, email: check.kam@dot.gov; or Michael Masci, Senior Attorney Adviser, Office of the Chief Counsel, telephone: (202) 302–7117, email: michael.masci@dot.gov.

SUPPLEMENTARY INFORMATION:

Abbreviations and Terms Used in This Document

CBP—Customs and Border Protection
CE—Categorical Exclusion
CFR—Code of Federal Regulations
COC—Country of Concern
DOT—Department of Transportation
EA—Environmental Assessment
EIS—Environmental Impact Statement
FCSS—Freight Car Safety Standards
FR—Federal Register
FRA—Federal Railroad Administration
FTA—Federal Transit Administration
GS—General Schedule
IIJA—Infrastructure Investment and Jobs Act
IP—Intellectual Property
NAFTA—North American Free Trade Agreement
NEPA—National Environmental Policy Act
NPRM—Notice of Proposed Rulemaking
OMB—Office of Management and Budget
PRA—The Paperwork Reduction Act
RSA—Rail Security Alliance
RSEP—Railroad Safety Enforcement Procedures
RSIA—Rail Safety Improvement Act of 1988
SOE—State-Owned Enterprise
Umler—Universal Machine Language Equipment Register
U.S.—United States
U.S. DOC—United States Department of Commerce
U.S.C.—United States Code
USITC—U.S. International Trade Commission
USMCA—United States-Mexico-Canada Agreement
USTR—U.S. Trade Representative

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I. Executive Summary

Purpose of the Regulatory Action

FRA is issuing this rulemaking as required by the Act, as codified at 49 U.S.C. 20171.¹ The Act provides that a railroad freight car, wholly manufactured on or after the date that is 1 year after the date of issuance of regulations, may only operate on the U.S. general railroad system if: (1) the

¹ The Infrastructure Investment and Jobs Act (IIJA), Sec. 22425, Pub. L. 117–58, 135 Stat. 752 (Nov. 15, 2021) (codified at 49 U.S.C. 20171) and generally referred to in this rule as the Act, or section 20171).

railroad freight car is manufactured, assembled, and substantially transformed, as applicable, by a qualified manufacturer in a qualified facility; (2) none of the sensitive technology located on the railroad freight car, including components necessary to the functionality of the sensitive technology, originates from a COC or is sourced from a SOE; and (3) none of the content of the railroad freight car, excluding sensitive technology, originates from a country of concern (COC) or is sourced from a state-owned enterprise (SOE) that has been determined by a recognized court or administrative agency of competent jurisdiction and legal authority to have violated or infringed valid U.S. intellectual property rights of another including such a finding by a Federal district court under title 35 or the U.S. International Trade Commission under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).²

The Act further provides percentage limitations on freight car contents so that not later than one year after the date of issuance of regulations, a newly manufactured railroad freight car, even if complying with the requirements in the preceding paragraph, may not operate on the U.S. general railroad system if more than 20 percent of the content of the railroad freight car, calculated by the net cost of all components of the car and excluding the cost of sensitive technology, originates from a COC or is sourced from a SOE. After three years from the date of issuance of regulations, the percentage may not be more than 15 percent.³ See the notice of proposed rulemaking⁴ (NPRM) for detailed discussion on the background of the Act and other relevant laws.

Summary of the Regulatory Action

The Act requires regulations to be issued to implement its mandate and for freight car manufacturers to certify that freight cars covered by the Act are in compliance.⁵ FRA issued an NPRM on December 8, 2023,⁶ proposing to codify a process for FRA to monitor and enforce compliance with the Act. This final rule adopts that proposal with minor clarifications. To carry out the Act's certification requirement, this rule requires railroad freight car manufacturers to electronically certify to FRA that each freight car complies with the Act before that car is operated on the U.S. general railroad system of transportation. The certification is required to identify each car being offered for operation and include the manufacturer's name and the name of the individual responsible for certifying compliance with the Act. In addition, this final rule requires manufacturers offering freight cars for service in the U.S. to maintain all records showing information to support certification, including content calculations, and such records are required to be made available to FRA upon request.

Fifteen comments to the NPRM were submitted to the docket for this rulemaking proceeding.⁷ FRA reviewed all the comments, and in response, has incorporated portions of FRA's existing enforcement process into this final rule to clarify the process FRA will use to enforce the civil penalty fines provided in the Act. No other changes to the proposed rule text are provided in this final rule, but discussions are provided to help clarify: (1) the application of the Act's content limitation and sensitive technology prohibition requirements to freight car manufacturers; and (2) the implementation and enforcement of the

Act's freight car compliance certification requirement and penalties.

Costs and Benefits of the Regulatory Action

This rule fulfills FRA's obligation to issue a rulemaking that implements the Act. In section "V. A. Executive Order 12866 as Amended by Executive Order 14094" of this rule, FRA describes the benefits and costs that are expected to come from issuing this regulation.

In the economic analysis section, FRA qualitatively explains the benefits expected to result from implementing the rule. Issuing the rule will protect the U.S. rail system from risks that come from manufacturing freight cars with sensitive technology and technological components, necessary to the functionality of the sensitive technology, from a COC or SOE such as potential vulnerabilities in information security. As such, this rule mitigates potential issues related to compromised national security and corporate espionage. Issuing the rule also fulfills FRA's duties required by the Act.

Over a 10-year period of analysis, FRA quantifies the following costs to the freight car manufacturing industry and FRA that come from issuing this rule: (1) limiting content sourced from COCs or SOEs; (2) prohibiting the use of sensitive technology from these sources; (3) industry compliance costs; and (4) government administrative monitoring and enforcement costs. As shown in Table 1, the cost from issuing the rule is approximately \$143,600 (undiscounted), \$130,300 (PV, 2%), \$124,100 (PV, 3%), and \$102,800 (PV, 7%). The annualized net costs are approximately \$14,500 (PV, 2%) and \$14,600 (PV, 3%).⁸

TABLE 1—INDUSTRY AND FRA BURDEN FROM ISSUING THE RULE, TOTAL COST, 2022 DOLLARS, ROUNDED (\$100)

Entity	Cost			Annualized	
	Undiscounted	PV 2%	PV 3%	PV 2%	PV 3%
Industry	40,100	35,900	34,000	4,000	4,000
FRA	103,500	94,900	90,100	10,500	10,600
Total cost	143,600	130,300	124,100	14,500	14,600

II. Discussion of Comments on the NPRM

FRA reviewed all fifteen comments received in response to the NPRM. Comments generally raised issues related to the proposed: (1) application

of the Act's content limitation and sensitive technology prohibition requirements to freight car manufacturers; (2) implementation of the Act's freight car compliance certification; and (3) process for

enforcing the Act's requirements and penalties. In response to the comments, this final rule incorporates portions of FRA's existing enforcement process into

² 49 U.S.C. 20171(b)(1).

³ *Id.* at (b)(2).

⁴ 88 FR 85561 (Dec. 8, 2023).

⁵ The Act requires certification to the "Secretary of Transportation." Pursuant to 49 CFR 1.89(a), the Secretary has delegated that authority to FRA.

⁶ 88 FR 85561.

⁷ Docket No. FRA–2023–0021.

⁸ All cost estimates are in 2022 dollars.

the FCSS⁹ to help clarify the process FRA will use to enforce the civil penalties provided in the Act. Discussions are also provided in this section of this rulemaking to help clarify the other issues raised in the comments. In addition, other comments broadly expressed support¹⁰ for the proposal or concern¹¹ about railroad safety, and although FRA considered these comments, FRA is not discussing those comments in this final rule because generally, they do not provide a basis for FRA to respond or are outside the scope of this rulemaking. Notably, FRA did not receive any comments in opposition to the proposals in the NPRM. For a complete list of comments please see the docket for this rulemaking.¹²

A. Comments About FRA's Proposed Application of the Act's Content Limitation and Sensitive Technology Requirements to Railroad Freight Car Manufacturers

The preamble to the NPRM provides FRA's understanding of how the Act applies to railroad freight car manufacturers.¹³ It generally explains that the Act: (1) applies to manufacturers and not railroads and does not cover after-manufacture changes to railroad freight cars, including sensitive technology; (2) does not apply to railroad freight cars already placed in service in the U.S.; and (3) provides definitions for the terms "sensitive technology", COCs, and SOEs that are suitable for implementation of the Act.

1. The Act Does Not Regulate After-Manufacture Changes to Railroad Freight Cars, Including Content Limitations and Sensitive Technology

As discussed in the NPRM, FRA concluded that the Act regulates railroad freight cars by imposing requirements at the time of initial manufacture but does not require FRA to ensure that the requirements are met throughout the useful life of the equipment or at each re-entry into service following any changes to the railroad freight car including, repair, alteration, modification, rebuild, refurbishment, restoration, or reconstruction.¹⁴ Several manufacturers, trade associations, Brotherhood of

Locomotive Engineers and Trainmen (BLET), and Rail Security Alliance (RSA)¹⁵ commented that the Act's sensitive technology prohibition should be extended beyond the time of initial manufacture to further protect against the potential influence from COCs and SOEs. The commenters agree with FRA's conclusion that the Act imposes requirements only at a car's time of initial manufacture, but they contend that extending the prohibition would be within the spirit of the Act. These comments generally expressed concern that aftermarket parts containing sensitive technology originating from SOEs and COCs could be controlled remotely and could be used to disrupt railroad operation. Trinity Industries and the Association of American Railroads commented agreeing with the proposed rule's conclusion that the Act's sensitive technology prohibition applies only at the time of initial manufacture and do not request any extension to aftermarket parts. As discussed in the NPRM, the Act expressly places requirements on the sensitive technologies installed on railroad freight car manufacturers at the time of the cars' initial manufacture and does not place on-going restrictions on the use of such technology (e.g., aftermarket parts) on freight cars.¹⁶ Without express Congressional intent to impose such ongoing restrictions, FRA is not extending the sensitive technology prohibitions to apply to freight cars after their time of initial manufacture.

2. The Act Does Not Apply to Railroad Freight Cars Already Placed in Service in the U.S.

One member of the public¹⁷ commented that the Act's requirements should not apply to existing freight cars. As discussed in the NPRM, railroad freight cars that are currently in-use are not subject to the Act, including when parts are replaced during maintenance or repair; because the Act only imposes requirements on newly-manufactured freight cars.¹⁸ With respect to applicability, the plain language states that only railroad freight cars that are wholly manufactured on or after a date that is one year after the issuance date

are subject to Act's requirements.¹⁹ The Act requires FRA to issue regulations to implement the requirements set forth in the Act. For purpose of this analysis, FRA proposed to define the date on which FRA promulgates regulations as the "issuance date." Thus, if FRA promulgates regulations on June 1, 2025, only railroad freight cars that are wholly manufactured on or after June 1, 2026, are subject to the Act's requirements. Using this hypothetical issuance date of June 1, 2025, as an example, railroad freight cars manufactured prior to June 1, 2026, and new railroad freight cars that were partially manufactured prior to June 1, 2026, are not subject to the Act.

3. Definitions Provided by the Act for the Terms "Sensitive Technology", "Component", "Country of Concern", and "State-Owned Enterprise" Are Suitable for Implementing the Act

Several manufacturers, trade associations, BLET, and RSA²⁰ commented that FRA should revise the proposed definition for "sensitive technology" to expressly include only devices and components that are physically located on the freight car. As such, devices in such locations would be prohibited, if originating from a COC or sourced from a SOE.²¹ FRA disagrees that the revision is needed and in this final rule adopts the proposed rule's definition, incorporating the Act's definition for the term "sensitive technology." The NPRM adopted the definition of the term "sensitive technology" directly from the Act. The Act defines sensitive technology as "any device embedded with electronics, software, sensors, or other connectivity, that enables the device to connect to, collect data from, or exchange data with another device." FRA finds this definition suitable for implementing the Act's requirement. When read alone, FRA agrees with the commenters that the definition does not clearly restrict sensitive technology to devices located on freight cars. However, the Act's prohibition of certain sensitive technology expressly identifies "sensitive technology located on the railroad freight car" and proposed § 215.401(a)(2), adopted in this final rule, makes clear that the prohibition applies to sensitive technology "on the

⁹ Adding §§ 215.409 through 215.421 to the rule text in this final rule.

¹⁰ Alliance for American Manufacturing's comment and letter from U.S. Senators Tammy Baldwin, John Cornyn, and Paul Casey Jr.

¹¹ FRA-2023-0021-0002.

¹² Docket No. FRA-2023-0021, Notice No. 1.

¹³ 88 FR at 85568.

¹⁴ *Id.*

¹⁵ Alliance for American Manufacturing; American Foundry Society, American Iron and Steel Institute, and Steel Manufacturers Association; Amsted Railway Company; BLET; Canadian Association of Railway Suppliers; FRA-2023-0021-0002; RSA; United Steelworkers; and Wabtec Corporation.

¹⁶ 88 FR at 85564.

¹⁷ FRA-2023-0021-002.

¹⁸ 88 FR at 85565.

¹⁹ 49 U.S.C. 20171(b)(1).

²⁰ Canadian Association of Railway Suppliers, American Foundry Society, American Iron and Steel Institute, and Steel Manufacturers Association, Trinity Industries, RSA, Greenbrier Companies, BLET, Railway Supply Institute (RSI), and Wabtec Corporation.

²¹ The prohibition in 49 CFR 215.405(a)(2) would apply.

railroad freight car.” As such, FRA finds that its conclusion (discussed in the NPRM²²) that the Act’s definition of “sensitive technology” is limited to devices located on freight cars is correct and as such, FRA does not find it necessary to revise the definition of “sensitive technology.”

Several manufacturers, trade associations, BLET, and RSA²³ commented that FRA should revise the final rule to further clarify the term “sensitive technology” by expressly including microprocessors, short range wireless processors, and long-range wireless processors to ensure these devices (or components) would be prohibited, if originating from a COC or sourced from a SOE. The NPRM adopted the definition of the term “sensitive technology” directly from the Act and, in the preamble to the NPRM, FRA explained that as proposed, the sensitive technology prohibition would also apply to the components necessary to the functionality of the sensitive technology (*i.e.*, the *active* components that work with the sensitive technology).²⁴ Further, in the NPRM, FRA specifically listed “*any type of processor, transmitter, receiver, or data storage device*” as active components of sensitive technology.²⁵ As such, FRA finds that it is clear that various processors identified by the commenters are covered by the prohibition as proposed. The comments did not explain why such processors would not be covered by the proposed definition. Thus, FRA concludes it is not necessary to explicitly call out these types of active components in the definition of the term “sensitive technology,” and adopts the proposed definition.

Amsted Rail’s comment suggests that FRA “adopt a *de minimis* limitation of 3%–5% of total material cost only on the finished railcar as a clear definition of small parts” to interpret the term “component,” as used in the Act. FRA declines to adopt a *de minimis* limitation, as it could be inconsistent with the definition provided by the Act. According to the Act, the term “component” means a part or subassembly of a railroad freight car.²⁶ The *de minimis* limitation suggested by Amsted Rail does not exclude parts or subassemblies from being included in the calculation. As such, part or

subassembly of a finished car could be calculated in the 3%–5% of total material cost. In such a scenario, excluding the part or subassembly from the definition of “component” would be inconsistent with the express definition provided by the Act. Amsted Rail’s comment did not address whether it would be possible to avoid any such inconsistencies.

A member of the public²⁷ commented that FRA should consult and coordinate with other relevant agencies and stakeholders to better refine and harmonize the proposed definitions for COC and SOE. The comment, however, does not express any concern with the proposed definitions, which are incorporated from the Act. FRA finds that the definitions are suitable for implementing the Act, and in this final rule, FRA adopts the definitions as proposed.

4. The Scope of the IP Violation or Infringement Prohibition Being Incorporated Into the Freight Car Safety Standards Is Intended To Be the Same as That Delineated in the Act

Wabtec Corporation and RSA commented on FRA’s proposal for enforcing the Act’s prohibition against railroad freight cars operating on the U.S. general railroad system of transportation if equipped with content originating from a COC or sourced from an SOE that has violated or infringed U.S. intellectual property (IP) rights.²⁸ The commenters: (1) request that this final rule clarify that any railroad freight cars equipped with IP subject to a violation or infringement that is not from a COC or SOE do not trigger the Act’s IP violation or infringement prohibition; and (2) disagree with FRA’s proposal that the duration of the IP violation or infringement prohibition is always permanent.

FRA agrees with the commenters that the IP violation or infringement prohibition applies only when the IP subject to the violation or infringement comes from a COC or SOE. The following example, provided in the NPRM, helps clarify this point. In 2009, the ITC issued a 10-year Limited Exclusion Order against two Chinese companies (Tianrui Group Company Limited and Tianrui Group Foundry Company Limited) and two U.S. companies (Standard Car Truck Company, Inc. and Barber Tianrui Railway Supply, LLC).²⁹ The ITC

determined that the four respondents violated section 337 of the Tariff Act by misappropriating numerous Amsted trade secrets relating to the manufacture of cast steel railway wheels, importing into the U.S. cast steel railway wheels and substantially injuring, and threatening substantial injury to, Amsted’s domestic cast steel railway wheel operations, which manufacture Amsted’s Griffin® wheels.³⁰ The ITC determination excluded any such steel railway wheels from entering into the U.S. for ten years. On appeal, the Federal Circuit upheld the ITC’s decision.³¹ FRA understands that section 20171(b)(1)(C)³² would prohibit a railroad freight car from operating on the U.S. general railroad system of transportation if equipped with the steel wheels that were the subject of this case, only if they are from a COC or SOE. Therefore, a railroad freight car equipped with the steel wheels sourced from the either of the two U.S. companies (not SOEs) in this example, are not covered by the Act’s IP violation or infringement prohibition.

As discussed in the NPRM, FRA understands the plain language of the Act to permit permanent prohibition, because it does not expressly limit the duration of the IP violation or infringement prohibition or connect it to any penalty provided in a determination by the ITC, or other court or agency of competent jurisdiction and legal authority.³³ The commenters disagree, asserting that “to the extent that the IP rights that were the subject of the violation have since lost their protected status other than through violation of law (*e.g.*, where such IP was protected by a patent that has expired or where a trade secret is no longer protected as such for example due to intentional disclosure), . . . the prohibition would no longer apply.” However, the scope of the application of the Act’s IP violation or infringement prohibition is not limited to a particular owner, operator, or IP (likely a component on the railroad freight car), it is tied to the railroad freight car. The Act provides that the entire railroad freight car “may only operate on the United States general railroad system of transportation if . . . none of the content of the railroad freight car . . .” satisfies the prohibition.³⁴ When the prohibition is

²² 88 FR at 85562, 85567, and 85575.

²³ Canadian Association of Railway Suppliers, American Foundry Society, American Iron and Steel Institute, and Steel Manufacturers Association, RSA, BLET, RSI, and Wabtec Corporation.

²⁴ 88 FR at 85567.

²⁵ *Id.*

²⁶ 49 U.S.C. 20171(a).

²⁷ Docket number FRA–2023–0021–0003.

²⁸ 49 CFR 215.401(a).

²⁹ See *In the matter of Certain Cast Steel Railway Wheels*, et al. USITC Inv. No. 337–TA–655 (U.S. Intern. Trade Com’n), 2009 WL 10693128.

³⁰ *In the matter of Certain Cast Steel Railway Wheels*, et al. USITC Inv. No. 337–TA–655 (U.S. Intern. Trade Com’n), 2009 WL 4261206.

³¹ *Tianrui Group Co. Ltd. v. Intl. Trade Comm’n*, 661 F.3d 1322 (Fed. Cir. 2011).

³² Codified by this final rule at 49 CFR 215.401(a)(3).

³³ 88 FR at 85567.

³⁴ 49 U.S.C. 20171(b)(1).

triggered, it applies to the entire railroad freight car that is so equipped, until it is brought into compliance (e.g. removing the component that is subject to an IP violation or infringement). As such, the IP violation or infringement prohibition would be permanent, if the railroad freight car is not brought into compliance.

B. Comments About FRA's Proposal Implementing the Infrastructure Investment and Jobs Act's Freight Car Compliance Certification

The Act requires manufacturers to annually certify to FRA, as delegated by the Secretary, that any railroad freight cars it offers for operation on the U.S. general railroad system of transportation meet the requirements of the Act.³⁵ This rulemaking incorporates the certification requirement into the FCSS³⁶ and establishes a process for FRA to access necessary information to determine compliance with the Act.

1. The Act Requires Certain Information To Be Included in the Certification

As proposed in the NPRM, this final rule requires manufacturers' certifications to be submitted electronically to FRA's Office of Railroad Safety.³⁷ The certifications must include the manufacturer's name and address; the name, signature, and contact information for the person responsible for certifying compliance; and a car identification number for each car being certified. Manufacturers will be required to maintain records to support their compliance, and FRA must be able to access those records upon request.

Two manufacturers,³⁸ RSA, and RSI commented that FRA should impose a five-year limit to the recordkeeping requirement. FRA disagrees, because records may be needed to enforce the Act beyond a five-year period. The statute of limitations is five years for noncompliance with the Act, but as explained in section III. C. 4. "Five-Year Statute of Limitations Applies to the Act" below, the prohibition penalty may be initiated after more than three monetary penalty assessments under the Act. Each of the three penalties could take multiple years using the process provided in §§ 215.409 through 215.421, and the penalty assessments may occur years apart. As such, the enforcement process would likely extend well beyond five years, and FRA may need

access to records beyond a five-year period to enforce the regulation.

Wabtec Corporation, RSA, and RSI commented that FRA should provide a standard certification form for manufacturers to certify compliance. FRA disagrees and adopts the certification requirements as proposed in the NPRM. These requirements provide FRA the information needed to implement the certification requirements and allow manufacturers flexibility to determine how best to comply. The information required in § 215.403 can be conveniently and adequately provided in different formats. If desired, the industry may expand upon the minimum certification requirements and create an industry-wide certification form.

2. The Act Requires Certification To Be Submitted Prior to Placing Freight Cars Into Service on the U.S. General Rail System

Two manufacturers,³⁹ RSA, and RSI informed FRA in their comments that it may not be convenient to certify compliance with the Act when they request FRA perform a sample car inspection. FRA understands that a sample car inspection is conducted when the sample railcar is fully built for inspection.⁴⁰ As such, it should be a convenient time to certify compliance. However, FRA expects manufacturers will develop their own process to ensure they comply with the certification requirements, including timely submissions to FRA.

C. Comments About FRA's Process for Enforcing the Act's Requirements and Penalties

Some manufacturers,⁴¹ RSA, and RSI commented that FRA should revise the proposed rule⁴² to clarify or add the following: (1) willful noncompliance

³⁹ Trinity Industries and Wabtec Corporation.

⁴⁰ Most newly built freight cars are considered cars of special construction under the freight car safety standards and manufacturers request FRA to inspect the cars prior to entering service. According to 49 CFR 231.118, cars of construction not covered by the 18 types of cars identified in the regulation, relative to handholds, sill steps, ladders, hand brakes and running boards may be considered as of *special construction*, but shall have, as nearly as possible, the same complement of handholds, sill steps, ladders, hand brakes, and running boards as are required for cars of the nearest approximate type. To help ensure the complement of safety appliances satisfy the requirements for the nearest approximate type, manufacturers request that FRA perform a sample car inspection after the cars are built, before they enter service. This seems to be a convenient time to certify that the cars comply with the Act. Manufacturers commented that this would not be a convenient time to certify the cars are compliant but did not provide a clear explanation.

⁴¹ Trinity Industries, Greenbrier Companies, and Wabtec Corporation.

⁴² 49 CFR 215.407.

should be required to establish a violation of the Act's requirements; (2) FRA's Chief Counsel should provide written notice of a probable violation, and an express process should be established for manufacturers facing prohibition through which manufacturers can defend their position and appeal a finding of noncompliance; (3) a process by which manufacturers can be reinstated after the prohibition is triggered; and (4) clarification of the five-year statute of limitations for enforcing identified violations. Generally, FRA expects violations of the Act to be rare; thus, FRA expects to address individual violations on a case-by-case basis. FRA agrees with the comments that an express process is warranted due to the severity of the potential penalties (the prohibition against offering cars for service in the U.S.) imposed by the Act. As discussed in the NPRM, FRA will use its Railroad Safety Enforcement Procedures (RSEP) (49 CFR part 209) to enforce the Act.⁴³ This final rule incorporates the RSEP into the FCSS to clarify how the RSEP will apply.⁴⁴

In addition, Association of American Railroads (AAR) expressed its understanding that FRA's proposal to request documentation to determine whether a freight car is registered with the Umler system would be limited to information relevant to determining such registration. As discussed in the NPRM, FRA plans to request information to enforce the requirements of the Act. In doing so, FRA intends to request information relevant to determine compliance with the Act and treat any protected or sensitive information appropriately.

1. The Act Does Not Require a Finding of Willfulness To Establish a Violation

Wabtec Corporation and RSA commented that FRA should assess the Act's prohibition penalty against freight car manufacturers only when there is willful noncompliance with the Act's requirements. The commenters assert that the Act's language, "[t]he Secretary of Transportation *may* [emphasis added] prohibit a railroad freight car manufacturer with respect to which the

⁴³ 88 FR at 85568.

⁴⁴ This final rule adds §§ 215.409 through 215.421 to incorporate the relevant provisions from appendix A and subpart B (hazmat) to 49 CFR part 209 to expressly provide procedures to implement § 215.407(a). Other portions of the RSEP are discussed in this section and will be used by FRA to determine when to initiate an enforcement action for a finding of noncompliance with the Act. Notably, any prohibition under § 215.407(b) requires assessment of three penalties under § 215.407(a), and will therefore, benefit from the process provided for § 215.407(a).

³⁵ *Id.* at (c)(3).

³⁶ 49 CFR part 215.

³⁷ 88 FR at 85577.

³⁸ Trinity Industries and Wabtec Corporation.

Secretary has assessed more than 3 violations under subparagraph (A) from providing additional railroad freight cars for operation on the United States general railroad system of transportation . . . ,” gives FRA some discretion to determine when to impose penalties. While FRA agrees the statutory language provides FRA discretion, FRA’s RSEP provides the following criteria for FRA to use to determine which instances of noncompliance merit penalties: (1) the inherent seriousness of the condition or action; (2) the kind and degree of potential safety hazard the condition or action poses in light of the immediate factual situation; (3) any actual harm to persons or property already caused by the condition or action; (4) the offending person’s (*i.e.*, railroad’s or individual’s) general level of current compliance as revealed by the inspection as a whole; (5) the person’s recent history of compliance with the relevant set of regulations, especially at the specific location or division of the railroad involved; (6) whether a remedy other than a civil penalty (ranging from a warning on up to an emergency order) is more appropriate under all of the facts; and (7) such other factors as the immediate circumstances make relevant. The criteria provided by the RSEP are appropriate for FRA to enforce the Act’s penalties tailored to the freight car manufacturer’s relevant compliance record and the facts surrounding its noncompliance and promote rail safety. The commenters do not specifically address the RSEP criteria, but generally seem concerned with the severity of the penalties and seem to recommend a willfulness standard to safeguard against any potential shortcomings. FRA agrees with commenters that the Act’s civil monetary penalties, potentially culminating in a prohibition on manufacturers from offering cars for service, are more severe than the typical civil penalties FRA assesses for violations of other Federal rail safety laws.

The RSEP explains FRA applies a willfulness standard for penalty assessments only when it is statutorily mandated. For example, FRA applies a willfulness standard for civil penalties assessed against individuals,⁴⁵ but does not require willfulness for suspensions or disqualifications of individuals. The willfulness standard for individual civil penalties described in the RSEP was statutorily mandated and created in response to an FRA proposal.⁴⁶ FRA

proposed the willful act requirement for individuals because it “believed then that it would be too harsh a system to collect fines from individuals on a strict liability basis, as the safety statutes permit FRA to do with respect to railroads.”⁴⁷

In contrast to the individual civil penalty provisions, the provisions in the Rail Safety Improvement Act of 1988 (RSIA) authorizing suspension or disqualification of an individual whose violation of Federal rail safety laws has shown that individual to be unfit for safety-sensitive service, do not require a showing of willfulness.⁴⁸ In the absence of a statutory requirement, FRA’s implementing regulations for disqualification actions did not require a violation to be willful.⁴⁹

Criminal penalties are the only provisions identified by the RSEP, other than individual civil monetary penalties, that require willfulness for assessment.⁵⁰ This willfulness requirement also arose under statute.⁵¹ Accordingly, it is not established FRA practice to interpret a willfulness requirement where the statute does not expressly require one. FRA has, however, broadly incorporated willfulness as a factor for determining the penalty amount when not statutorily required. FRA’s civil penalty schedules for regulated entities generally provide higher penalties for willful violations than non-willful violations. In other words, FRA uses willfulness to assess a higher monetary penalty rather than as a threshold requirement for a finding of a violation.⁵²

For the forgoing reasons, FRA has found that willfulness is not required to support a violation of the Act’s requirements. Without any evidence that Congress intended to apply a willfulness standard for the Act’s requirements, per the RSEP, FRA will enforce the penalties using the same criteria as other civil monetary penalties assessed in FRA’s safety program.

⁴⁷ *Id.*

⁴⁸ Section 3(a) of the RSIA, Public Law 100–342.

⁴⁹ Subpart D of 49 CFR part 209, implementing the suspension and disqualification provisions of RSIA.

⁵⁰ 49 CFR 209.131.

⁵¹ SAFETEA–LU, Public Law 109–59, 119 Stat. 1144 (as amended) (enacted as 49 U.S.C. 5124(a)).

⁵² See part 209, appendix A: “Although railroads are strictly liable for violations of the railroad safety laws and deemed to have knowledge of those laws, FRA’s penalty schedules contain, for each regulation, a separate amount earmarked as the initial assessment for willful violations. Where FRA seeks such an extraordinary penalty from a railroad, it will apply the definition of ‘willful’ set forth [in appendix A to part 209].”

2. Process for Manufacturers To Defend Against and Appeal Findings of Noncompliance With the Act

Three manufacturers,⁵³ RSA, and RSI commented that FRA should revise the proposed rule to add a specific process for manufacturers to defend against and appeal FRA’s findings of noncompliance with the Act and a requirement for FRA’s Chief Counsel to provide written notice of a probable violation of the Act. The RSEP⁵⁴ explains that when a violation is committed, “penalties are assessed by issuance of a penalty demand letter that summarizes the claims, encloses the violation report with a copy of all evidence on which FRA is relying in making its initial charge, and explains that the railroad may pay in full or submit, orally or in writing, information concerning any defenses or mitigating factors.” Consistent with the RSEP, FRA expects to issue a penalty demand letter, as described in the RSEP, for any violation of the Act prior to assessing any civil penalties.

The RSEP also provides a process for respondents to defend against a finding of noncompliance with the Act when FRA indicates its intent to enforce a civil penalty. Specifically, “[t]he railroad safety statutes, in conjunction with the Federal Claims Collection Act, authorize FRA to adjust or compromise the initial penalty claims based on a wide variety of mitigating factors.”⁵⁵ Once penalties have been proposed, the respondent is given a reasonable amount of time to investigate the charges and then make its case before FRA in an informal conference.⁵⁶

3. Process for Railroad Freight Car Manufacturer To Be Reinstated After Being Prohibited Under the Act

Two manufacturers and RSA commented that FRA should clarify the process for freight car manufacturers to provide cars for operation on the U.S. rail system after being prohibited from doing so due to noncompliance with the Act.⁵⁷ According to the Act,⁵⁸ the prohibition continues until FRA determines: (1) such manufacturer is in compliance with the Act; and (2) all civil penalties assessed to such manufacturer pursuant to this section

⁵³ Greenbrier Companies, Trinity Industries, and Wabtec Corporation.

⁵⁴ Appendix A to part 209.

⁵⁵ *Id.*

⁵⁶ Appendix A refers to this step in the process as an “informal conference.” The stated purpose is for the respondent to state their case.

⁵⁷ Greenbrier Companies and Wabtec Corporation.

⁵⁸ Section 20171(c) incorporated by this final rule into the regulation at 49 CFR 215.407(b).

⁴⁵ 49 CFR 209.409, 209.335(a); see also part 209, appendix A.

⁴⁶ Part 209, appendix A (*citing* RSIA, Pub. L. 100–342, enacted June 22, 1988).

have been paid in full. Remedial action may be considered mitigation during the civil penalty process, and evidence of completed remedial actions may help FRA determine compliance with the Act. FRA expects that during the course of any enforcement process, a manufacturer will submit evidence of appropriate corrective actions demonstrating that it has corrected the identified noncompliance and that it has come into full compliance with the Act and this regulation. Once FRA determines that a manufacturer has come into compliance and paid all relevant civil penalties, FRA will document that determination in writing.

To help further clarify the reinstatement process, this final rule is updating the term “section” in section 215.407(b)(1) to “subpart.” Section 20171(c)(4) states that a freight car manufacturer can resume providing cars for operation on the U.S. freight railroad interchange system when “[s]uch manufacturer is in compliance with this section.” The phrase, “this section,” refers to 49 U.S.C. 20171, which contains the Act’s substantive requirements, including content limitations and certification. FRA’s proposal, as indicated throughout the NPRM, intended to incorporate the statutory requirements into the regulation for the convenience of the regulated community without changing the substance. The proposed rule text incorporated the phrase, “this section,” from the Act into section 215.407(b)(1) without updating the reference to match the existing regulatory formatting and language. Within the existing regulatory formatting, the proper reference is to the “subpart,” referring to Subpart E—Manufacturing, which contains the same substantive requirements contained in 49 U.S.C. 20171. As such, FRA is changing the phrase “this section” to “this subpart” in the final rule’s section 215.407(b)(1).

4. Five-Year Statute of Limitations Applies to the Act

RSA and Wabtec Corporation commented that FRA should clarify how the statute of limitations will apply to findings of noncompliance with the Act. The statute of limitations is generally five years for penalties enforced by FRA, including civil monetary penalties and prohibitions (such as forfeiture of the right to provide freight cars for operation on the U.S. rail system).⁵⁹ As such, enforcement must

commence within five years from the date when the claim first accrued. When FRA enforces civil monetary penalties for noncompliance with the Act,⁶⁰ the date the claim first accrues is the date that the noncompliance occurred. When FRA enforces prohibitions for noncompliance with the Act,⁶¹ the date the claim first accrues is the date that more than three civil monetary penalties are assessed.

III. Section-by-Section Analysis

This section-by-section analysis is intended to explain the rationale for each revised or new provision FRA is incorporating into the FCSS. The regulatory changes are organized by section number.

Section 215.5 Definitions

As proposed in the NPRM, FRA is incorporating several new defined terms into the FCSS, most pulled directly from the Act and some added, as necessary, to effectively implement the Act. FRA is also organizing the existing FCSS definitions along with the new definitions in alphabetical order to conform with FRA’s other regulations. No changes are being made to the existing FCSS definitions. As also explained in the NPRM, the Act’s definition for the term “railroad freight car” mirrors the definition for the same term in the current FCSS and accordingly, in this final rule, FRA is adopting that definition as proposed.

The rule text for this section is unchanged from the NPRM. See the NPRM for more detailed section-by-section analysis.⁶² For discussion of comments received about the definition for the terms “country of concern,” “sensitive technology,” and “state-owned enterprise” in this section, see section II. A. 3. of this final rule. Although FRA is adopting each definition as proposed in the NPRM, FRA is reiterating the discussion of each definition below for the convenience of the reader.

Component is defined by the Act,⁶³ and FRA is adopting it in the FCSS. Although the definition does not identify specific parts and subassemblies of freight cars as “components,” FRA believes Congress intends this definition to include the major components of freight cars (e.g.,

trucks, wheel sets, center sills, draft gears, couplers, walkways, running boards) when calculating content limitations under 49 CFR 215.401(b)(1). FRA does not intend the definition of “component” to include smaller parts that do not significantly impact manufacturing costs (e.g., wear plates, roof liners, or small pieces of hardware such as screws).

Control is defined by the Act,⁶⁴ and FRA is adopting it in the FCSS. This definition relates to the definitions of “qualified facility” and “qualified manufacturer” discussed below.

Cost of sensitive technology is defined by the Act,⁶⁵ and FRA is adopting it in the FCSS.

Country of concern is defined by the Act⁶⁶ and FRA is adopting it in the FCSS.⁶⁷ As noted in the *Infrastructure Investment and Jobs Act Background* section in the NPRM, a country must meet all three criteria to qualify as a “country of concern.” Each of the criteria within the definition of “country of concern” are separated by “and” instead of “or,” meaning a country must meet all three criteria to meet the definition.⁶⁸ This term is separate and distinct from the terms “foreign country of concern” used in the CHIPS Act and implementing regulations to identify a country that is “detrimental to the national security or foreign policy of the United States”⁶⁹ or “country of particular concern” used in religious freedom designations made by the U.S. Department of State.⁷⁰

First, to qualify as a “country of concern” under section 20171, the United States Department of Commerce (U.S. DOC) must have identified that country as a nonmarket economy country pursuant to the Tariff Act of 1930 *at the date of enactment* (i.e., as of Nov. 15, 2021).⁷¹ In 2021, when the Act became law, the U.S. DOC had named

⁶⁴ *Id.* at (a)(2).

⁶⁵ *Id.* at (a)(3).

⁶⁶ *Id.* at (a)(4).

⁶⁷ These same criteria are used to define “country of concern” in 49 U.S.C. 5323(u) (placing limitations on certain rolling stock procurements for public transportation that qualify for financial assistance), and the FTA has published Frequently Asked Questions Regarding Section 7613 of the National Defense Authorization Act for Fiscal Year 2020 that discusses the criteria and the definition of “country of concern.” <https://www.transit.dot.gov/funding/procurement/frequently-asked-questions-regarding-section-7613-national-defense>.

⁶⁸ These criteria are discussed in section 20171(a)(4)(A)–(C).

⁶⁹ Pub. L. 117–167, 136 Stat 1380, 15 CFR 231.102.

⁷⁰ International Religious Freedom Act of 1998 (H.R. 2431) and its amendment of 1999 (Public Law 106–55) codified at 22 U.S.C. 73.

⁷¹ 49 U.S.C. 20171(a)(4)(A).

⁵⁹ 28 U.S.C. 2462 (“Except as otherwise provided by Act of Congress, an action, suit or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be

entertained unless commenced within five years from the date when the claim first accrued if, within the same period, the offender or the property is found within the United States in order that proper service may be made thereon.”).

⁶⁰ 49 CFR 215.407(a).

⁶¹ *Id.*

⁶² 88 FR at 85565.

⁶³ 49 U.S.C. 20171(a)(1).

eleven countries as nonmarket economy countries: Republic of Armenia, Republic of Azerbaijan, Republic of Belarus, People's Republic of China, Georgia, Kyrgyz Republic, Republic of Moldova, Republic of Tajikistan, Turkmenistan, Republic of Uzbekistan, and Socialist Republic of Vietnam.⁷² Accordingly, the countries that meet this first prong of the definition will not change.

Second, to constitute a “country of concern,” the U.S. Trade Representative (USTR) must also name that country on the priority watch list⁷³ in the most recent report required by the Trade Act of 1974.⁷⁴ In the most recently required report, the USTR identified seven countries on the priority watch list: Argentine Republic, Republic of Chile, People's Republic of China, Republic of India, Republic of Indonesia, Russian Federation, and Bolivarian Republic of Venezuela.⁷⁵

Third, a country is deemed a “country of concern” only if it is subject to monitoring by the USTR under section 306 of the Trade Act of 1974.⁷⁶ Currently, the People's Republic of China is the only country subject to monitoring pursuant to section 306.

Accordingly, the People's Republic of China is currently the only country that meets all three criteria and therefore is the only “country of concern” as defined in the Act.

Net cost is defined by the Act based on its definition in the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada,⁷⁷ and FRA is adopting that definition in the FCSS. Currently, chapter 4 of the USMCA defines *net cost*.⁷⁸

⁷² Int'l Trade Admin, *Countries Currently Designated by Commerce as Non-Market Economy Countries*, <https://www.trade.gov/nme-countries-list> (identifying the **Federal Register** notices wherein a country was designated as a non-market economy country).

⁷³ 19 U.S.C. 2242(g)(3).

⁷⁴ 49 U.S.C. 20171(a)(4)(B), 19 U.S.C. 2242.

⁷⁵ Office of the U.S. Trade Rep., *2024 Special 301 Report*, 5 (2024), (2024 Special 301 Report.pdf (ustr.gov)).

⁷⁶ 49 U.S.C. 20171(a)(4)(C), 19 U.S.C. 2416. See Office of the U.S. Trade Rep., *2024 Special 301 Report*, 44 (2024), <https://ustr.gov/issue-areas/intellectual-property/special-301/2023-special-301-review> (listing countries included on the priority watch list and whether such countries are subject to monitoring under section 306 of the Trade Act of 1974).

⁷⁷ 49 U.S.C. 20171(a)(5).

⁷⁸ *Uniform Regulations Regarding the Interpretation, Application, and Administration of Chapter 4 (Rules or Origin) and Related Provisions in Chapter 6 (Textile and Apparel Goods) of the Agreement Between the United States of America, The United Mexican States, and Canada*. <https://ustr.gov/sites/default/files/files/agreements/usmca/UniformROO.pdf>.

Qualified facility is defined by the Act,⁷⁹ and FRA is adopting it in the FCSS. When read in combination with the definition of the term *control* the Act provides, FRA finds that the Act intends for general corporate law principles to apply to determine whether a particular railroad freight car or component manufacturer is owned or controlled an SOE.⁸⁰

Qualified manufacturer is defined by the Act,⁸¹ and FRA is adopting it in the FCSS. For the purpose of this definition, a supplier, component and repair part manufacturer, or other entity may be a railroad freight car manufacturer, if it manufactures, assembles, or substantially transforms a freight car, as described in 49 CFR 215.401(a)(1). Like the definition of *qualified facility*, when read in combination with the Act's definition of the term *control*, FRA again finds that the Act intends for general corporate law principles to apply to determine whether a particular railroad freight car or component manufacturer is owned or controlled by an SOE.⁸²

Sensitive technology is defined by the Act,⁸³ and FRA is adopting it in the FCSS. While FRA understands the list of devices included in this definition to be examples that can be considered sensitive technology, FRA is not currently aware of any additional devices that should be included in the list.

State-owned enterprise means—

(a) an entity that is owned by, or under the control of, a national, provincial, or local government of a country of concern, or an agency of such government; or

(b) an individual acting under the direction or influence of a government or agency described in paragraph (a) of this definition.⁸⁴

This definition is provided by the Act and FRA is adopting it in the FCSS.

Substantially transformed is defined by the Act,⁸⁵ and FRA is adopting it in the FCSS. FRA understands that a manufacturing process which changes an article's name, character, or use will often result in a change in the article's tariff classification. Accordingly, FRA understands the Act's definition of *substantially transformed* to mean a manufacturing process that changes an article's name, character, or use. FRA notes that the U.S. Customs and Border

Protection (CBP) is an implementing agency for USMCA and although CBP uses a slightly different definition of *substantially transformed* than that provided in the Act, CBP explains that substantial transformation “occurs when, as a result of manufacturing processes, a new and different article emerges, having a distinctive name, character, or use, which is different from that originally possessed by the article or material before being subject to the manufacturing process.”⁸⁶ FRA finds that the definition of *substantially transformed* provided in the Act and CBP's definition of the same term are compatible in that a manufacturing process which changes an article's name, character, or use will often also result in a change in the article's tariff classification.

USMCA is defined by the Act,⁸⁷ and FRA is adopting it in the FCSS.

Section 215.401 Requirements for Railroad Freight Cars Placed Into Service in the United States

This section incorporates the requirements of 49 U.S.C. 20171(b)(1) into the FCSS. Section 20171(b)(1) provides that for a railroad freight car to operate on the U.S. general railroad system of transportation: (1) any car wholly manufactured after a certain date must be manufactured, assembled, and substantially transformed by a qualified manufacturer in a qualified facility; (2) none of the sensitive technology located on the car may originate from a COC or be sourced from a SOE; and (3) none of the content of the car (except sensitive technology) may originate from a COC or be sourced from a SOE with a history of problematic trade practices or respect for IP rights. These concepts are discussed further below.

Paragraph (a)(1) of 49 CFR 215.401 mirrors paragraph (b)(1)(A) of section 20171 and mandates that any railroad freight car to be operated on the U.S. general railroad system of transportation and wholly constructed one year from a final rule in this proceeding, must be manufactured, assembled, and substantially transformed by a qualified manufacturer or a qualified facility. The rule text for this section is unchanged from the NPRM. See the NPRM for more detailed section-by-section analysis.⁸⁸ For discussion of comments received about this section, see section II. A. of this final rule.

⁷⁹ 49 U.S.C. 20171(a)(6).

⁸⁰ See 31 CFR 800.208 for examples of control.

⁸¹ *Id.* at (a)(7).

⁸² See 31 CFR 800.208 for examples of control.

⁸³ *Id.* at (a)(9).

⁸⁴ *Id.* at (a)(10).

⁸⁵ *Id.* at (a)(11).

⁸⁶ <https://www.trade.gov/rules-origin-substantial-transformation>.

⁸⁷ 49 U.S.C. 20171(a)(12).

⁸⁸ 88 FR at 85565.

Sensitive Technology Prohibition

As proposed in the NPRM and adopted in this final rule, paragraph (a)(2) of 49 CFR 215.401 mirrors paragraph (b)(1)(B) of section 20171 and addresses sensitive technology. This paragraph incorporates the Act's general prohibition on operating a freight car on the U.S. general railroad system of transportation, if any of its "sensitive technology" or "components necessary to the functionality of the sensitive technology" originates from a COC or is sourced from a SOE.

As noted above, the Act defines "sensitive technology," but does not define what constitutes "components necessary to the functionality of the sensitive technology." FRA understands this phrase to generally include the active components that work with the sensitive technology because they may also be able to collect and transmit data. Passive components are excluded from this phrase because they cannot collect or transmit data. Examples of *active* components include, but are not limited to, any type of processor, transmitter, receiver, or data storage device. While the *passive* components are still necessary for the device to function as a whole, these components do not play a vital role in the storage, collection, exchange, transmittal, or manipulation of any data. Examples of *passive* components include, but are not limited to, printed circuit boards, power supplies, temperature sensors, pressure gauges, resistors, capacitors, etc.

Intellectual Property Infringement Prohibition

As proposed in the NPRM and adopted in this final rule, paragraph (a)(3) of 49 CFR 215.401 mirrors paragraph (b)(1)(C) of section 20171 and addresses IP violation and infringement. This language forbids the inclusion in any railroad freight car of any content from a COC or a SOE "that has been determined by a recognized court or administrative agency of competent jurisdiction and legal authority to have violated or infringed valid U.S. intellectual property rights of another." The Act includes both "a finding by a Federal district court under title 35" and a finding by the U.S. International Trade Commission (ITC) under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) as determinations sufficient to trigger the prohibition.

For the purposes of this requirement, the ITC makes a finding that an entity has violated or infringed valid U.S. IP rights when the ITC issues a final determination under section 337. Under ITC procedure, an administrative law

judge, who concludes that an entity violated section 337 of the Tariff Act, first files an initial determination.⁸⁹ This initial determination becomes a final determination of the ITC 60 days after it is filed, unless the ITC orders review of the initial determination, in which case the ITC's ultimate finding would be the final determination.⁹⁰ These determinations are available on the ITC's website.⁹¹ FRA does not anticipate tracking determinations on an ongoing basis; manufacturers seeking certification are responsible for researching determinations against their own suppliers.

Content Limitations

As proposed in the NPRM and adopted in this final rule, 49 CFR 215.401(b) mirrors section 20171(b)(2) and addresses content limitations from COCs and SOEs generally. Consistent with the Act, beginning 1 year after this regulation is issued, § 215.401(b)(1)(i) would initially prohibit newly manufactured freight cars from operating on the U.S. general railroad system of transportation if more than 20 percent of the car's content originates from a COC or is sourced from a SOE. After 3 years, paragraph (b)(1)(ii) reduces that threshold to no more than 15 percent. Cars not meeting these thresholds are noncompliant, and the manufacturer is subject to civil monetary penalties under § 215.407. Consistent with the Act, the percent of content is measured by the net cost of materials (excluding the cost of sensitive technology).⁹² Paragraph (b)(2) of § 215.401 mirrors paragraph (b)(2)(B) of section 20171 and explains that the content limitations provided in the Act shall apply notwithstanding any apparent conflict with provisions of chapter 4 of the USMCA. Chapter 4 of the USMCA and the Act both establish rules for the country of origin for a product in international trade. This paragraph clarifies that compliance with chapter 4 of the USMCA does not constitute, or in any way affect, the content limitations in the Act, which apply independently.

Section 215.403 Certification of Compliance

This section incorporates the requirements of paragraph (c) of section 20171 and includes requirements designed to help FRA monitor and

enforce the Act's standards. The rule text for this section is unchanged from the NPRM. See the NPRM for more detailed section-by-section analysis.⁹³ For discussion of comments received about this section, see section II. B. of this final rule.

Consistent with paragraph (c)(2) of section 20171, § 215.403(a) requires railroad freight car manufacturers to annually certify to FRA, as delegated by the Secretary of Transportation, that any railroad freight car it provides for operation in the United States meets the requirements of section 20171.

As proposed in the NPRM and adopted in this final rule, § 215.403(a)(1) requires railroad freight car manufacturers to submit a certification report to FRA, identifying and certifying compliance, for each freight car before it can operate on the U.S. general railroad system of transportation. Each certification report submitted to FRA may identify a single freight car or multiple freight cars based on the manufacturer's preference. For convenience, a manufacturer may submit its certification report directly to the Office of Railroad Safety along with any customary request to FRA for a sample base car inspection or safety appliance arrangement drawing review. Paragraph (a)(1)(i) requires the report to include a statement certifying compliance, the manufacturer's name and address, the individual responsible for certifying compliance with the Act and this rule, and the car identification number for each car being certified. Paragraph (a)(1)(ii) requires the freight car manufacturer to maintain all records showing the information, including calculations, made to support certification under this section and such records shall be made available to FRA upon request.

Section 215.405 Prohibition on Registering Noncompliant Railroad Freight Cars

This section incorporates the requirements in 49 U.S.C. 20171(c)(3)(B) into the FCSS. No substantive comments were received about this section, and the rule text for this section is unchanged from the NPRM. See the NPRM for more detailed section-by-section analysis.⁹⁴ FRA will review registration records when there is evidence of noncompliance with the Act. For example, when FRA determines a railroad freight car manufacturer is not in compliance with the Act's substantive requirements (e.g., it is equipped with sensitive technology,

⁸⁹ 19 CFR 210.42(a)(1)(i).

⁹⁰ *Id.* at (h)(2).

⁹¹ https://usitc.gov/intellectual_property/337_determinations.htm.

⁹² The definition of "net cost" is provided in section 215.5 of this rule. For a discussion of "net cost," see the section-by-section analysis above.

⁹³ 88 FR at 85565.

⁹⁴ 88 FR at 85565.

or 20 percent or 15 percent of its components, sourced from an SOE and operating on the U.S. general railroad system of transportation), FRA may request documentation to determine whether the freight car was registered with the Umler system. If the freight car was so registered, the freight car would also be in noncompliance with § 215.405.

Section 215.407 Civil Penalties

This section incorporates the requirements of 49 U.S.C. 20171(c)(4) into the FCSS. The Act specifies civil monetary penalty amounts for violations of its substantive requirements and specifies that the unit of violation is the freight car. As discussed in the NPRM, FRA anticipates utilizing the RSEP to enforce civil monetary penalties for noncompliance with the Act in a manner consistent with other civil monetary penalties enforced by FRA.⁹⁵ To help clarify the process, this final rule provides specific procedures in §§ 215.409 through 215.421 to enforce these civil monetary penalties. For discussion of comments received about this section, see section II. B. of this final rule.

Section 215.409 Demand Letter

Like the demand letter used in FRA's RSEP, § 215.409 establishes the demand letter requirements for the FCSS.⁹⁶ The demand letter serves to initiate the enforcement process by providing certain essential information to the manufacturer subject to the enforcement action.

Section 215.411 Reply

This section incorporates the Reply step from FRA's RSEP into the FCSS.⁹⁷ The reply provides the respondent with an opportunity to respond to the information provided in the demand letter described in § 215.409.

Section 215.413 Payment of Penalty; Compromise

This section incorporates payment and compromise procedures from FRA's RSEP into the FCSS.⁹⁸ This section provides the respondent with an opportunity to pay or negotiate penalties per § 215.407.

Section 215.415 Informal Response and Assessment

This section incorporates the informal response process from FRA's RSEP into the FCSS.⁹⁹ This section identifies the information needed for the respondent to informally reply to FRA's enforcement action. After consideration of an informal response, including any relevant information presented at a conference, FRA's Office of the Chief Counsel may dismiss the enforcement action in whole or in part. If the Office of the Chief Counsel does not dismiss the action in whole, the Office of the Chief Counsel may enter into a settlement agreement with the respondent or enter an order assessing a civil monetary penalty.

Section 215.417 Request for Hearing

This section incorporates the process to request a hearing from FRA's RSEP into the FCSS.¹⁰⁰ Specifically, this section provides the respondent an opportunity for a hearing. To use this option, the respondent must submit a written request to FRA's Office of the Chief Counsel and include the pertinent information identified in this section to allow the case to be assigned to the presiding officer.

Section 215.419 Hearing

This section incorporates the hearing process from FRA's RSEP into the FCSS.¹⁰¹ This section generally describes how a hearing requested under § 215.417 will be conducted, and the roles of the presiding officer, FRA's Office of the Chief Counsel, and the respondent during the hearing.

Section 215.421 Presiding Officer's Decision

This section incorporates the language regarding the presiding officer's decision from FRA's RSEP into the FCSS.¹⁰² Specifically, this section provides the decision options for the presiding officer. After consideration of the evidence of record, the presiding officer may dismiss the enforcement action in whole or in part. If the presiding officer does not dismiss the enforcement action in whole, the presiding officer will issue, and serve on the respondent, an order assessing a civil monetary penalty. The presiding officer's decision will include a statement of findings and conclusions, as well as the reasons therefor, on all

material issues of fact, law, and discretion.

IV. Regulatory Impact and Notices

A. Executive Order 12866 as Amended by Executive Order 14094

This rule is a non-significant regulatory action within the meaning of Executive Order (E.O.) 12866 ("Regulatory Planning and Review"), as amended by E.O. 14094, Modernizing Regulatory Review,¹⁰³ and DOT Order 2100.6A ("Rulemaking and Guidance Procedures"). This rule aims to enforce the Act's restrictions on content and technology originating from COCs and SOEs in newly built freight cars entering service on the U.S. general railroad system of transportation. Issuing this regulation authorizes FRA to monitor and enforce industry compliance with the Act. This section qualitatively explains benefits and quantitatively explains costs for the freight car industry and FRA associated with implementing this rule over a 10-year period, considering discount rates of 2 percent, 3 percent, and 7 percent.¹⁰⁴

Summary of Public Comments Related to the Economic Analysis Presented in the NPRM

FRA received public comments related to the following points regarding the economic analysis presented in the NPRM.

(1) General Support for Economic and Security Impacts

A commenter commented on the rule's broader benefits, emphasizing its importance for national security, economic interests, and the reliability of the freight car industry, though without specific economic analysis points.

(2) Cost Benefit Agreement and Industry Implications

Trinity Industries, RSA, The Greenbrier Companies, and RSI supported the economic analysis, agreeing that the anticipated industry costs are modest. They highlighted that compliance obligations are an incremental addition, primarily aligning with the USMCA requirements. RSA noted this incremental compliance approach would have minimal additional impact.

¹⁰³ 88 FR 21879 (April 6, 2023) located at <https://www.federalregister.gov/documents/2023/04/11/2023-07760/modernizing-regulatory-review>.

¹⁰⁴ All costs are expressed in 2022 base year dollars.

⁹⁵ 49 CFR part 209.

⁹⁶ See subpart B and appendix A to 49 CFR part 209.

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

(3) Railroad Burden Concerns

AAR expressed concerns about the burden on railroads, noting that railroads lack the means to independently verify manufacturer certifications through inspection and suggesting that the rule should not impose additional burdens on railroads. AAR also commented agreeing with the proposed rule's conclusion that the Act's sensitive technology prohibition applies only at the time of initial manufacture and do not extend to aftermarket parts.

Integration of Updated Analytical Standards in Final Rule

In preparing the final economic analysis for the rule to be issued prior to January 2025, FRA has taken steps to align its methodology with the guidance provided in the updated Circular A-4, issued by the Office of Management and Budget (OMB) on November 9, 2023. While the new Circular A-4's requirements formally apply to proposed rules submitted to OMB's Office of Information and Regulatory Affairs after February 29, 2024, and final rules submitted after December 31, 2024, FRA recognizes the value of incorporating its principles to enhance the quality and transparency of our analysis.

Discount Rates

Consistent with the new Circular A-4 guidance, FRA has used discount rates of 2 percent, 3 percent, and 7 percent for present value calculations in this analysis. These rates were selected to ensure our economic evaluation is consistent with current best practices and standards, improving the comparability and reliability of the findings.

In conclusion, while FRA's proposed rule was issued in December 2023 and not required to adhere to the new Circular A-4 guidelines, FRA has integrated its principles into the final economic analysis to enhance the quality, transparency, and comprehensiveness of the assessment. This approach not only aligns with emerging standards but also ensures a robust evaluation of the rule's impacts.

FRA has concluded that the Act does not impose a continuing obligation on manufacturers or railcar owners related to certifying content and technology limitations throughout the useful life of each freight car. As such, the rule does not require FRA to enforce the requirements set forth in the Act at all times a freight railcar is in service on the U.S. general railroad system of transportation. This rule only impacts

original freight car manufacturers related to the initial entry of freight cars into service in the U.S. general railroad system of transportation.

Based on input from FRA subject matter experts in the Office of Motive Power and Equipment, this analysis estimates that the rule impacts six freight car manufacturers with manufacturing facilities within North America. This rule does not significantly impact any other entity. Over a 10-year period, this analysis estimates the impact of issuing this rule on the freight car manufacturing industry and FRA related to: (1) limiting content sourced from COCs or SOEs; (2) prohibiting the use of sensitive technology and components necessary to the functionality of the sensitive technology from a COC or a SOE; (3) compliance costs; and (4) government administrative costs associated with enforcing this rule. Additionally, this analysis provides a summary of the regulatory impact.

(1) Limit Content Sourced From COCs or SOEs

Based on conversations with RSA and FRA subject matter experts, all six freight car manufacturers currently comply with the 15 percent content limitation, which will be required three years after this rule's implementation date. Also, absent FRA issuing this rule, over the next 10 years, this analysis forecasts that no freight car manufacturer plans to change its materials sourcing whereby a freight car manufacturer would not be in compliance with the content limitation set forth in this rule. Lastly, this analysis does not anticipate any new freight car manufacturers entering the North American freight car industry over the next 10 years (during the period of analysis). Therefore, related to complying with the content limitation, issuing this rule does not result in any costs or benefits.

(2) Prohibit the Use of Sensitive Technology From COCs or SOEs

FRA understands the prohibition on the use of sensitive technology that originates from a COC or a SOE to also include any *active* technological components necessary to the functionality of the sensitive technology (excluding *passive* technological components) that originates from a COC or a SOE. Based on this understanding and input from the RSA and FRA subject matter experts, all six freight car manufacturers currently comply with the limitations on use of sensitive technological components as set forth in this rule. Also, absent FRA issuing this

rule, over the next 10 years, this analysis forecasts that no freight car manufacturer plans to change its materials sourcing whereby a freight car manufacturer would not comply with the sensitive technology limitation set forth in this rule. Further, over the next 10 years (during the period of analysis), this analysis does not anticipate any new freight car manufacturer entering the North American freight car industry. Therefore, the provision that would prohibit the use of sensitive technology, or *active* technological components necessary to the functionality of the sensitive technology that originates from a COC or a SOE for freight cars entering service in the U.S. general railroad system of transportation would not result in any costs.

However, issuing this provision (prohibiting the use of sensitive technology from COCs or SOEs) may provide benefits. That is, issuing this rule mitigates concerns related to compromised national security and potential corporate espionage that exists if newly built freight cars with sensitive technology and *active* technological components necessary to the functionality of the sensitive technology from COC or SOE enter service into the U.S. general railroad system of transportation.

(3) Compliance Costs

Issuing this rule creates a few compliance burdens for freight car manufacturers including affirming compliance with this rule, submitting an annual certification, and participating in periodic audits.

Manufacturers Affirm Compliance Prior to a Freight Car Entering Service

Prior to a manufacturer providing a freight car for operation on the U.S. general railroad system of transportation, a manufacturer must affirm that the freight car is compliant with this regulation. Currently, FRA provides a courtesy safety appliance drawing review and/or sample car inspection to freight car manufacturers that request it for all freight cars they intend to manufacture for operation on the U.S. general railroad system.¹⁰⁵ FRA

¹⁰⁵ Most newly built freight cars are considered cars of special construction under the freight car safety standards and manufacturers request FRA to inspect the cars prior to entering service. According to 49 CFR 231.118, cars of construction not covered by the 18 types of cars identified in the regulation, relative to handholds, sill steps, ladders, hand brakes and running boards may be considered as of *special construction*, but shall have, as nearly as possible, the same complement of handholds, sill steps, ladders, hand brakes, and running boards as are required for cars of the nearest approximate

anticipates manufacturers may affirm compliance with the Act by certifying at the time of their safety appliance drawing review and/or sample car inspection.¹⁰⁶

Based on input from FRA subject matter experts and previous submissions for safety appliance reviews and sample car inspection requests, this analysis estimates that each year manufacturers introduce approximately 35 freight car orders. An order can be of any type of car and of any quantity (as little as one car or thousands of cars on the order) and FRA expects one certification for each freight car order. FRA expects the number of annual freight car orders to remain constant over the period of analysis.

Based on FRA subject matter expert input, this analysis assumes that an administrative professional in the freight car manufacturer's contract office will draft the document affirming compliance with the Act (1 hour), and a vice-president of engineering would review and sign the letter (15 minutes).¹⁰⁷ Each year, the burden on manufacturers to affirm compliance with the Act for all newly built freight cars intended for operation on the U.S. general railroad system of transportation is estimated to be \$3,438.¹⁰⁸ Over the 10-year period of analysis, the industry burden is approximately, \$34,400

(undiscounted), \$30,800 (PV, 2%), \$29,200 (PV, 3%), and \$23,600 (PV, 7%).

Cost for Railroads

There is no anticipated burden on railroads as a result of this rulemaking.

Periodic Audit of Freight Car Manufacturers

As part of FRA's enforcement of this rule, FRA expects to randomly audit freight car manufacturers to ensure compliance with the Act. Based on input from FRA subject matter experts, FRA will likely randomly audit one-third of the freight car manufacturers each year (approximately two freight car manufacturers each year). Based on FRA subject matter expert input, the likely audit process will consist of FRA selecting one freight car order from the manufacturer's product line and have the freight car manufacturer provide evidence of compliance. FRA will audit the bill of materials to determine if the manufacturer complied with this regulation. If the freight car manufacturer provides sufficient evidence to show its freight car is compliant with the rule, FRA will take no further action. Based on FRA subject matter expert input, FRA anticipates that the results of FRA's random audits will be that all freight car manufacturers are compliant with the rule.

Based on input from FRA subject matter experts, this analysis estimates that it will take four hours for a freight car manufacturer to retrieve existing information that shows compliance with this rule and provide it to an FRA inspector. This analysis placed a relatively low hourly burden for the periodic audit because this rule requires freight railroads to maintain records that show compliance. Thus, other than retrieving records that should already exist, freight car manufacturers will have no additional burden. With an estimated two audits per year, the audit burden for all freight car manufacturers is 8 hours or \$566.¹⁰⁹ Over the 10-year period of analysis, the burden of periodic audits of freight car manufacturers is approximately \$5,700 (undiscounted), \$5,100 (PV, 2%), \$4,800 (PV, 3%), and \$3,900 (PV, 7%).

Total Cost and Benefit for Industry

As shown, in Table 2, over the 10-year period of analysis, the industry burden is approximately \$40,100 (undiscounted), \$35,900 (PV, 2%), \$34,000 (PV, 3%), and \$27,500 (PV, 7%) with annualized costs of \$4,000 (PV, 2%), \$4,000 (PV, 3%), and \$4,000 (PV, 7%). The annualized discount rates are the same because the timing of cash flows are identical.

TABLE 2—FREIGHT CAR INDUSTRY, TOTAL COSTS, 2022 DOLLARS, ROUND (\$100)

Type of cost	Cost			Annualized	
	Undiscounted	PV 2%	PV 3%	PV 2%	PV 3%
Compliance certification	34,400	30,800	29,200	3,400	3,400
Periodic audit	5,700	5,100	4,800	600	600
Total	40,100	35,900	34,000	4,000	4,000

FRA is issuing this regulation as required by the Act. In this economic analysis, FRA qualitatively explains the potential benefits that are expected to result from implementing the rule.

type. To help ensure the complement of safety appliances satisfy the requirements for the nearest approximate type, manufacturers request that FRA perform a sample car inspection after the cars are built, before they enter service.

¹⁰⁶ A freight car manufacturer may also certify compliance with the Act by submitting an independent document to FRA for any build order (e.g., for subsequent orders of the same car builds utilizing the same safety appliance arrangement that have already been reviewed and/or inspected by FRA). This analysis concluded that the cost to submit an independent document to affirm compliance with the Act follows similarly to including such affirmation along with safety

(1) Governmental Administrative Costs

Issuing this rule creates enforcement costs for FRA, including the review of freight car manufacturers certifying compliance, periodic audits of freight car manufacturers, and creating an annual report to Congress.

appliance review and/or sample car inspection request package.

¹⁰⁷ U.S. Bureau of Labor Statistics, Occupational Employment and Wage Statistics, National Industry-Specific Occupational Employment and Wage Statistics, May 2023 NAICS 336500 Railroad Rolling Stock Manufacturing "Sales and Related Occupations" \$40.45 (mean wage), "Top Executives" (\$62.74) [May 2023] https://www.bls.gov/oes/current/naics4_336500.htm. When estimating labor burden, this analysis added a compensation factor of 1.75, so the administrative employee's hourly burden rate is \$70.79, and the VP of engineering's hourly burden rate is \$109.80.

Review of Certification of Compliance Reports

Based on input from FRA subject matter experts, this analysis estimates that each year the total manufacture industry will introduce approximately 35 freight car orders and certify to FRA

¹⁰⁸ Industry burden for affirming compliance, annual = Number of freight car orders introduced (35) * [time to write the document affirming compliance with the Act (1 hour) * administrative professional's hour compensation rate (\$70.79) + time to review and sign the document (15 minutes) * VP of engineering compensation rate (\$109.80)] = \$3,438.

¹⁰⁹ Freight car manufacturers, participating in an audit, annual = Number of annual audits (2) * hours to prepare and participate in an audit (4 hours) * freight car administrative employee compensation rate (\$70.78) = \$566.

that its freight cars comply with this Act. FRA staff would spend approximately 30 minutes to review each of the 35 submissions. Therefore, FRA's annual burden related to reviewing the manufacturers is \$2,201.^{110 111} Over the 10-year period of analysis, the total burden is approximately \$22,000 (undiscounted), \$19,700 (PV, 2%), \$18,700 (PV, 3%), and \$15,100 (PV, 7%).

FRA Periodic Audit of Freight Car Manufacturers

As explained in the above section that describes industry burden, each year FRA expects to audit approximately two freight car manufacturers as part of FRA's enforcement efforts. To minimize compliance costs, FRA will use FRA field staff who have duty stations in close proximity to the freight car manufacturing facility. However, based on subject matter expert input, in the first five years of implementation of the rule, FRA expects it would send both an FRA field inspector and an FRA

headquarters employee to conduct an audit. Beginning in the sixth year, FRA expects that only FRA field inspectors will conduct audits.

Based on FRA subject matter expert input, FRA's burden related to periodic audits of freight car manufacturers is 20 hours for FRA headquarters staff (4 hours to prepare for an audit, 4 hours to conduct an audit, and 12 hours of travel time) and 12 hours for FRA field staff (4 hours to prepare for an audit, 4 hours to conduct an audit, and 4 hours travel time). In addition, FRA will incur travel expenses of \$500 for FRA headquarters staff and \$100 for FRA field staff per audit. In the first year of analysis, the cost related to conducting two audits is \$8,651.^{112 113} Over the 10-year period of analysis, FRA's burden for conducting periodic audits is \$51,300 (undiscounted), \$47,600 (PV, 2%), \$45,800 (PV, 3%), and \$39,500 (PV, 7%).

Preparing an Annual Report to Congress

After the final rule becomes effective, FRA expects that it will prepare and

submit an annual report to Congress that summarizes all certification submissions that FRA received from all the manufacturers during the calendar year. FRA anticipates that it may include this report within its existing Fiscal Year, Enforcement Report to Congress. Based on input from subject matter experts, FRA expects that it will take staff approximately 24 hours to prepare and submit an annual report with an associated cost of \$3,019.¹¹⁴ Over the 10-year period of analysis, the costs of preparing and submitting annual reports to Congress is \$30,200 (undiscounted), \$27,100 (PV, 2%), \$25,600 (PV, 3%), and \$20,700 (PV, 7%).

Total FRA Burden

As shown, in Table 3, over the 10-year period of analysis, FRA's enforcement burden is approximately \$103,500 (undiscounted), \$94,400 (PV, 2%), \$90,100 (PV, 3%), and \$75,300 (PV, 7%).

TABLE 3—FRA ENFORCEMENT BURDEN FROM ISSUING THE RULE, TOTAL COST, 2022 DOLLARS, ROUND (\$100)

Type of cost	Cost			Annualized	
	Undiscounted	PV 2%	PV 3%	PV 2%	PV 3%
Review affirmations	22,000	19,700	18,700	2,200	2,200
Periodic audit	51,300	47,600	45,800	5,300	5,400
Annual report to Congress	30,200	27,100	25,600	3,000	3,000
Total cost	103,500	94,400	90,100	10,500	10,600

(2) Summary of Regulatory Impact

This section provides a summary of total costs and total benefits that is expected to come from issuing this rulemaking.

(a) Summary of Total Benefits

FRA expects the benefits that will come from implementing this rule include addressing concerns related to compromised national security and potential corporate espionage.

Based on conversations with RSA and FRA subject matter experts, all six freight car manufacturers currently comply with the 15 percent content limitation, which will be required three years after this rule's implementation

date. Also, absent FRA issuing this rule, over the next 10 years, this analysis forecasts that no freight car manufacturer plans to change its materials sourcing whereby a freight car manufacturer would not be in compliance with the content limitation set forth in this rule. Also, this analysis does not anticipate any new freight car manufacturers entering the North American freight car industry over the next 10 years (during the period of analysis). Therefore, related to complying with the content limitation, issuing this rule does not result in any benefits.

Related to sensitive technology, currently no domestic manufacturer

sources sensitive technology from a COC or from a SOE. Moreover, FRA estimates that absent this rule no domestic manufacturer would have plans to source sensitive technology from a COC or from a SOE. Therefore, the portion of this rule that will prohibit sourcing sensitive technology that originates from a COC or from a SOE does not result in any benefit.

(b) Summary of Total Costs

As shown in Table 4, FRA expects that the total cost from issuing the rule including the impact on industry and FRA is approximately \$143,600 (undiscounted), \$130,300 (PV, 2%),

¹¹⁰ FRA headquarters staff salary estimated at the GS-14, step 5, rate, Washington, DC) of \$71.88 with a burden rate of 1.75 for an hourly burden rate of \$125.79. See <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2023/general-schedule/>.

¹¹¹ FRA burden for affirming compliance, annual = Number of freight car orders introduced (35) * [time to review affirmation (0.5 hour) * FRA headquarters employee compensation rate (\$125.79)] = \$2,201.

¹¹² FRA headquarters staff salary estimated at the GS-14, step 5, rate, Washington, DC) of \$71.88 with a burden rate of 1.75 for an hourly burden rate of \$125.79. FRA field staff salary estimated at the GS-12, step 5, rate (Rest of United States) of \$44.98 with a burden rate of 1.75 for an hourly burden rate of \$78.72. See <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2023/general-schedule/>.

¹¹³ FRA audit burden, annual = number of audits per year (2 audits) * [FRA headquarters staff time

per audit (20 hours) * FRA headquarters staff compensation rate (\$125.79) + FRA headquarters staff travel expense (\$500) + FRA field staff time per audit (12 hours) * FRA field staff compensation rate (\$78.72) + FRA field staff travel expense (\$100)] = \$8,651.

¹¹⁴ Prepare and submit annual report to Congress, annual = FRA staff hourly labor burden rate (\$125.79) * hours to complete and submit report (24 hours) = \$3,019.

\$124,100 (PV, 3%), and \$102,800 (PV, 7%).

TABLE 4—INDUSTRY COMPLIANCE BURDEN AND FRA'S ENFORCEMENT BURDEN, TOTAL COST, 2022 DOLLARS, ROUND (\$100)

Entity	Cost			Annualized	
	Undiscounted	PV 2%	PV 3%	PV 2%	PV 3%
Industry	40,100	35,900	34,000	4,000	4,000
FRA	103,500	94,900	90,100	10,500	10,600
Total cost	143,600	130,300	124,100	14,500	14,600

B. Regulatory Flexibility Act and Executive Order 13272

FRA received no comments on the Initial Regulatory Flexibility Analysis (IRFA) published in the proposed rule, and the Small Business Administration's Chief Counsel for Advocacy did not submit any comments. As a result, FRA's analysis and conclusions regarding the potential impact of this rule on small entities, as presented in the IRFA, remain unchanged.

Certification

FRA hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

Basis for Certification

The IRFA concluded that the rule would not have a significant economic impact on a substantial number of small entities. No public comments were received, and the Small Business Administration's Chief Counsel for

Advocacy did not submit any comments. Therefore, FRA is not required to prepare a final regulatory flexibility analysis.

C. Paperwork Reduction Act

The information collection requirements in this rule are being submitted for approval to OMB¹¹⁵ under the Paperwork Reduction Act of 1995.¹¹⁶ The information collection requirements and the estimated time to fulfill each requirement are as follows:

CFR Section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Total cost equivalent in U.S. dollars
		(A)	(B)	(C) = (A * B)	(D) = (C * wage rates) ¹¹⁷
215.5(d)(6)—Dedicated Service—Notification to FRA.	784 railroads	4 notifications	1 hour	4.00 hours	\$311.64
215.403(a)(1)—Certification of Compliance—Manufacturers to electronically certify to FRA that the cars comply with the requirements of this subpart (New requirement).	6 manufacturers ..	35 affirmations	1.25 hours	43.75	2,786.00
—(a)(1)(ii) Records and such records shall be made available to FRA upon request (New requirement).	6 manufacturers ..	0.33 report	6 hours	1.98 hours	126.09
Total ¹¹⁸	784 railroads + 6 manufacturers.	39.33 notifications	N/A	49.73 hours	3,223.73

All estimates include the time for reviewing instructions; searching existing data sources; gathering or maintaining the needed data; and reviewing the information. Pursuant to 44 U.S.C. 3506(c)(2)(B), FRA solicits comments concerning: whether these information collection requirements are necessary for the proper performance of the functions of FRA, including whether

the information has practical utility; the accuracy of FRA's estimates of the burden of the information collection requirements; the quality, utility, and clarity of the information to be collected; and whether the burden of collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information

technology, may be minimized. Organizations and individuals desiring to submit comments on the collection of information requirements or to request a copy of the paperwork package submitted to OMB should contact Ms. Arlette Mussington, Information Collection Clearance Officer, at email: arlette.mussington@dot.gov or telephone: (571) 609–1285 or Ms.

¹¹⁵ FRA will be using the OMB control number (OMB No. 2130–0502) that was issued when the previous NPRM was issued in 1979 for this information collection.

¹¹⁶ 44 U.S.C. 3501 *et seq.*

¹¹⁷ The dollar equivalent cost is derived from U.S. Bureau of Labor Statistics, 2021 NAICS 336500—Railroad Rolling Stock Manufacturing; 13–1000 Business Operations Specialist median wage \$63.68 (\$36.39 + 1.75 overhead costs. The one exception

is § 215.5(d)(6), which is derived from the Surface Transportation Board's Full Year Wage 2021, group 200 Professional and Administrative.

¹¹⁸ Totals may not add due to rounding.

Joanne Swafford, Information Collection Clearance Officer, at email: joanne.swafford@dot.gov or telephone: (757) 897-9908.

OMB is required to make a decision concerning the collection of information requirements contained in this rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal. FRA is not authorized to impose a penalty on persons for violating information collection requirements that do not display a current OMB control number, if required.

D. Federalism Implications

Executive Order 13132, Federalism,¹¹⁹ requires FRA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” are defined in the E.O. to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” Under E.O. 13132, the agency may not issue a regulation with federalism implications that imposes substantial direct compliance costs and that is not required by statute, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by State and local governments or the agency consults with State and local government officials early in the process of developing the regulation. Where a regulation has federalism implications and preempts State law, the agency seeks to consult with State and local officials in the process of developing the regulation.

FRA has analyzed this rule in accordance with the principles and criteria contained in E.O. 13132. FRA has determined that this rule has no federalism implications, other than the possible preemption of State laws under 49 U.S.C. 20106. In addition, this rule is required by statute. 49 U.S.C. 20171(c)(1). Therefore, the consultation and funding requirements of E.O. 13132 do not apply, and preparation of a

federalism summary impact statement for the rule is not required.

E. International Trade Impact Assessment

The Trade Agreements Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This rule implements a statutory mandate to fulfill legitimate domestic objectives, as directed by Congress.

F. Environmental Impact

FRA has evaluated this rule consistent with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), the Council of Environmental Quality’s NEPA implementing regulations at 40 CFR parts 1500 through 1508, and FRA’s NEPA implementing regulations at 23 CFR part 771 and determined that it is categorically excluded from environmental review and therefore does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS). Categorical exclusions (CEs) are actions identified in an agency’s NEPA implementing regulations that do not normally have a significant impact on the environment and therefore do not require either an EA or EIS.¹²⁰ Specifically, FRA has determined that this rule is categorically excluded from detailed environmental review pursuant to 23 CFR 771.116(c)(15), “[p]romulgation of rules, the issuance of policy statements, the waiver or modification of existing regulatory requirements, or discretionary approvals that do not result in significantly increased emissions of air or water pollutants or noise.”

This rulemaking will not directly or indirectly impact any environmental resources and would not result in significantly increased emissions of air or water pollutants or noise. In analyzing the applicability of a CE, FRA must also consider whether unusual circumstances are present that would warrant a more detailed environmental review.¹²¹ FRA has concluded that no such unusual circumstances exist with respect to this rule and it meets the

requirements for categorical exclusion under 23 CFR 771.116(c)(15).

Pursuant to section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties.¹²² FRA has also determined that this rulemaking does not approve a project resulting in a use of a resource protected by section 4(f).¹²³

G. Environmental Justice

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” requires DOT agencies to achieve environmental justice as part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects, of their programs, policies, and activities on minority populations and low-income populations. DOT Order 5610.2C (“U.S. Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”) instructs DOT agencies to address compliance with E.O. 12898 and requirements within DOT Order 5610.2C in rulemaking activities, as appropriate, and also requires consideration of the benefits of transportation programs, policies, and other activities where minority populations and low-income populations benefit, at a minimum, to the same level as the general population as a whole when determining impacts on minority and low-income populations.¹²⁴ FRA has evaluated this rule under Executive Orders 12898, 14096 and DOT Order 5610.2C and has determined it would not cause disproportionate and adverse human health and environmental effects on communities with environmental justice concerns.

H. Unfunded Mandates Reform Act of 1995

Under section 201 of the Unfunded Mandates Reform Act of 1995,¹²⁵ each Federal agency “shall, unless otherwise prohibited by law, assess the effects of Federal regulatory actions on State,

¹²² See 16 U.S.C. 470.

¹²³ See Department of Transportation Act of 1966, as amended (Pub. L. 89-670, 80 Stat. 931); 49 U.S.C. 303.

¹²⁴ E.O. 14096 “Revitalizing Our Nation’s Commitment to Environmental Justice,” issued on April 26, 2023, supplements E.O. 12898, but is not currently referenced in DOT Order 5610.2C.

¹²⁵ Public Law 104-4, 2 U.S.C. 1531.

¹²⁰ 40 CFR 1508.4.

¹²¹ 23 CFR 771.116(b).

¹¹⁹ 64 FR 43255 (Aug. 10, 1999).

local, and tribal governments, and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law).” Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) further requires that “before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year, and before promulgating any final rule for which a general notice of proposed rulemaking was published, the agency shall prepare a written statement” detailing the effect on State, local, and Tribal governments and the private sector. This final rule would not result in the expenditure, in the aggregate, of \$100,000,000 or more (as adjusted annually for inflation) in any one year, and thus preparation of such a statement is not required.

I. Energy Impact

Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”¹²⁶ FRA evaluated this rule under E.O. 13211 and determined that this regulatory action is not a “significant energy action” within the meaning of E.O. 13211.

J. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy.

List of Subjects in 49 CFR Part 215

Freight cars, Infrastructure Investment and Jobs Act, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

For the reasons discussed in the preamble, FRA amends part 215 of chapter II, subtitle B of title 49, Code of Federal Regulations, as follows:

PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

■ 1. The authority citation for part 215 is revised to read as follows:

Authority: 49 U.S.C. 20102–03, 20107, 20171; 28 U.S.C. 2461; and 49 CFR 1.89.

■ 2. Revise § 215.5 to read as follows:

§ 215.5 Definitions.

As used in this part:

Break means a fracture resulting in complete separation into parts;

Component means a part or subassembly of a railroad freight car;

Control means the power, whether direct or indirect and whether or not exercised, through the ownership of a majority or a dominant minority of the total outstanding voting interest in an entity; representation on the board of directors of an entity; proxy voting on the board of directors of an entity; a special share in the entity; a contractual arrangement with the entity; a formal or informal arrangement to act in concert with an entity; or any other means, to determine, direct, make decisions, or cause decisions to be made for the entity;

Cost of sensitive technology means the aggregate cost of the sensitive technology located on a railroad freight car.

Country of concern means a country that—

(1) Was identified by the Department of Commerce as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of November 15, 2021;

(2) Was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a foreign country included on the priority watch list (as defined in subsection (g)(3) of such section); and

(3) Is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

Dedicated service means the exclusive assignment of cars to the transportation of freight between specified points under the following conditions:

(1) The cars are operated—

(i) Primarily on track that is inside an industrial or other non-railroad installation; and

(ii) Only occasionally over track of a railroad;

(2) The cars are not operated—

(i) At speeds of more than 15 miles per hour; and

(ii) Over track of a railroad—

(A) For more than 30 miles in one direction; or

(B) On a round trip of more than 60 miles;

(3) The cars are not freely interchanged among railroads;

(4) The words “Dedicated Service” are stenciled, or otherwise displayed, in

clearly legible letters on each side of the car body;

(5) The cars have been examined and found safe to operate in dedicated service; and

(6) The railroad must—

(i) Notify FRA in writing that the cars are to be operated in dedicated service;

(ii) Identify in that notice—

(A) The railroads affected;

(B) The number and type of cars involved;

(C) The commodities being carried; and

(D) The territorial and speed limits within which the cars will be operated; and

(iii) File the notice required by this paragraph (6)(iii) of the definition not less than 30 days before the cars operate in dedicated service;

In service when used in connection with a railroad freight car, means each railroad freight car subject to this part unless the car:

(1) Has a “bad order” or “home shop for repairs” tag or card containing the prescribed information attached to each side of the car and is being handled in accordance with § 215.9;

(2) Is in a repair shop or on a repair track;

(3) Is on a storage track and is empty; or

(4) Has been delivered in interchange but has not been accepted by the receiving carrier.

Net cost has the meaning given such term in chapter 4 of the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada.

Qualified facility means a facility that is not owned or under the control of a state-owned enterprise.

Qualified manufacturer means a railroad freight car manufacturer that is not owned or under the control of a state-owned enterprise.

Railroad means all forms of non-highway ground transportation that run on rails or electromagnetic guideways, including:

(1) Commuter or other short-haul rail passenger service in a metropolitan or suburban area, and

(2) High speed ground transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with traditional railroads. Such term does not include rapid transit operations within an urban area that are not connected to the general railroad system of transportation.

Railroad freight car means any car designed to carry freight or railroad personnel by rail, including—

(1) A box car;

¹²⁶ 66 FR 28355 (May 22, 2001).

- (2) A refrigerator car;
- (3) A ventilator car;
- (4) An intermodal well car;
- (5) A gondola car;
- (6) A hopper car;
- (7) An auto rack car;
- (8) A flat car;
- (9) A special car;
- (10) A caboose car;
- (11) A tank car; and
- (12) A yard car.

Sensitive technology means any device embedded with electronics, software, sensors, or other connectivity, that enables the device to connect to, collect data from, or exchange data with another device, including—

- (1) Onboard telematics;
- (2) Remote monitoring software;
- (3) Firmware;
- (4) Analytics;
- (5) Global positioning system satellite and cellular location tracking systems;
- (6) Event status sensors;
- (7) Predictive component condition and performance monitoring sensors; and
- (8) Similar sensitive technologies embedded into freight railcar components and sub-assemblies.

State inspector means an inspector who is participating in investigative and surveillance activities under section 206 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 435).

State-owned enterprise means—

- (1) An entity that is owned by, or under the control of, a national, provincial, or local government of a country of concern, or an agency of such government; or
- (2) An individual acting under the direction or influence of a government or agency described in paragraph (1) of this definition.

Substantially transformed means a component of a railroad freight car that undergoes an applicable change in tariff classification as a result of the manufacturing process, as described in chapter 4 and related annexes of the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada.

USMCA. The acronym ‘USMCA’ has the meaning given the term in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502).

■ 3. Add subpart E to part 215 to read as follows:

Subpart E—Manufacturing

Sec.

215.401 Requirements for railroad freight cars placed into service in the United States.

215.403 Certification of compliance.

- 215.405 Prohibition on registering noncompliant railroad freight cars.
- 215.407 Civil penalties.
- 215.409 Demand letter.
- 215.411 Reply.
- 215.413 Payment of penalty; compromise.
- 215.415 Informal response and assessment.
- 215.417 Request for hearing.
- 215.419 Hearing.
- 215.421 Presiding officer’s decision.

Subpart E—Manufacturing

§ 215.401 Requirements for railroad freight cars placed into service in the United States.

(a) *Limitation on railroad freight cars.* A railroad freight car wholly manufactured on or after December 19, 2025 may only operate on the United States general railroad system of transportation if:

(1) The railroad freight car is manufactured, assembled, and substantially transformed, as applicable, by a qualified manufacturer in a qualified facility;

(2) None of the sensitive technology located on the railroad freight car, including components necessary to the functionality of the sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise; and

(3) None of the content of the railroad freight car, excluding sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise that has been determined by a recognized court or administrative agency of competent jurisdiction and legal authority to have violated or infringed valid United States intellectual property rights of another including such a finding by a Federal district court under title 35 or the U.S. International Trade Commission under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

(b) *Limitation on railroad freight car content—(1) Percentage limitation—*

(i) *Initial limitation.* Not later than December 19, 2025, a railroad freight car described in paragraph (a) of this section may operate on the United States general railroad system of transportation only if not more than 20 percent of the content of the railroad freight car, calculated by the net cost of all components of the car and excluding the cost of sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise.

(ii) *Subsequent limitation.* Effective beginning on December 19, 2028, a railroad freight car described in paragraph (a) of this section may operate on the United States general railroad system of transportation only if not

more than 15 percent of the content of the railroad freight car, calculated by the net cost of all components of the car and excluding the cost of sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise.

(2) *Conflict.* The percentages specified in the clauses in paragraphs (b)(1)(i) and (ii) of this section, as applicable, shall apply notwithstanding any apparent conflict with provisions of chapter 4 of the USMCA.

§ 215.403 Certification of compliance.

(a) *Certification required.* To be eligible to provide a railroad freight car for operation on the United States general railroad system of transportation, the manufacturer of such car shall certify, at least annually, to the Federal Railroad Administrator that any railroad freight cars to be so provided comply with 49 U.S.C. 20171.

(1) *Certification procedure.* Prior to providing any cars for operation on the United States general railroad system of transportation, each freight car manufacturer shall certify to FRA that the cars comply with 49 U.S.C. 20171. Such certification shall be submitted via electronic mail by an authorized representative of the manufacturer to FRARRSMPE@dot.gov. A manufacturer may submit this certification to FRA annually provided it covers all cars to be provided in the relevant year, or a manufacturer may submit separate certifications throughout the year.

(i) The certification shall include the statement “I certify that all freight cars that will be provided for operation on the United States general railroad system of transportation will comply with 49 U.S.C. 20171, and the implementing regulations at 49 CFR part 215” and contain:

(A) The manufacturer’s name and address;

(B) The name, signature, and contact information for the person designated to certify compliance with this subpart; and

(C) A car identification number for each car being certified.

(ii) Manufacturers shall maintain records showing the information, including the calculations, made to support certification under this section and such records shall be made available to FRA upon request.

(2) *Valid certification required.* At the time a railroad freight car begins operation on the United States general railroad system of transportation, the manufacturer of such railroad freight car shall have valid certification described in paragraph (a) of this section for the year in which such car begins operation.

(b) [Reserved]

§ 215.405 Prohibition on registering noncompliant railroad freight cars.

(a) *Cars prohibited.* A railroad freight car manufacturer may not register, or cause to be registered, a railroad freight car that does not comply with the requirements under this subpart in the Umler system.

(b) [Reserved]

§ 215.407 Civil penalties.

(a) *In general.* A railroad freight car manufacturer that has manufactured a railroad freight car for operation on the United States freight railroad interchange system that the Secretary of Transportation determines, after written notice and an opportunity for a hearing, has violated this subpart is liable to the United States Government for a civil penalty of at least \$100,000, but not more than \$250,000, for each such violation for each railroad freight car.

(b) *Prohibition for violations.* The Secretary of Transportation may prohibit a railroad freight car manufacturer with respect to which the Secretary has assessed more than three violations under this section from providing additional railroad freight cars for operation on the United States freight railroad interchange system until the Secretary determines:

- (1) Such manufacturer is in compliance with this subpart; and
- (2) All civil penalties assessed to such manufacturer pursuant to this section have been paid in full.

§ 215.409 Demand letter.

(a) FRA, through the Office of the Chief Counsel, begins a civil penalty proceeding under § 215.407(a) by serving a demand letter on a railroad freight car manufacturer, charging the railroad freight car manufacturer with having violated one or more provisions of this subpart.

(b) A demand letter issued under this section includes:

- (1) A statement of the provision(s) which the respondent is believed to have violated;
- (2) A statement of the factual allegations upon which the proposed civil monetary penalty is being sought;
- (3) Notice of the maximum amount of civil monetary penalty for which the respondent may be liable;
- (4) Notice of the amount of the civil monetary penalty proposed;
- (5) A description of the manner in which the respondent should make payment of any money to the United States;
- (6) A statement of the respondent's right to present written explanations,

information, or any materials in answer to the charges or in mitigation of the penalty; and

(7) A statement of the respondent's right to request a hearing and the procedures for requesting a hearing.

(c) FRA may amend the demand letter at any time prior to completion of a fully executed settlement agreement or the entry of an order to pay a civil monetary penalty. If the amendment contains any new material allegation of fact, the respondent is given an opportunity to respond. In an amended demand letter, FRA may change the civil monetary penalty amount initially proposed, up to the maximum penalty amount for each violation.

§ 215.411 Reply.

(a) Within sixty (60) days of the service of a demand letter issued under § 215.409, the respondent may—

- (1) Pay as provided in § 209.413(a) and thereby close the case;
- (2) Make an informal response as provided in § 215.415; or
- (3) Request a hearing as provided in § 215.417.

(b) The Office of the Chief Counsel may extend the sixty (60) day period for good cause shown.

(c) Failure of the respondent to reply by taking one of the three actions described in paragraph (a) of this section, within the period provided, constitutes a waiver of the right to appear and contest the allegations, and authorizes the Office of the Chief Counsel, without further notice to the respondent, to find the facts to be as alleged in the demand letter and to assess an appropriate civil penalty.

§ 215.413 Payment of penalty; compromise.

(a) Payment of a civil monetary penalty may be made by credit card, certified check, money order, or wire transfer. Payment by credit card must be made via the internet at <https://www.pay.gov/paygov/>. Instructions for online payment are found on the website. Payments made by certified check or money order should be made payable to the Federal Railroad Administration and sent to DOT/FRA, M.M.A.C., AMK-324, HQ-RM 181, P.O. Box 25082, Oklahoma City, OK 73125. Overnight express payments may be sent to DOT/FRA, M.M.A.C., AMK-324, HQ-RM 181, 6500 South MacArthur Blvd., Oklahoma City, OK 73169.

(b) At any time before an order requiring payment of a civil monetary penalty is referred to the Attorney General for collection, the respondent may offer to compromise for a specific amount by contacting the Office of the Chief Counsel.

§ 215.415 Informal response and assessment.

(a) If a respondent elects to make an informal response to a demand letter, respondent must submit to the Office of the Chief Counsel such written explanations, information, or other materials as respondent may desire in answer to the charges or in mitigation of the proposed penalty.

(b) The respondent may include in the informal written response a request for a conference. Upon receipt of such a request, the Office of the Chief Counsel arranges for a conference as soon as practicable.

(c) Written explanations, information, or materials submitted by the respondent, and relevant information presented during any conference held under this section, are considered by the Office of the Chief Counsel in reviewing the demand letter and determining the fact(s) of the violation and the amount of any civil penalty to be paid.

(d) After consideration of an informal response, including any relevant information presented at a conference, the Office of the Chief Counsel may dismiss the demand letter in whole or in part. If the Office of the Chief Counsel does not dismiss the action in whole, the Office of the Chief Counsel may enter into a settlement agreement or enter an order assessing a civil monetary penalty.

§ 215.417 Request for hearing.

(a) If a respondent elects to request a hearing, the respondent must submit a written request to the Office of the Chief Counsel referring to the case number which appeared on the demand letter. The request must—

- (1) State the name and email address of the respondent and of the person signing the request, if different from the respondent;
- (2) State with respect to each allegation whether it is admitted or denied; and
- (3) State with particularity the issues to be raised by the respondent at the hearing.

(b) After a request for hearing that complies with the requirements of paragraph (a) of this section, the Office of the Chief Counsel schedules a hearing for the earliest practicable date.

(c) The Office of the Chief Counsel, or the hearing officer designated under § 215.419, may grant extensions of the time of the commencement of the hearing for good cause shown.

§ 215.419 Hearing.

(a) When a hearing is requested and scheduled under § 215.417, a presiding officer designated by the Office of the

Chief Counsel convenes and presides over the hearing. If requested by the respondent, and if practicable, the hearing is held in the general vicinity of the place where the alleged violation occurred, at a place convenient to the respondent, or virtually. Testimony by witnesses shall be given under oath and the hearing shall be recorded verbatim.

(b) The presiding official may:

- (1) Administer oaths and affirmations;
- (2) Issue subpoenas as provided by

§ 209.7;

(3) Adopt procedures for the submission of evidence in written form;

(4) Take or cause depositions to be taken;

(5) Rule on offers of proof and receive relevant evidence;

(6) Examine witnesses at the hearing;

(7) Convene, recess, reconvene, and adjourn and otherwise regulate the course of the hearing;

(8) Hold conferences for settlement, simplification of the issues or any other proper purpose; and

(9) Take any other action authorized by, or consistent with, the provisions of this subpart pertaining to civil monetary penalties and permitted by law that may expedite the hearing or aid in the disposition of an issue raised, therein.

(c) The Office of the Chief Counsel has the burden of providing the facts alleged in the demand letter and may offer such relevant information as may be necessary fully to inform the presiding officer as to the matter concerned.

(d) The respondent may appear and be heard on the respondent's own behalf or through counsel of the respondent's choice. The respondent or respondent's counsel may offer relevant information, including testimony, which they believe should be considered in defense of the allegations, or that may bear on the proposed civil monetary penalty, and conduct such cross-examination as may be required for a full disclosure of the material facts.

(e) At the conclusion of the hearing, or as soon thereafter as the hearing officer shall provide, the parties may file proposed findings and conclusions, together with supporting reasons.

§ 215.421 Presiding officer's decision.

(a) After consideration of the evidence of record, the presiding officer may dismiss the demand letter in whole or in part. If the presiding officer does not dismiss the civil penalty enforcement action in whole, the presiding officer will issue and serve on the respondent an order assessing a civil penalty. The presiding officer's decision will include a statement of findings and conclusions as well as the reasons therefor on all

material issues of fact, law, and discretion.

(b) If, within twenty (20) days after service of an order assessing a civil penalty fine issued by the presiding officer under paragraph (a) of this section, the respondent does not pay the civil penalty fine, the case may be referred to the Attorney General with a request that an action to collect the penalty be brought in the appropriate United States District Court. In the civil action, the amount and appropriateness of the civil penalty shall not be subject to review.

Issued in Washington, DC.

Amitabha Bose,

Administrator.

[FR Doc. 2024-30030 Filed 12-18-24; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 241212-0326]

RIN 0648-XE368

Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to 2025 Specifications

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

ACTION: Interim final rule.

SUMMARY: This interim final rule makes an in-season adjustment to the 2025 Atlantic herring specifications and sub-annual catch limits for the four Atlantic herring management areas (including Area 1A, 1B, 2, and 3). This action is necessary to respond to updated scientific information from a 2024 herring management track stock assessment and achieve the goals and objectives of the Atlantic Herring Fishery Management Plan. This action reduces current 2025 catch limits to lessen the risk overfishing and help rebuild the stock.

DATES: Effective December 19, 2024, through December 31, 2025.

ADDRESSES: Copies of supporting documents, including the 2023-2025 Atlantic Herring Specifications, are available from the Sustainable Fisheries Division, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930, telephone

(978) 281-9315, or online at: <https://www.nefmc.org/management-plans/herring> and <https://www.fisheries.noaa.gov/species/atlantic-herring#management>.

FOR FURTHER INFORMATION CONTACT:

Carrie Nordeen, Fishery Policy Analyst, 978-281-9272.

SUPPLEMENTARY INFORMATION:

Background

Regulations implementing the Atlantic Herring Fishery Management Plan (FMP) appear at 50 CFR part 648, subpart K. NMFS implemented the 2025 specifications in the 2023-2025 specifications for the Atlantic herring fishery (88 FR 17397; March 23, 2023). The specifications set an overfishing limit (OFL), acceptable biological catch (ABC), annual catch limit (ACL), and sub-ACLs for 2023-2025 for each of the four management areas in the herring fishery, subject to future review and any necessary adjustments. FMP regulations § 648.200(e) state that NMFS may make in-season adjustments to the herring specifications and sub-ACLs to achieve conservation and management objectives, after consulting with the New England Fishery Management Council, during the fishing year in accordance with the Administrative Procedure Act and consistent with FMP objectives and provisions.

Amendment 8 to the FMP (86 FR 1810; January 11, 2021) implemented an ABC control rule for the herring fishery. The ABC control rule is a formulaic approach for setting a harvest limit and is designed to balance the goals and objectives of the FMP, including managing the fishery at long-term sustainable levels and accounting for herring's role as forage in the ecosystem. The ABC control rule states that when biomass is at or above 50 percent of the biomass associated with maximum sustainable yield (B_{MSY}) or its proxy, ABC is the catch associated with a maximum fishing mortality (F) of 80 percent of F_{MSY} or its proxy. When biomass falls below 50 percent of B_{MSY} or its proxy, the allowable F declines linearly to zero at 10 percent of B_{MSY} or its proxy.

On October 2, 2020, NMFS determined the Atlantic herring stock was overfished, but overfishing was not occurring. Framework 9 to the FMP (87 FR 42962; July 19, 2022) established a 5-year rebuilding plan for herring with an F consistent with the ABC control rule implemented in Amendment 8. The rebuilding plan was expected to rebuild the stock by 2026, however, the duration of the rebuilding period was extended from 5 years (2026) to 7 years

(2028) with implementation of the 2023–2025 herring specifications.

A 2024 herring management track stock assessment (2024 stock assessment) was completed in June 2024. According to the results of the 2024 stock assessment, the stock continues to be overfished with overfishing not occurring. Retrospective pattern adjustments were necessary because the model overestimated biomass and underestimated mortality. The adjusted spawning stock biomass was estimated to be 26 percent (47,955 metric tons (mt)) of B_{MSY} and the adjusted F was estimated to be 58 percent (0.263) of the overfishing threshold (F_{MSY} equals 0.45). The 2024 stock assessment was unable to explain a cause for the stock’s historic and continued low recruitment and projected that poor recruitment of herring will likely result in a substantial decline in biomass.

On July 31, 2024, the Council’s Science and Statistical Committee (SSC) reviewed the 2024 stock assessment and recommended harvest limits for 2025–2027. The SSC recommended using the ABC control rule for the OFL and ABC recommendations for 2025–2027, while noting concern for the continued low recruitment and low spawning stock biomass.

At its September 2024 meeting, the Council reviewed the 2024 stock assessment and recommended new specifications for 2025–2027. The Council’s recommendations are consistent with the ABC control rule and the SSC’s recommendations, with the following exception. Catch projections from the 2024 stock

assessment allow for harvest limit increases in 2026 and 2027, compared to 2025. However, the Council recommended holding 2026 harvest limits constant for 2027, instead of allowing for projected limit increases. This precautionary measure is intended to lessen the risk of overfishing and support stock rebuilding, while recognizing that 2027 specifications will likely be revised following the 2025 herring research track stock assessment.

NMFS intends to implement the 2025–2027 specifications via proposed and final rulemaking as soon as possible, but the 2025–2027 specifications would not be effective in time for the start of the fishing year on January 1, 2025. Catch projections from the 2024 assessment indicate the need for an almost 90-percent reduction from the current 2025 ACL (23,961 mt) to the new, reduced 2025 ACL (2,710 mt). Implementing the reduced 2025 specifications after the start of the fishing year on January 1, 2025, raises a significant risk that catch may exceed the reduced catch limits. Therefore, to ensure the reduced 2025 specifications are in place at the start of the fishing year on January 1, the Council requested that NMFS use an in-season adjustment to reduce the current 2025 specifications and sub-ACLs as soon as possible, and NMFS concurs.

The FMP regulations at § 648.201(g) specify that unharvested catch in a herring management area in a fishing year (up to 10 percent of that area’s sub-ACL) shall be carried over and added to the sub-ACL for that herring management area for the fishing year following the year when total catch is

determined. Preliminary data suggest that 2023 catch levels were substantially lower than allowed in herring management areas 1B and 2. Thus, a percentage of catch underages from 2023 is eligible for carryover to 2025: approximately 54 mt from Area 1B and 346 mt from Area 2. Given the substantial catch reduction needed for 2025 to support the FMP’s conservation and management objectives, the Council requested that NMFS use its in-season adjustment authority to nullify any carryover in 2025. NMFS agrees that nullifying any carryover is necessary to lessen the risk of overfishing and to help rebuild the stock. The potential long-term negative effects on the herring stock associated with an increased risk of overfishing and delayed rebuilding outweigh the short-term economic benefits associated with harvesting the available carryover.

Therefore, this interim final rule adjusts the 2025 specifications and sub-ACLs consistent with the FMP’s goals to lessen the risk of overfishing and help rebuild the stock. The current and reduced 2025 specifications are shown in the table below.

Measures Implemented in This Action

This action reduces 2025 specifications and sub-ACLs consistent with the FMP’s goals to lessen the risk of overfishing and help rebuild the stock. The complete 2025–2027 specifications would be implemented via proposed and final rulemaking as soon as possible following the in-season adjustment. The current and new, reduced 2025 specifications are shown in table 1 below.

TABLE 1—IN-SEASON ADJUSTED 2025 HERRING SPECIFICATIONS

Specifications	Current 2025 (mt)	New 2025 (mt)
Overfishing Limit	40,727	18,273
Acceptable Biological Catch	28,181	6,741
Management Uncertainty Buffer	4,220	4,031
Optimal Yield/Annual Catch Limit	23,961	2,710
Domestic Annual Harvest	23,961	2,710
Border Transfer	0	0
Domestic Annual Processing	23,961	2,710
US At-Sea Processing	0	0
Area 1A Sub-ACL (28.9%)	6,925	783
Area 1B Sub-ACL (4.3%)	1,030	117
Area 2 (27.8%)	6,661	753
Area 3 (39%)	9,345	1,057
Fixed Gear Set-Aside	30	30
Research Set-Aside	0%	0%

* If New Brunswick weir landings are less than 2,722 mt through October 1, then 1,000 mt will be subtracted from the management uncertainty buffer and reallocated to the Area 1A sub-ACL and the ACL.

OFL

OFL is equal to catch resulting from applying F_{MSY} to a current estimate of stock size. This action decreases the 2025 OFL by 55 percent relative to the current 2025 OFL. The difference between the current and reduced OFLs is due to data updates during the 2024 assessment. F_{MSY} is lower in the 2024 assessment than it was in the previous 2022 assessment (0.45 and 0.50, respectively) and projected biomass is much lower in the 2024 assessment than it was in the 2022 assessment (47,955 mt and 79,231 mt, respectively).

ABC

ABC must be less than or equal to the OFL. This action reduces the current 2025 ABC by 76 percent. The difference between the current and reduced ABCs are due to data updates contained and discussed in the 2024 assessment. Under the ABC control rule, the target F that defines the ABC depends on the ratio of biomass to B_{MSY} . The smaller the ratio, the smaller the target F and ABC. Biomass is lower in the 2024 assessment than it was in the 2022 assessment, causing the ratio of biomass to B_{MSY} to decrease relative to the 2022 assessment, resulting in a lower target F and ABC.

Management Uncertainty

The ACL is reduced from the ABC to account for management uncertainty. The Atlantic Herring FMP states that sources of management uncertainty can include, but are not limited to, uncertainty surrounding catch in the New Brunswick weir fishery and herring discard estimates in Federal and State waters. Currently, the only source of management uncertainty that is applied to the 2025 ABC is catch in the New Brunswick weir fishery. Since Framework Adjustment 6 to the Atlantic Herring FMP was implemented in 2020 (85 FR 26874; May 6, 2020), management uncertainty has been calculated as the average annual landings in the New Brunswick weir fishery over the most recent 10-year period. Landings in the weir fishery are highly variable, fluctuating with herring availability and fishing effort. Using landings data from a 10-year period captures this variability. This action maintains the same approach for calculating management uncertainty. The resulting management uncertainty buffer (4,031 mt) is based on New Brunswick weir fishery landings during 2014–2023.

Other Specifications Components

The Council recommended maintaining the remainder of the 2025

herring specifications at current levels or using existing methodology to calculate them, as described in Table 1, and NMFS agrees with this approach.

Classification

NMFS is issuing this rule pursuant to section 305(d) of the Magnuson-Stevens Act. Pursuant to section 305(d), this action is necessary to carry out the Atlantic Herring FMP and its regulations at § 648.200(e). Consistent with the FMP and regulations, in this action NMFS reduces the 2025 herring specifications to achieve conservation and management objectives, after consulting with the Council at its September 2024 meeting. The NMFS Assistant Administrator (AA) has determined that this rule is consistent with Atlantic Herring FMP, National Standards and other provisions of the Magnuson-Stevens Act, and other applicable law.

This interim final rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is not required to be issued with opportunity for prior notice and opportunity for public comment.

This interim final rule is exempt from the procedures of Executive Order (E.O.) 12866.

NMFS has determined that this action would 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; therefore, consultation with Tribal officials under E.O. 13175 is not required, and the requirements of sections (5)(b) and (5)(c) of E.O. 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2)(B) of E.O. 13175 is not required and has not been prepared.

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

The AA finds good cause under 5 U.S.C. 553(b)(B) that prior notice and the opportunity for public comment on this interim final rule would be impracticable and contrary to the public interest because this action to make an in-season adjustment to reduce the 2025 Atlantic herring specifications would lessen the risk of overfishing and help rebuild the stock, consistent with the Magnuson-Stevens Act, and the Atlantic Herring FMP, including the rebuilding plan.

Data in the 2024 assessment, which was completed in June, showed that the

stock continues to be overfished with overfishing not occurring. At its September 2024 meeting, the Council reviewed the 2024 stock assessment and recommended new specifications for 2025–2027. Catch projections in the 2024 assessment indicate the need for an almost 90-percent reduction in the current 2025 ACL (23,961 mt) to the adjusted 2025 ACL (2,710 mt), as reduced in this in-season adjustment. NMFS intends to implement the 2025–2027 specifications in proposed and final rules via the notice and comment rulemaking process as soon as possible, but the 2025–2027 specifications would not be effective in time for the start of the fishing year on January 1, 2025. However, implementing the adjusted 2025 specifications after the start of the fishing year on January 1, 2025, would raise a significant risk that catch occurring before implementation may exceed the adjusted 2025 catch limits.

The Atlantic Herring FMP regulations at § 648.200(e) specify that NMFS may adjust the herring specifications and sub-ACLs to achieve conservation and management objectives, after consulting with the Council, in accordance with the Administrative Procedure Act and consistent with FMP objectives and provisions. To ensure adjusted (reduced) 2025 harvest specifications are in place at the start of the fishing year on January 1, 2025, thus lessening the risk of overfishing and helping rebuild the stock, the Council requested NMFS to use an in-season adjustment to reduce the 2025 specifications and sub-ACLs as soon as possible, and NMFS concurs. Public testimony at the September Council meeting largely reflected the understanding that this 2025 in-season adjustment is necessary to lessen the risk of overfishing and help rebuild the stock. A delay in implementing adjusted (reduced) 2025 specifications would increase the risk that 2025 catch levels would exceed the adjusted (reduced) limits, potentially resulting in overfishing and negatively affecting stock rebuilding.

For these same reasons, the AA also finds good cause under 5 U.S.C. 553(d) (3) to waive the 30-day delay in the date of effectiveness for this interim final rule. Waiving the delay in the date of effectiveness for this in-season action to adjust (reduce) the 2025 catch limits would allow the adjusted catch limits to go in effect at the start of the fishing year, whereas delaying the effective date could undermine this action's intended conservation benefits of lessening the risk of overfishing and helping rebuild the stock.

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

Dated: December 13, 2024.

Samuel D. Rauch, III,

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

[FR Doc. 2024–30083 Filed 12–18–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 240227–0061; RTID 0648–
XE542]

Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2025 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts

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

ACTION: Temporary rule; inseason
adjustment; request for comments.

SUMMARY: NMFS is adjusting the 2025 total allowable catch (TAC) amounts for the Gulf of Alaska (GOA) pollock and Pacific cod fisheries. This action is necessary because NMFS has determined these TACs are incorrectly specified, as they are not informed by the most recent specifications recommended by the Council for the start of the 2025 fishing year. This action will ensure the GOA pollock and Pacific cod TACs are the correct, appropriate amount based on the best scientific information available for pollock and Pacific cod in the GOA. This action is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

DATES: Effective 0001 hours, Alaska local time (A.l.t.), January 1, 2025, until the effective date of the final 2025 and 2026 harvest specifications for GOA groundfish, unless otherwise modified or superseded through publication of a notification in the **Federal Register**.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., January 3, 2025.

ADDRESSES: You may submit comments on this document, identified by docket number NOAA–NMFS–2023–0133 by any of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2023–0133 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Mail: Submit written comments to Gretchen Harrington, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

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

FOR FURTHER INFORMATION CONTACT:

Abby Jahn, 907–586–7228.

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

The final 2024 and 2025 harvest specifications for groundfish in the GOA (89 FR 15484, March 4, 2024) set the 2025 pollock TAC at 163,494 metric tons (mt) in the GOA. In December 2024, the Council recommended a 2025 pollock TAC of 186,245 mt for the GOA, which is greater than the 163,494 mt established by the final 2024 and 2025 harvest specifications for groundfish in the GOA. The Council’s recommended 2025 TACs and the area and seasonal apportionments are based on the Science and Statistical Committee’s (SSC’s) overfishing limit (OFL) and allowable biological catch (ABC) recommendations. The SSC recommendations are informed by the Groundfish Plan Team’s recommended

OFLs and ABCs as well as a review of the Stock Assessment and Fishery Evaluation (SAFE) report dated November 2024.

The final 2024 and 2025 harvest specifications for groundfish in the GOA set the 2025 Pacific cod TAC at 20,757 mt in the GOA. In December 2024, the Council recommended a 2025 Pacific cod TAC of 23,670 mt for the GOA, which is greater than the 20,757 mt established by the final 2024 and 2025 harvest specifications for groundfish in the GOA. The Council’s recommended 2025 TACs and the area and seasonal apportionments are based on the SSC’s OFL and ABC recommendations. The SSC recommendations are informed by the Groundfish Plan Team’s recommended OFLs and ABCs as well as a review of the SAFE report dated November 2024.

Steller sea lions occur in the same location as the pollock and Pacific cod fisheries and are listed as endangered under the Endangered Species Act. Pollock and Pacific cod are principal prey species for Steller sea lions in the GOA. The seasonal apportionment of pollock and Pacific cod harvests are necessary to ensure the groundfish fisheries are not likely to cause jeopardy of extinction or adverse modification of critical habitat for Steller sea lions. The regulations at § 679.20(a)(5)(iv) specify how the pollock TAC will be apportioned and the regulations at § 679.20(a)(6)(ii) and (a)(12)(i) specify how the Pacific cod TAC will be apportioned.

In accordance with § 679.25(a)(1)(iii), (a)(2)(i)(B), and (a)(2)(iv) the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that, based on the best scientific information available for this fishery, the current GOA pollock and Pacific cod TACs are incorrectly specified, as they are not using the most recent data available. Consequently, pursuant to § 679.25(a) the Regional Administrator is adjusting the 2025 GOA pollock TAC to 186,245 mt and the 2025 Pacific cod TAC to 23,670 mt. Therefore, tables 4 and 6 of the final 2024 and 2025 harvest specifications for groundfish in the GOA are revised consistent with this adjustment.

Pursuant to § 679.20(a)(5)(iv), table 4 of the final 2024 and 2025 harvest specifications for groundfish in the GOA is revised for the 2025 TACs of pollock in the Central and Western Regulatory Area of the GOA.

TABLE 4—FINAL 2025 DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA; AREA APPORTIONMENTS; AND SEASONAL ALLOWANCES OF ANNUAL TAC

[Values are rounded to the nearest metric ton]

Season ¹	Shumigan (Area 610)	Chirikof (Area 620)	Kodiak (Area 630)	Total ²
A (January 20–May 31)	5,589	63,267	16,751	85,607
B (September 1–November 1)	31,755	18,998	34,854	85,607
Annual Total	37,344	82,265	51,605	171,214

¹ As established by § 679.23(d)(2)(i) through (ii), the A and B season allowances are available from January 20 through May 31 and September 1 through November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

² The West Yakutat and Southeast Outside District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

Pursuant to § 679.20(a)(6)(ii) and groundfish in the GOA is revised for the
(a)(12)(i), table 6 of the final 2024 and 2025 TACs of Pacific cod in the GOA.
2025 harvest specifications for

TABLE 6—FINAL 2025 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TOTAL ALLOWABLE CATCH AMOUNTS IN THE GOA; ALLOCATIONS IN THE WESTERN GOA AND CENTRAL GOA SECTORS, AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS

[Values are rounded to the nearest metric ton]

Regulatory area and sector	Annual allocation (mt)	A Season		B Season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
Western GOA:					
Jig (3.5% of TAC)	213	n/a	128	n/a	85
Hook-and-line CV	82	0.7	41	0.7	41
Hook-and-line CP	1,165	10.9	641	8.9	524
Trawl CV	2,259	31.54	1,856	6.86	404
Trawl CP	141	0.9	53	1.5	88
All Pot CV and Pot CP	2,236	19.8	1,165	18.2	1,071
Total	6,097	63.84	3,884	36.1	2,213
Central GOA:					
Jig (3% of TAC)	461	n/a	277	n/a	185
Hook-and-line <50 CV	2,178	9.32	1,390	5.29	789
Hook-and-line ≥50 CV	1,000	5.61	837	1.1	164
Hook-and-line CP	761	4.11	613	0.9975	149
Trawl CV ¹	6,203	25.29	3,773	16.29	2,430
Trawl CP	626	2	299	2.19	327
All Pot CV and Pot CP	4,148	17.83	2,660	9.98	1,488
Total	15,379	64.16	9,848	35.84	5,531
Eastern GOA		Inshore (90% of Annual TAC)		Offshore (10% of Annual TAC)	
Total	2,194		1,975		219

¹ Trawl catcher vessels participating in Rockfish Program cooperatives receive 3.81 percent, or 586 mt, of the annual Central GOA TAC (see table 28c to 50 CFR part 679), which is deducted from the Trawl CV B season allowance. This inseason adjustment updates the apportionment found in table 13 of the 2024 and 2025 harvest specifications (i.e., Final 2025 Apportionments of Rockfish Secondary Species in the Central GOA).

Classification

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion, and would allow for harvests that

exceed the appropriate allocation for pollock and Pacific cod based on the best scientific information available. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of December 13, 2024.

Without this inseason adjustment, NMFS could not allow the fishery for pollock and Pacific cod in the GOA to be harvested in an expedient manner and in accordance with the regulatory

schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until January 3, 2025.

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

Dated: December 16, 2024.

Kelly Denit,
Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.

[FR Doc. 2024–30247 Filed 12–16–24; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 89, No. 244

Thursday, December 19, 2024

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

FEDERAL ELECTION COMMISSION

11 CFR Parts 104, 110, and 400

[Notice 2024–29]

Modification and Redaction of Contributor Information

AGENCY: Federal Election Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Election Commission proposes to amend its regulations by establishing procedures for contributors or their agents to request the Commission—in certain limited circumstances when there is a reasonable probability the contributor may face threats, harassment or reprisal—to modify or redact, in whole or in part, certain contributor information (*i.e.*, mailing address, occupation, and employer name) from a disclosure report or statement that has been filed with the Commission. The Commission seeks comment on the proposed rules and has not made any final decisions about the issues presented in this rulemaking.

DATES: Comments must be received on or before February 18, 2025. The Commission may hold a public hearing on this rulemaking. Anyone wishing to testify at such a hearing must file timely written comments and must include in the written comments a request to testify. If a hearing is to be held, the Commission will publish a notification in the **Federal Register** announcing the date and time of the hearing.

ADDRESSES: All comments must be in writing. Commenters are encouraged to submit comments electronically via the Commission's website at <https://sers.fec.gov/fosers>, reference REG 2024–06. Alternatively, comments may be submitted in paper form addressed to the Federal Election Commission, Attn.: Mr. Robert M. Knop, Assistant General Counsel for Policy, 1050 First Street NE, Washington, DC 20463 (for U.S. Postal Service) or 20002 (for all other delivery services).

Each commenter must provide, at a minimum, their first name, last name, city, and state. All properly submitted comments, including attachments, will become part of the public record, and the Commission will make comments available for public viewing on the Commission's website and in the Commission's Public Records Office. Accordingly, commenters should not provide in their comments any information that they do not wish to make public, such as a home street address, personal email address, date of birth, phone number, social security number, or driver's license number, or any information that is restricted from disclosure, such as trade secrets or commercial or financial information that is privileged or confidential.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Knop, Assistant General Counsel for Policy, Ms. Lindsay Bird, Attorney, or Mr. Isaac Campbell, Attorney, 1050 First Street NE, Washington, DC 20463 (for U.S. Postal Service) or 20002 (for all other delivery services), (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Federal Election Campaign Act (“the Act”) ¹ generally requires contributors' identities to be disclosed in reports or statements filed with the Commission. Namely, political committees must disclose the name, mailing address, occupation, and employer name of each individual who contributes an aggregate in excess of \$200 per calendar year (or per election cycle in the case of an authorized committee).² Moreover, conduits and intermediaries receiving and forwarding earmarked contributions to candidates must disclose every contributor's name and mailing address, regardless of the amount of the earmarked contribution.³ The Commission, in turn, must post the reports and statements containing the identification information on its website.⁴

While recognizing that there are important governmental interests that justify the Act's disclosure requirements, the Supreme Court has

acknowledged that disclosing a contributor's identity may expose them to threats, harassment, or retaliation, resulting in a significant burden on their First Amendment rights.⁵ Accordingly, the Court has required an exemption from the Act's reporting requirements when there is a “reasonable probability” that the contributor may face such threats, harassment, or retaliation.⁶

Thus far, the courts have granted disclosure exemptions only to committees and organizations that sought to withhold the identity of their contributors due to demonstrated threats, harassment, or reprisals resulting from association with that committee or organization. The Commission has also granted such exemptions via the advisory opinion process when the requesting committee or organization was able to demonstrate specific evidence of past threats and harassment.⁷ From time to time, the Commission has also received requests from individual contributors who wished to have their identifying information removed from disclosure reports. And the Commission granted such requests when they were supported by evidence of threats, harassment, or reprisal. The Commission is now considering whether to establish a procedure to formalize the submission and consideration of requests by individual contributors when reasonable probability exists that the contributors may face threats, harassment, or reprisal.

Accordingly, the Commission proposes to revise its regulations to establish a process for individual contributors (or their agents) to request that the Commission modify or redact, in whole or in part, certain contributor information (*i.e.*, mailing address, occupation, and employer name) from a disclosure report or statement that has been filed with the Commission under 52 U.S.C. 30104 and 30116(a)(8). The Commission would grant the request if it determines that the request establishes a reasonable probability that

⁵ *Buckley v. Valeo*, 424 U.S. 1, 68 (1976) (*per curiam*).

⁶ *Id.*

⁷ Advisory Opinion 1990–13 (Socialist Workers' Party); Advisory Opinion 1996–46 (Socialist Workers' Party); Advisory Opinion 2003–02 (Socialist Workers' Party); Advisory Opinion 2009–01 (Socialist Workers' Party); Advisory Opinion 2012–38 (Socialist Workers' Party).

¹ 52 U.S.C. 30101–45.

² 52 U.S.C. 30104(b)(3)(A); 11 CFR 104.3(a)(4).

³ 11 CFR 110.6(c)(1)(iv)(A). If the contribution exceeds \$200, the conduit or intermediary must also report the contributor's occupation and employer. *Id.*

⁴ 52 U.S.C. 30112(a).

disclosure of the requestor's identifying information would subject the requestor to threats, harassment, or reprisals. The Commission invites public comments on the proposed rules.

I. Background

A. Requirements To Disclose Contributor's Identities

1. Political Committees

Political committees must file disclosure reports with the Commission on a regular basis.⁸ These reports must include the "identification" of any person who contributes more than \$200 during a calendar year (or during an election cycle, in the case of an authorized committee).⁹ The Act defines the term "identification" to mean "in the case of any individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer."¹⁰ "Mailing address" means any address where a person receives mail, including a business address.¹¹

When the treasurer of a political committee demonstrates to the Commission that the committee used best efforts to obtain, maintain, and submit the information required by the Act, any report or records of such committee will be considered in compliance with the Act.¹² Commission regulations specify the actions that treasurers must take to demonstrate that they have exercised best efforts to obtain and report the "identification" of each person whose contribution(s) they are required to disclose.¹³

First, the committee must include a clear and conspicuous request for the contributor's identification information in any solicitations.¹⁴ Second, if the contributor does not provide sufficient identification information when making the contribution, the committee must make at least one request for the information within 30 days of receipt of the contribution.¹⁵ Third, if the contributor does not respond to the follow-up request, but the committee possesses the information in its contributor records, fundraising records, or prior reports filed during the same two-year election cycle, then the

committee must use that information when disclosing the contribution.¹⁶ Finally, if the requested information about a contribution is received after the contribution has been disclosed on a report, the committee must file a memo or amend its report to disclose the information.¹⁷

2. Persons Who Are Not Political Committees

Persons that spend money to influence Federal elections but fall outside of the definition of a political committee are not required to file regular disclosure reports; however, an obligation to file disclosures with the FEC may be triggered if they engage in specified election-related spending.¹⁸ Namely, a person that is not a political committee may be required to disclose the identity of their contributors if they make independent expenditures or electioneering communications.

a. Independent Expenditures

An "independent expenditure" is defined as an expenditure for a communication made without coordination with a candidate, campaign, or political party that "expressly advocat[es] the election or defeat of a clearly identified candidate."¹⁹ The Act provides that any person that is not a political committee and makes independent expenditures aggregating more than \$250 with respect to a given election per calendar year must file a statement containing, among other information, the name, address, occupation, and employer of each person whose contributions aggregated more than \$200 within the calendar year.²⁰ The Act also provides that the statement must include the same details for those who contributed more than \$200 for the purpose of furthering an independent expenditure.²¹

b. Electioneering Communications

An electioneering communication is any broadcast, cable, or satellite communication that refers to a clearly identified Federal candidate, is publicly distributed within 30 days of a primary or 60 days of a general election and is targeted to the relevant electorate.²² All persons who make electioneering communications totaling more than \$10,000 in any calendar year must file a statement with the Commission.²³ The

statement must include, among other information, the name and address of each person who gave a total of \$1,000 or more within a specified period.²⁴ If the electioneering communications were paid exclusively from a segregated account, only donors to that account must be disclosed.²⁵

3. Conduits and Intermediaries

The Act and Commission regulations have special disclosure requirements for conduits and intermediaries. A conduit or intermediary is any person not authorized by the campaign to raise funds who receives and forwards an earmarked contribution to a candidate or a candidate's authorized committee.²⁶ An earmarked contribution is one that a contributor directs (either orally or in writing) to a clearly identified candidate or authorized committee through an intermediary or conduit.²⁷ Individuals, political committees, partnerships, and unregistered organizations may serve as conduits for earmarked contributions.

A conduit or intermediary must report the source of an earmarked contribution to the Commission and the intended recipient.²⁸ Commission regulations require such reports to include each contributor's name and mailing address, regardless of the amount of the earmarked contribution.²⁹ If the contribution exceeds \$200, the conduit must also report the contributor's occupation and employer.³⁰

B. The Commission's Duty To Make Reports Public

The Commission must make a disclosure report or statement available for public inspection within 48 hours of receipt.³¹ The Commission is required to post all publicly available election-related reports and information on its website.³² Commission regulations provide that it "will make the fullest possible disclosure of records to the public, consistent with the rights of individuals to privacy. . . ." ³³ Thus, when a person or entity files a report or statement with the Commission containing a contributor's identification information, that information becomes accessible to the general public on the Commission's website.

⁸ See 52 U.S.C. 30104(a).

⁹ *Id.* 30104(b)(3)(A); 11 CFR 104.3(a)(4).

¹⁰ 52 U.S.C. 30101(13). See also 11 CFR 100.12.

¹¹ See, e.g., Federal Election Commission, Record at 4 (Dec. 2009) ("A mailing address is any address at which an individual can receive mail, including a work address or a P.O. Box."), <http://www.fec.gov/pdf/record/2009/dec09.pdf>.

¹² 52 U.S.C. 30102(i); 11 CFR 104.7.

¹³ 11 CFR 104.7(b).

¹⁴ *Id.* § 104.7(b)(1).

¹⁵ *Id.* § 104.7(b)(2).

¹⁶ *Id.* § 104.7(b)(3).

¹⁷ *Id.* § 104.7(b)(4).

¹⁸ See 52 U.S.C. 30104(c), (f).

¹⁹ *Id.* 30101(17).

²⁰ See *id.* 30104(c).

²¹ *Id.* 30104(c)(2).

²² *Id.* 30104(f)(3).

²³ *Id.* 30104(f)(1); 11 CFR 104.20(b).

²⁴ 52 U.S.C. 30104(f)(2); 11 CFR 104.20(c).

²⁵ 52 U.S.C. 30104(f)(2)(E); 11 CFR 104.20(c)(8).

²⁶ 11 CFR 110.6(b)(2).

²⁷ 11 CFR 110.6.

²⁸ 52 U.S.C. 30116(a)(8); 11 CFR 110.6 (c)(1)(i).

²⁹ 11 CFR 110.6(c)(1)(iv)(A).

³⁰ *Id.*

³¹ 52 U.S.C. 30111(a)(4), 30104(a)(11)(B).

³² *Id.* 30112(a).

³³ 11 CFR 5.2(a).

C. Exemptions From Disclosure Requirements

The Supreme Court has recognized that there are important governmental interests that justify the Act's disclosure requirements, including: (1) providing information to the electorate about the financial support enjoyed by a candidate or political committee, (2) deterring corruption and avoiding the appearance of corruption, and (3) preventing circumvention of the Act's contribution limits.³⁴ The Court has generally determined that the Act's disclosure requirements are properly tailored to the advancement of these interests.³⁵ However, the Court has also recognized the need for as-applied exemptions from compelled disclosure in some circumstances.

The Commission has provided as-applied exemptions from the Act's disclosure requirements in three ways: (1) conformance with court decisions, (2) the Commission's advisory opinion process, and (3) informal requests to the Commission.

1. Court Decisions

In *Buckley v. Valeo*, the Court acknowledged that disclosing a contributor's identity may deter them from contributing and, in some instances, may expose them to threats, harassment, or retaliation.³⁶ The Court recognized that "[t]hese are not insignificant burdens on individual rights, and they must be weighed carefully against the interests which Congress has sought to promote by this legislation."³⁷ The Court reasoned that, in most applications, disclosure requirements are "the least restrictive means of curbing the evils of campaign ignorance and corruption that Congress found to exist."³⁸ However, the Court left open the possibility of a case "where the threat to the exercise of First Amendment rights is so serious, and the state interest furthered by disclosure so insubstantial, that the Act's requirements cannot be constitutionally applied."³⁹ Specifically, the *Buckley* Court instructed that, in such circumstances, "[t]he evidence offered need show only a reasonable probability that the compelled disclosure of a party's contributors' names will subject them to threats, harassment, or reprisals from either Government officials or

private parties."⁴⁰ Organizations have brought suits in Federal court seeking to be exempted from campaign finance disclosure requirements pursuant to the Supreme Court's opinion, and minor parties have, from time to time, demonstrated a reasonable probability that the disclosure would subject contributors to threats, harassment, or reprisals.⁴¹

2. Advisory Opinions

Committees and organizations that wish to withhold their contributors' names and other identifying information due to threats, harassment, or reprisals resulting from association with that committee or organization can also request an exemption through the advisory opinion process. The Commission has issued advisory opinions granting exemptions from the Act's disclosure requirements to one organization: the Socialist Workers' Party ("SWP").

In 1979, following an action for declaratory and injunctive relief, the Commission and SWP entered into a consent agreement stipulating that, for a limited time, SWP would not be required to comply with certain disclosure provisions of the Act, including the requirement to disclose its contributors' identities.⁴² When the consent agreement expired, SWP sought an advisory opinion concerning its continued eligibility for disclosure exemptions.

In 1990, the Commission issued an advisory opinion extending SWP's partial reporting exemption for the next two election cycles.⁴³ The Commission reasoned that SWP was a minor party that continued to demonstrate a reasonable probability that disclosure of its contributors' names and other identifying information would subject them to threats, harassment, or reprisals.⁴⁴ The Commission renewed SWP's exemption on the same grounds four more times.⁴⁵ In 2016, SWP again

sought to renew the exemption, but the Commission was unable to reach agreement on SWP's request.⁴⁶

3. Informal Requests

The Commission has occasionally received informal requests to substitute or redact an individual's address from publicly available documents, which it has considered on an *ad hoc* basis. The concerns raised in these requests are not necessarily connected to the individual's support for a particular cause or organization but may instead be tied to the specific individual's circumstances. For example, these requests may be submitted by an individual who wishes to replace a home address with a business address due to personal security concerns or a victim of intimate partner violence who wishes to prevent their home address from being publicly disclosed.

A subset of these requests have invoked the Daniel Aderl Judicial Security and Privacy Act of 2022.⁴⁷ That Federal law requires Government agencies (including the Commission), persons, businesses, and associations to remove from public view residential addresses and certain other personally identifiable information of Federal judges and members of their households and immediate families within 72 hours of receiving a request for removal.⁴⁸ Agencies have no discretion to refuse a valid request; failure to comply may subject the agency to a suit for declaratory or injunctive relief.⁴⁹

II. Proposed Rules

A. Applicability of Proposed Rules

The Act requires individuals and entities to disclose contributors' identities in reports or statements filed with the Commission in certain circumstances. There are no exemptions to these disclosure requirements in the Act. However, as discussed above, the Supreme Court and other Federal courts have recognized the need for as-applied exemptions from compelled disclosure in some circumstances. Consistent with that precedent, the Commission too has granted as-applied exemptions in limited circumstances. Thus far, individual contributors' concerns about the disclosure of their personal information have generally been considered on an *ad hoc* basis. The

Opinion 2009–01 (SWP); Advisory Opinion 2012–38 (SWP).

⁴⁶ See Advisory Opinion 2016–23 (SWP).

⁴⁷ See Daniel Aderl Judicial Security and Privacy Act of 2022, Public Law 117–263, 136 Stat. 3458 (2022) ("Judicial Security and Privacy Act").

⁴⁸ *Id.* secs. 5933–34.

⁴⁹ *Id.* sec. 5934(f)(1).

⁴⁰ *Id.* at 74.

⁴¹ E.g., Consent Decree, *Socialist Workers 1974 Nat'l Campaign Comm. v. Fed. Election Comm'n*, Case No. 74–1338 (D.D.C. 1979); *Brown v. Socialist Workers '74 Campaign Comm. (Ohio)*, 459 U.S. 87 (1982); *Fed. Election Comm'n v. Hall-Tyner Election Campaign Comm.*, 678 F.2d 416, 420 (2d Cir.1982). Courts have also declined to order exemptions, finding that a plaintiff's claims of threat, harassment, or reprisal were insufficient to oust the general disclosure rule. *ProtectMarriage.com v. Bowen*, 830 F. Supp. 2d 914, 928–30 (E.D. Cal. 2011).

⁴² Consent Decree, *Socialist Workers 1974 Nat'l Campaign Comm. v. Fed. Election Comm'n*, Case No. 74–1338 (D.D.C. 1979).

⁴³ Advisory Opinion 1990–13 (SWP).

⁴⁴ *Id.* at 6.

⁴⁵ See Advisory Opinion 1996–46 (SWP); Advisory Opinion 2003–02 (SWP); Advisory

³⁴ *Buckley*, 424 U.S. at 66–67.

³⁵ See *id.*; *McConnell v. Fed. Election Comm'n*, 540 U.S. 93, 103–104 (2003); *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 368–70 (2010).

³⁶ *Buckley*, 424 U.S. at 68.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.* at 71.

Commission now considers whether to establish a procedure to formalize the submission and consideration of these *ad hoc* requests. In doing so, the Commission is not seeking to foreclose or supplant other avenues of relief, such as recourse to the courts or the Judicial Security and Privacy Act.

The Commission welcomes comments on the scope and necessity of the proposed rules. Does the Commission have the authority to draft regulations to establish a new procedure for addressing as-applied exemptions? Is a new approach desirable, or should all requests be addressed through the advisory opinion process and by the courts? Should the proposed procedure also apply to requests from committees or organizations that seek to withhold their contributors' information? If so, should there be different approaches for requests from individual contributors and requests from committees and organizations?

B. Part 400

1. Proposed 11 CFR 400.1—Scope

Proposed 11 CFR 400.1 provides that part 400 establishes the procedures for processing requests to modify or redact a contributor's mailing address, occupation, or employer name in reports or statements that have been filed with the Commission under 52 U.S.C. 30104 and 30116(a)(8). The Commission seeks comments on three broad questions that are raised by the scope of the proposed rules: (1) whose information can be modified or redacted, (2) what information can be modified or redacted, and (3) what reports or statements can be modified or redacted.

a. Whose information can be redacted?

The proposed rules would only apply to the modification or redaction of a contributor's identification information. They do not extend to other individuals whose personal information may be included on disclosure reports or other documents made public by the Commission. For example, the proposed regulations do not apply to the redaction of a candidate, treasurer, or payee's address. Should the proposed rules allow for the redaction of any person's information that is in the documents the Commission makes public?

b. What information can be modified or redacted?

The proposed rules would only apply to a request to modify or redact a contributor's mailing address, occupation, or employer name; they do

not establish a procedure for modifying or redacting a contributor's name. This is consistent with the Commission's past practice. The Commission has only granted requests to withhold contributors' names pursuant to advisory opinions or court decisions and has not considered such requests on an *ad hoc* basis.

The Commission welcomes comments on the scope and necessity of the proposed rules. Should these rules allow for the modification or redaction of contributors' names and, if so, should the procedure to modify or redact names differ from the procedure to modify or redact other identifying information. If the Commission redacts names under part 400, should the confidentiality provision at proposed § 400.9 change?

The Commission also welcomes comments on whether a contributor's occupation and employer name should be included in the new procedure established by the proposed rules. Are an individual's occupation and employer too far attenuated from potential concerns to include in the process? Or should the Commission be able to assess whether there is a reasonable probability of threats, harassment, or reprisals resulting from the disclosure of an individual's occupation and employer name when weighing each request? Further, should the Commission permit redaction of the contributor's complete mailing address or only the street name and number of the contributor's mailing address?

c. What reports or statements can be modified or redacted?

Proposed 11 CFR 400.1 provides that the procedures in part 400 shall apply to the modification or redaction of reports and statements filed with the Commission under 52 U.S.C. 30104 and 30116(a)(8), which include all reports filed by political committees, reports of independent expenditures, statements disclosing electioneering communications, and reports of conduits and intermediaries. The Commission intends for the proposed procedure to allow the modification or redaction of any report or statement that contains a contributor address, occupation, or employer name and is in the Commission's possession. Are there reports or statements the Commission omitted that include contributor identification information? Are there other types of documents made public by the Commission that include identifying information? If so, should they be included in the new procedure? Are there categories of reports or statements that should be excluded from the proposed procedure?

The proposed rules would also only permit requests for the modification or redaction of reports already filed with the Commission and amendments to those reports. Proposed 11 CFR 400.8, discussed below, provides that once the Commission modifies or redacts a report pursuant to a request, the filer can incorporate those same changes into future reports for the next two calendar years without the requestor submitting a new request.

The Commission seeks comments on whether the new procedure should allow contributors to ask for their information to be modified or redacted by the filer in future reports. If so, what limitations should be placed on the request? Should the filers of the future reports be required to participate in the request? Should future filers be required to withhold the information, or should it be discretionary? How would the filers of future reports be made aware that the contributor's information can or must be withheld? Following the Commission's initial approval of a contributor's request for modification or redaction of information, should filers be responsible for notifying the Commission about the need for future modifications or redactions for the same contributor or should the Commission itself manage tracking of future changes to reports? What are the anticipated burdens to individual contributors and filers, from various alternative approaches to the modification or redaction of future reports?

2. Proposed 11 CFR 400.2—Computation of Time

Proposed § 400.2 provides that the time periods established by part 400 will be computed in accordance with 11 CFR 111.2, which is the computation of time provision in the Commission's enforcement regulations. Section 111.2 provides that in computing any period of time, the day of the act, event, or default from which the designated period of time begins to run will not be included. The last day of the period so computed will be included, unless it is a Saturday, a Sunday, or a legal holiday. When the period of time is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. Whenever the Commission or any person has the right or is required to do some act within a prescribed period after the service of any paper by or upon the Commission or such person, and the paper is served by or upon the Commission or such person by mail, three (3) days shall be added to the prescribed period.

3. Proposed 11 CFR 400.3—Requests To Modify or Redact Contributor's Mailing Address, Occupation, or Employer Name

Proposed § 400.3 establishes that a contributor may request that the Commission modify or redact their mailing address, occupation, or employer name from a report or statement filed with the Commission. The Commission expects such requests will include concerns specific to the individual contributor. Accordingly, in the Commission's view, the individual contributor is best suited to provide the information necessary for the Commission to consider the request. Proposed § 400.5, discussed below, specifies that agents, parents, and guardians may submit requests on the contributor's behalf. The Commission intends for proposed § 400.3 to apply to any contributor whose address, occupation, or employer name is included on any report or statement made public by the Commission. This section does not consider the amount of a contribution or the recipient of the contribution.

The Commission seeks comments on this approach. Are there other individuals or groups that should be able to submit requests through the new procedure? Should this procedure only be available to individuals whose contributions were under a specified amount? Should any other limitations be placed upon the types of information that may be modified or redacted for a given contributor?

4. Proposed 11 CFR 400.4—Contents of the Request

Proposed § 400.4 describes the contents of a request to modify or redact contributor information. Paragraph (a) contains the information that must be included in a request at a minimum. Paragraph (a)(1) requires the request to provide the requestor's full name, address, and telephone number. Paragraph (a)(2) requires the request to identify the information the requestor seeks to modify or redact. Paragraph (a)(3) requires the request to identify any published report(s) that contain the information the requestor is asking the Commission to modify or redact. Paragraph (a)(4) requires the request to be sworn to and signed by the requestor and notarized. Under § 400.6, discussed below, the Office of the General Counsel will review all requests to determine if they have met the requirements in paragraph (a). If a request does not meet the requirements in paragraph (a), then no action will be taken on the request

other than to notify the requestor of its deficiencies.

Paragraph (b) contains the information that a request should include where possible. The Commission will consider these factors when evaluating the strength of a request. Paragraph (b)(1) provides that the request should state with particularity the facts that establish a reasonable probability that the disclosure of each piece of information the requestor seeks to modify or redact would subject the requestor to threats, harassment, or reprisals. Paragraph (b)(2) provides that statements within the request should be based upon the requestor's personal knowledge. Paragraph (b)(3) provides that the request should be accompanied by any records supporting the facts alleged if such records are known, and available, to the requestor. If a request meets the requirements of paragraph (a) but does not contain all the information in paragraph (b), it will still be forwarded to the Commission for review and evaluation, but the Commission may have insufficient information to grant the request.

Paragraph (c) provides that all statements made in a request are subject to the statutes governing perjury and to 18 U.S.C. 1001. The Commission recognizes personal safety concerns will motivate requests to modify or redact contributor information. To move quickly to evaluate such requests, the Commission must be able to rely on the veracity of the statements in each request.

5. Proposed 11 CFR 400.5—Procedure for Submitting a Request

Proposed § 400.5 describes the procedure for submitting a request for modification or redaction of contributor information. Requests must be submitted in writing, addressed to the Office of the General Counsel. Requests can be submitted via U.S. mail or to the email address designated on the Commission's website to receive such requests. An authorized agent, parent, or guardian of a contributor may submit a modification or redaction request, but the agent, parent, or guardian must disclose the identity of their principal. All requests must include the information in § 400.4(a). Requests submitted by an agent still must be sworn to and signed by the requestor, not the agent.

The Commission seeks comments on whether committees or organizations should be permitted to act as agents of contributors for purposes of § 400.5, or whether they should be required to

address such requests through the advisory opinion process or the courts.

6. Proposed 11 CFR 400.6—Initial Request Processing

Proposed § 400.6 sets forth the process that the Office of the General Counsel will follow upon receipt of a request to modify or redact contributor information.

Paragraph (a) provides that the Office of the General Counsel will review the request within five business days to ensure substantial compliance with the technical requirements of § 400.4(a). If the request meets the technical requirements, the Office of the General Counsel will forward it to the Commission for review under § 400.7.

Paragraph (b) provides that if the technical requirements in § 400.4(a) are not met, the Office of the General Counsel will, within five business days, notify the requestor that no action will be taken and identify the request's deficiencies.

7. Proposed 11 CFR 400.7—Reasonable Probability Finding; Notification

Proposed § 400.7 describes the process that the Commission will follow when considering a request for modification or redaction of contributor information. It also sets forth the notifications that will follow the Commission's decision.

Paragraph (a) provides that if the Commission, after reviewing the request and any supporting documentation, determines by an affirmative vote of four (4) or more of its members that there is a reasonable probability that the relevant disclosure would subject the requestor to threats, harassment, or reprisals, the Commission may approve, in whole or in part, the modification or redaction of the requested information.

The Commission will examine whether the request includes the information in § 400.4(b) when evaluating the strength of the request but will maintain the flexibility to consider the totality of the circumstances as presented in the request and supporting documentation. The Commission will not undertake an independent investigation to verify or supplement the information in the request. However, under § 400.4(c), the statements in the request are subject to penalties of perjury and to 18 U.S.C. 1001.

The "reasonable probability" standard in § 400.7(a) implements the standard that the Supreme Court has used to evaluate as-applied challenges to the

Act's disclosure requirements.⁵⁰ The Commission will apply this standard to each piece of information the contributor seeks to modify or redact. The proposed rules use the same standard for all requests, regardless of whether the request seeks to substitute or completely redact information. The Commission seeks comments on whether the "reasonable probability" standard is the appropriate standard for evaluating requests to modify or redact contributor information. If not, what would be the appropriate standard?

Paragraph (b) provides that the Commission will, within five (5) business days of voting, notify the requestor of the Commission's decision.

Paragraph (c) provides that if the request is approved, the Commission will expeditiously make any approved changes to published reports. The Commission notes that under proposed § 400.4(a)(3), the requestor is required to identify the published reports that the requestor seeks to modify or redact.

Paragraph (d) provides that if changes are made to a disclosure report filed with the Commission, within five (5) business days after the changes are made, the Commission will notify the committee or person who filed the disclosure report that the report was modified pursuant to part 400. To conserve Commission resources, the proposed rules do not require the Commission to notify the filer if no changes are made to their report.

8. Proposed 11 CFR 400.8— Modifications or Redactions in Future Disclosure Reports

Proposed § 400.8 provides that if the Commission makes modifications or redactions to a disclosure report pursuant to a request under part 400, any individuals or entities who are required to identify the same individual in reports or statements filed with the Commission may incorporate those modifications or redactions into any report or statement filed within the next two calendar years, or within any other period specified by the Commission in its decision approving the contributor's request.

The Commission recognizes that it would be inefficient and impractical to require a contributor to submit a new request each time their information is included in a new report. Additionally, the factual basis underlying a request for modification or redaction will likely persist for some time. Thus, proposed § 400.8 establishes that the changes the

Commission makes pursuant to a request under part 400 can be preemptively made to any report or statement filed with the Commission within the next two calendar years without an additional request. The Commission will have discretion to adjust this two-year default on a case-by-case basis. The Commission seeks comments on this approach. In addition, the Commission seeks comments on whether such requests must be submitted after a contribution is made, or whether it would be more appropriate to permit a requestor to file in advance of making a contribution.

The Commission is proposing a two-calendar year period in § 400.8 as the default because it believes this is a period during which it could reasonably expect the threats, harassment, and reprisals identified in a request for modification or redaction to persist. Additionally, this period helps limit the frequency of requests, conserving Commission resources and reducing the burden on requestors. The Commission seeks comments on whether two calendar years is the appropriate default time period for proposed § 400.8.

Proposed § 400.8 is discretionary. It permits filers to modify or withhold certain information from future reports but does not require them to do so. Under proposed § 400.7(d), the Commission will notify filers if it changes their report(s) pursuant to a contributor's request. These filers would be on notice that they can, and for the sake of efficiency should, make these same changes in future reports in accordance with § 400.8. The Commission seeks comments as to how it can prevent a requestor's information from being released in a future report without the filing of a new request. Under the proposed language, if the contributor makes a contribution to a new committee or organization, the contributor would be responsible for notifying that entity that their information can be withheld or modified pursuant to § 400.8. The Commission seeks comments concerning the method by which a contributor would demonstrate that his or her information should be withheld or modified when making a contribution to a new committee or organization. Is a copy of the notification to the requestor from the Commission approving the request sufficient? If not, what evidence of the Commission's decision ought to be provided?

9. Proposed 11 CFR 400.9— Confidentiality

Proposed § 400.9 establishes that requests, notifications, and findings

made pursuant to part 400 will generally be kept confidential. Paragraph (a) provides that except as provided in proposed § 400.7(d), which describes the notification that is sent to committees when their reports have been modified under part 400, no request submitted to the Commission, nor any notification sent by the Commission, nor any findings made by the Commission, will be made public by the Commission without the written consent of the requestor. Paragraph (b) establishes that nothing in part 400 shall be construed to prevent the introduction of evidence in the courts of the United States which could properly be introduced pursuant to the Federal Rules of Evidence or Federal Rules of Civil Procedure. The Commission seeks comments concerning appropriate mechanisms by which the Commission may preserve the confidentiality of potentially at-risk requestors while maintaining appropriate transparency as to the Commission's actions regarding redaction and modification requests. The Commission also seeks comments on whether the proposed procedures in part 400 should apply to requests from committees or other organizations to redact or withhold their contributors' identification information, or whether such requests should be addressed through the advisory opinion process and the courts.

Additionally, the proposed rules do not provide for the redaction or modification of a contributor's name pursuant to a request under part 400. A person viewing a disclosure report will be able to see the names of the individuals whose addresses, occupations, or employers' names have been modified or redacted pursuant to part 400.

The Commission seeks comments on whether and how it should keep the requests, notifications, and findings made pursuant to proposed part 400 confidential.

C. Best Efforts Regulations

The Commission's "best efforts" regulations at 11 CFR 104.7 specify the actions that treasurers must take to demonstrate they have exercised best efforts to obtain and report the "identification" of each person whose contribution(s) they are required to disclose.⁵¹ The "best efforts" regulations describe the steps a committee must take to collect, obtain, and report a contributor's required identification information when the contributor does not include such information with their contribution.

⁵⁰ See *Buckley*, 424 U.S. at 74; *Brown*, 459 U.S. at 93–99; *McConnell*, 540 U.S. at 199; *Citizens United*, 558 U.S. at 370.

⁵¹ 11 CFR 104.7(b).

Among other requirements, the “best efforts” regulations provide that a committee must make at least one request for the missing information within 30 days of receipt of the contribution.⁵² Additionally, if the contributor does not respond to the follow-up request, the committee must still disclose the information if it is in its records from the same two-year election cycle.⁵³

The Commission is proposing to amend § 104.7 to accommodate proposed § 400.8, which describes the circumstances in which a committee may withhold identification information from a disclosure report under part 400. Under proposed § 400.8, if the Commission modifies or redacts a disclosure report under proposed part 400, a committee may incorporate those modifications or redactions into any report within the next two calendar years, or within any other period specified by the Commission in its decision approving the contributor’s request.

If a committee is excused from providing missing identification information under proposed § 400.8 because a contributor’s request to redact such information has been granted, the committee should not be required to solicit the same information from the contributor or disclose the information from its records. Accordingly, the proposed amendments to § 104.7 clarify that a committee does not have to take such steps if they are excused from providing the identification information pursuant to proposed § 400.8.

1. Amendment to 11 CFR 104.7(b)(2)

Current 11 CFR 104.7(b)(2) provides that for each contribution received aggregating in excess of \$200 per calendar year (or per election cycle, in the case of an authorized committee) that lacks required contributor information, such as the contributor’s full name, mailing address, occupation or name of employer, the treasurer must make at least one effort after the receipt of the contribution to obtain the missing information. The Commission proposes to amend § 104.7(b)(2) to clarify that it does not apply if the committee is excused from providing the information pursuant to 11 CFR 400.8.

2. Amendment to 11 CFR 104.7(b)(3)

Current 11 CFR 104.7(b)(3) provides that if a contributor does not include the required identification information with their contribution, the treasurer must still report the information if it is in the

political committee’s possession, or in its connected organization’s possession, including information in contributor records, fundraising records and previously filed reports, in the same two-year election cycle. The Commission proposes to amend § 104.7(b)(2) to clarify that it does not apply if the committee is excused from providing the information pursuant to 11 CFR 400.8.

D. Reporting Provisions

1. Amendment to 11 CFR 104.3(a)(4)

Current 11 CFR 104.3(a)(4) provides that all political committees must report identifying information (including mailing address, occupation, and the name of their employer) of all contributors whose contributions aggregate more than \$200 per calendar year. The Commission proposes to amend § 104.3(a)(4) to clarify that it does not apply if the committee is excused from providing the information pursuant to 11 CFR 400.8.

2. Amendment to 11 CFR 104.20(c)(8) Through (10)

Current 11 CFR 104.20(c)(8) through (10) provide that all statements of electioneering communications must disclose the name and address of each person of \$1,000 or more, aggregating since the first day of the preceding calendar year. The Commission proposes to amend 11 CFR 104.20(c)(8) through (10) to clarify that persons filing statements of electioneering communication do not have to disclose an individual’s address if the person is excused from providing the information pursuant to 11 CFR 400.8.

3. Amendment to 11 CFR 110.6(c)(1)(iv)(A)

Current 11 CFR 110.6(c)(1)(iv)(A) provides that all intermediaries or conduits must report the name and mailing address of each contributor, and for each earmarked contribution in excess of \$200, the contributor’s occupation and employer name. The Commission proposes to amend 11 CFR 110.6(c)(1)(iv)(A) to clarify that intermediaries and conduits do not have to disclose a contributor’s mailing address if they are excused from providing the information pursuant to 11 CFR 400.8.

* * * * *

The Commission seeks comments on whether any other regulations would be affected by the proposed rules.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

The Commission certifies that the proposed rules, if adopted, would not have a significant impact on a substantial number of small entities. The proposed rules would not impose any new recordkeeping, reporting, or financial obligations on reporting entities; in fact, the proposed rules would relieve the reporting obligations of certain reporting entities. Additionally, the majority of the proposed regulations target Commission actions and the streamlined, articulated proposed procedures would apply only to individuals and not to any small entities. Therefore, the attached proposed rules, if promulgated, will not have a significant impact on a substantial number of small entities.

List of Subjects

11 CFR Part 104

Campaign funds, Political committees and parties, Reporting and recordkeeping requirements.

11 CFR Part 110

Campaign funds, Political committees and parties.

11 CFR Part 400

Personally identifiable information, Privacy, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Federal Election Commission proposes to amend 11 CFR chapter I as set forth below:

PART 104—REPORTS BY POLITICAL COMMITTEES AND OTHER PERSONS (52 U.S.C. 30104)

■ 1. The authority citation for part 104 continues to read as follows:

Authority: 52 U.S.C. 30101(1), 30101(8), 30101(9), 30102(g) and (i), 30104, 30111(a)(8) and (b), 30114, 30116, 36 U.S.C. 510.

■ 2. In § 104.3, revise paragraph (a)(4) introductory text to read as follows:

§ 104.3 Contents of reports (52 U.S.C. 30104(b), 30114).

(a) * * *

(4) *Itemization of receipts for all political committees including authorized and unauthorized committees.* The identification (as defined at 11 CFR 100.12) of each contributor, unless the committee is excused from providing the information pursuant to 11 CFR 400.8, and the aggregate year-to-date (or aggregate election-cycle-to-date, in the case of an authorized committee) total for such

⁵² *Id.* § 104.7(b)(2).

⁵³ *Id.* § 104.7(b)(3).

contributor in each of the following categories shall be reported.

* * * * *

■ 3. In § 104.7, revise the first sentence of paragraph (b)(2) and paragraph (b)(3) to read as follows:

§ 104.7 Best efforts (52 U.S.C. 30102(i)).

* * * * *

(b) * * *

(2) For each contribution received aggregating in excess of \$200 per calendar year (or per election cycle, in the case of an authorized committee) which lacks required contributor information, such as the contributor's full name, mailing address, occupation or name of employer, the treasurer makes at least one effort after the receipt of the contribution to obtain the missing information, unless the committee is excused from providing the information pursuant to 11 CFR 400.8. * * *

(3) The treasurer reports all contributor information not provided by the contributor, but in the political committee's possession, or in its connected organization's possession, regarding contributor identifications, including information in contributor records, fundraising records and previously filed reports, in the same two-year election cycle in accordance with 11 CFR 104.3, unless the committee is excused from providing the information pursuant to 11 CFR 400.8; and

* * * * *

■ 4. In § 104.20, revise paragraphs (c)(8) through (10) to read as follows:

§ 104.20 Reporting electioneering communications (52 U.S.C. 30104 (f)).

* * * * *

(c) * * *

(8) If the disbursements were paid exclusively from a segregated bank account consisting of funds provided solely by persons other than national banks, corporations organized by authority of any law of Congress, or foreign nationals as defined in 11 CFR 110.20(a)(3), the name and address of each donor who donated an amount aggregating \$1,000 or more to the segregated bank account, aggregating since the first day of the preceding calendar year, unless the person filing the statement is excused from providing the donor's information pursuant to 11 CFR 400.8.

(9) If the disbursements were not paid exclusively from a segregated bank account described in paragraph (c)(7) of this section and were not made by a corporation or labor organization, the name and address of each donor who donated an amount aggregating \$1,000 or more to the person making the

disbursement, aggregating since the first day of the preceding calendar year, unless the person filing the statement is excused from providing the donor's information pursuant to 11 CFR 400.8.

(10) If the disbursements were made by a corporation or labor organization and were not paid exclusively from a segregated bank account described in paragraph (c)(7) of this section, the name and address of each person who made a donation aggregating \$1,000 or more to the corporation or labor organization, aggregating since the first day of the preceding calendar year, which was made for the purpose of furthering electioneering communications, unless the corporation or labor organization is excused from providing the person's information pursuant to 11 CFR 400.8.

* * * * *

PART 110—CONTRIBUTION AND EXPENDITURE LIMITATIONS AND PROHIBITIONS

■ 5. The authority citation for part 110 continues to read as follows:

Authority: 52 U.S.C. 30101(8), 30101(9), 30102(c)(2) and (g), 30104(i)(3), 30111(a)(8), 30116, 30118, 30120, 30121, 30122, 30123, 30124, and 36 U.S.C. 510.

■ 6. In § 110.6, revise paragraph (c)(1)(iv)(A) to read as follows:

§ 110.6 Earmarked contributions 52 U.S.C. 30116(a)(8)).

* * * * *

(c) * * *

(1) * * *

(iv) * * *

(A) The name and mailing address of each contributor and, for each earmarked contribution in excess of \$200, the contributor's occupation and the name of his or her employer, unless the conduit or intermediary is excused from providing the information pursuant to 11 CFR 400.8;

* * * * *

■ 7. Add subchapter D consisting of part 400 to read as follows:

SUBCHAPTER D—MODIFICATION AND REDACTION OF CONTRIBUTOR INFORMATION

PART 400—REQUESTS TO MODIFY OR REDACT INDIVIDUAL'S MAILING ADDRESS, OCCUPATION, OR EMPLOYER NAME

Sec.

400.1 Scope.

400.2 Computation of time.

400.3 Requests to modify or redact contributor's mailing address, occupation, or employer name.

400.4 Contents of the request.

400.5 Procedure for submitting a request.

400.6 Initial request processing.

400.7 Reasonable probability finding; notification.

400.8 Modifications or redactions in future disclosure reports.

400.9 Confidentiality.

Authority: 52 U.S.C. 30102(i), 30101(8), 30101(9), 30102(g) and (i), 30104, 30111(a)(8), 30107(a)(8).

§ 400.1 Scope.

The regulations in this part provide procedures for processing requests to modify or redact a contributor's mailing address, occupation, or employer name in reports or statements that have been filed with the Federal Election Commission (Commission) under 52 U.S.C. 30104 and 30116(a)(8).

§ 400.2 Computation of time.

The time periods established by this part will be computed in accordance with 11 CFR 111.2.

§ 400.3 Requests to modify or redact contributor's mailing address, occupation, or employer name.

A contributor may request that the Commission modify or redact their mailing address, occupation, or employer name from a report or statement that has been filed with the Commission.

§ 400.4 Contents of the request.

(a) A request to modify or redact a contributor's mailing address, occupation, or employer name must comply with the following:

(1) It must provide the full name, address, and telephone number of the requestor;

(2) It must identify the information that the requestor seeks to modify or redact;

(3) It must identify any published report(s) that contain the information the requestor is asking the Commission to modify or redact; and

(4) The contents of the request must be sworn to and signed by the requestor and notarized.

(b) A request to modify or redact a contributor's mailing address, occupation, or employer name should conform to the following:

(1) It should state with particularity the facts that establish that there is a reasonable probability that the disclosure of each piece of information the requestor seeks to modify or redact would subject the contributor to threats, harassments, or reprisals;

(2) Statements within the request should be based upon the requestor's personal knowledge; and

(3) It should be accompanied by any records supporting the facts alleged if such records are known, and available to, the requestor.

(c) All statements made in a request are subject to the statutes governing perjury and to 18 U.S.C. 1001.

§ 400.5 Procedure for submitting a request.

A request must be submitted in writing, either by U.S. mail or the email address designated on the Commission's website, addressed to the Office of the General Counsel. An authorized agent or parent or guardian of a contributor may submit a modification or redaction request, but the agent or parent or guardian must disclose the identity of their principal.

§ 400.6 Initial request processing.

(a) Upon receipt of a request, the Office of the General Counsel will, within five (5) business days, review the request for substantial compliance with the technical requirements of § 400.4(a).

(b) If the request does not comply with the technical requirements of § 400.4(a), the Office of the General Counsel will, within five (5) business days, notify the requestor that no action will be taken on the basis of the request and specify the deficiencies of the request.

§ 400.7 Reasonable probability finding; notification.

(a) If the Commission, after reviewing the request and any supporting documentation, determines by an affirmative vote of four (4) or more of its members that there is a reasonable probability that the relevant disclosure would subject the contributor to threats, harassments, or reprisals, the Commission may approve, in whole or in part, the modification or redaction of the requested information.

(b) The Commission will, within five (5) business days of voting, notify the requestor of the Commission's decision.

(c) If the request is approved, the Commission will expeditiously effect any approved changes to the reports published by the Commission.

(d) If changes are made to a disclosure report filed with the Commission, within five (5) business days after the changes are made, the Commission will notify the committee or person who filed the disclosure report that the report was modified pursuant to this part.

§ 400.8 Modifications or redactions in future disclosure reports.

If the Commission makes modifications or redactions to a disclosure report pursuant to a request from a contributor under this part, any individuals or entities who are required to identify the same contributor in reports or statements filed with the

Commission may incorporate those modifications or redactions into any report or statement filed within the next two calendar years, or within any other period specified by the Commission in its decision approving the contributor's request.

§ 400.9 Confidentiality.

(a) Except as provided in § 400.7(d), no request submitted to the Commission, nor any notification sent by the Commission, nor any findings made by the Commission, will be made public by the Commission without the written consent of the requestor.

(b) Nothing in this part shall be construed to prevent the introduction of evidence in the courts of the United States which could properly be introduced pursuant to the Federal Rules of Evidence or Federal Rules of Civil Procedure.

Dated: December 12, 2024.

On behalf of the Commission.

Sean J. Cooksey,

Chairman, Federal Election Commission.

[FR Doc. 2024–29989 Filed 12–18–24; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 125

RIN 3245–AI09

Government Contracting: Subcontracting Program

AGENCY: U.S. Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The U.S. Small Business Administration (SBA) proposes to revise its Small Business Subcontracting Program regulations to encourage faster payments to small business subcontractors and streamline the reporting process for prime contracts. This proposed rule will require prime contractors notify contracting officers in writing when it fails to make full or timely payments to the subcontractor within 30 days past due; require prime contractors cooperate with contracting officers to correct/mitigate this failure until payment is made in full to the subcontractor; and allow contracting officers to modify a prime contractor's past performance for failure to make full or timely payments.

DATES: Comments must be received on or before February 18, 2025.

ADDRESSES: You may submit comments, identified by RIN 3245–AI09, by any of the following methods:

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

- **Email:** Kunmi Ageh, Procurement Policy Analyst (Attorney), Office of Policy Planning and Liaison, Small Business Administration, at Kunmi.Ageh@sba.gov.

SBA will post all comments on <https://www.regulations.gov>.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted on <https://www.regulations.gov>. If you wish to submit confidential business information (CBI) as defined in the User Notice at <https://www.regulations.gov>, please submit the comments to Kunmi Ageh and highlight the information that you consider to be CBI and explain why you believe this information should be held confidential.

FOR FURTHER INFORMATION CONTACT:

Kunmi Ageh, Procurement Policy Analyst (Attorney), Office of Policy Planning and Liaison, Small Business Administration, at Kunmi.Ageh@sba.gov, 202–374–8454.

Electronic copies of this **Federal**

Register are available at <https://www.regulations.gov>. The docket is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. A “100-word summary” is also available on <https://www.regulations.gov>. For additional information on submitting items to, or accessing items in, the docket, please refer to the **ADDRESSES** section of this NPRM.

SUPPLEMENTARY INFORMATION:

Background Information

The SBA proposes to revise its Small Business Subcontracting Program regulations in 13 CFR 125.3 in response to changes made in section 862 of the National Defense Authorization Act (NDAA) for Fiscal Year 2024, Public Law 118–31. Section 862 made changes to section 8(d)(13) of the Small Business Act, 15 U.S.C. 637(d)(13)(B)(i), by amending the time in which a prime contractor must notify the contracting officer in writing if, upon completion of the responsibilities of the small business subcontractor, payment to the subcontractor is past due under the terms of the subcontract by 30 days. This means a prime contractor must notify a contracting officer in writing when it failed to make fully or timely payments to a subcontractor within 30 days past the payment due date. Section

862 also requires that the prime contractor cooperate (act or work together) with the contracting officer to correct and mitigate the failure to make a full or timely payment to a subcontractor. The prime contractor has the duty to cooperate with the contracting officer until the subcontractor receives full payment, is made whole or the contracting officer's determination is no longer effective, regardless of performance or status of the contract in question. Lastly, a contracting officer has the option to include the failure to make full and timely payments in the prime contractor's past performance rating before or after close-out of the covered contract.

SBA intends to simplify the subcontracting reporting process by proposing additional changes to the Subcontracting Program. This proposed rule will allow contractors the option to base their commercial subcontracting plans on the Federal Government's fiscal year (FY), as well as allow prime contractors the option to base a subcontractor's size status on its primary NAICS code for subcontracts, but only limited to subcontracts under commercial subcontracting plans, subcontracts under the Micro-Purchase Threshold (MPT), and for indirect costs subcontracts in instances where the subcontract does not result from a solicitation with a NAICS code. This proposed rule also intends to explain how to calculate an agency's allocation on the Commercial Summary Subcontract Reports (SSRs) and provide a clear due date for when to submit Commercial SSRs. SBA proposes to clarify which agencies should receive Individual Subcontract Reports (ISRs) or SSRs, provide the deadline for submissions of ISRs or SSRs, and list the individuals with the authority to sign SSRs.

With these revisions, SBA plans to simplify the subcontract reporting process and address common concerns with subcontract reporting.

Severability

SBA anticipates for the provisions of this proposed rule, if finalized, to be severable from each other such that if a court were to hold that any provision is invalid or unenforceable as to a particular person or circumstance, the rule would remain in effect as to any other person or circumstance.

Section-by-Section Analysis

Section 125.3(a)(1)(i)(B)

SBA proposes to add language to § 125.3(a)(1)(i)(B) that the

subcontracting plan must be submitted by the entity awarded the contract, which must reflect all subcontracting to be performed by itself and its affiliates. With this amendment, SBA proposes to clarify that this section also applies to prime contractors that are considered a joint venture. SBA will eliminate the issue where two other than small business concerns submit an offer as a joint venture and use individual subcontracting plans to fulfill the subcontracting plan requirement, whereas instead, the subcontracting plan should name the joint venture offeror.

Section 125.3(a)(1)(iii)

SBA proposes to add text to § 125.3(a)(1)(iii) to clarify that utilities purchased from a municipality or solely authorized by that municipality to provide services in a particular geographic region should not be included in a subcontracting base.

Section 125.3(b)(3)(ii)

SBA proposes to add language to § 125.3(b)(3)(ii) to include the Dynamic Small Business Search (DSBS) to the list of tools for conducting market research. DSBS is a research tool meant to help contractors identify small business concerns capable of performing all or part of the contract as a subcontractor. The addition of DSBS will promote practicable subcontracting opportunities. Therefore, in addition to System for Award Management (SAM.gov) and SBA's SUBNet, SBA proposes to add DSBS to the list of tools for conducting market research to assist contractors in locating small business concerns.

Section 125.3(c)(1)(v)

Currently, § 125.3(c)(1)(v) requires the contractor to assign a NAICS code that best describes the nature of the subcontract, and its corresponding size standard, to each subcontract and to each solicitation if a solicitation is utilized. Further, a contractor may rely on a subcontractor's electronic representations and certifications, if the solicitation for the subcontract contains a clause that requires the subcontractor verify, by the submission of its offer, that the size or socioeconomic representations and certifications are current, accurate, and complete as of the date of the offer for the subcontract.

SBA proposes to add language to § 125.3(c)(1)(v) that a subcontractor's primary NAICS code may be used as its size classification for all subcontracts under commercial subcontracting plans, for subcontracts under the Micro-Purchase Threshold (MPT), and for the

indirect costs of subcontracts. The prime can only use the primary NAICS code for classifying the subcontractor where the subcontract does not result from a solicitation with a NAICS code. If the prime contractor issues a solicitation for a subcontract that has a NAICS code, then that prime contractor must use the size representation for the NAICS code in that solicitation, rather than the primary NAICS code for the subcontractor. This will ensure all responses to the solicitation for the subcontract are assessed against the same NAICS code and corresponding size standard. SBA has noticed contractor challenges to determine the size of subcontractors for indirect costs and accurately counting all indirect costs in the "other than small" category. Thus, SBA intends to increase the correct size classification for subcontractors by providing an alternate method to classify their suppliers. This change simplifies prime contractor's ability to identify the size status of a subcontractor for indirect costs (for companies with all plan types), for subcontracts issued under commercial subcontracting plans, and for subcontracts under the MPT.

A contractor cannot require a subcontractor to register in SAM.gov to identify a potential subcontractor's size and socio-economic status; however, Contractors can determine a subcontractor's size and socioeconomic status for their primary NAICS code through written size representations or electronic representations. For HUBZone small businesses and service-disabled veteran-owned small businesses (SDVOSBs), SBA requires the contractor or subcontractor be registered in DSBS, SAM.gov, or successor system, prior to submitting a certification application to SBA. For a contractor to verify the status of a HUBZone or SDVOSB subcontractor, it must verify the status of the concern in DSBS. Any contractor or subcontractor that does not submit a certification application for SDVOSBs status to SBA by December 22, 2024, cannot self-certify for a Federal prime or subcontract that counts towards SDVOSB goaling purposes or SDVOSB subcontracting goals under 13 CFR 128.200(c)(2). If the contractor chooses to register in SAM.gov, the contractor's primary NAICS is indicated in the Assertions, Service Classifications, portion of a contractor's SAM profile. Subcontracts are still required to include a clause in the solicitation or subcontract that require subcontractors verify by submission of the offer or acceptance that the subcontractor's size

and socioeconomic representations and certifications in SAM (or in the contractor's electronic database) are current, accurate and complete as of the date of the offer for the subcontract (or, if an offer is not a part of the procurement process, as of the date of award).

Finally, SBA proposes to clarify that the size certification and recertification requirements of 13 CFR 121.404(g) do not apply to subcontracts. However, if there is a merger or acquisition that causes the reissuance of the subcontract, this is considered a new subcontract.

Section 125.3(c)(1)(vi)

SBA proposes four revisions to § 125.3(c)(1)(vi). First, SBA plans to amend this section to clarify what reports must be submitted for orders against multi-agency indefinite delivery, indefinite quantity (IDIQ) contracts. Unlike Commercial Plans under FAR 52–219–9(l)(2)(i)(e), contractors cannot allocate a percentage of work in the SSR to more than one executive agency when submitting reports. An individual SSR is directed to a single agency. Thus, SBA proposes a separate SSR should be submitted to the ordering agency when orders are placed under multi-agency multiple award contracts. This will ensure a separate SSR is submitted for each ordering agency to capture subcontracts awarded during the fiscal year for that agency's order, so the ordering agency receives credit in accordance with 13 CFR 125.3(h)(3). Further, this SSR need only reflect subcontract awards that result from that agency's orders. Any dollar value subcontract should be included in the ISR (or SF 294, if applicable) and SSR reports. Contractors with individual subcontracting plans must submit ISRs during contract performance as required under this provision. Although uncommon, if the agency that issued the underlying contract does not award any orders, then the contractor must still submit an SSR with zero dollars. For example, XYZ Company has a contract with U.S. General Services Administration (GSA), under the Federal Supply Schedule (FSS), that contains an individual subcontracting plan. The FSS allows other agencies to place an order under this contract. The U.S. Department of Veterans Affairs (VA) places an order against the FSS with XYZ Company. XYZ Company must submit two SSRs. One to VA, reflecting a subcontracting that occurred during the reporting period pertaining to its order; and the other to GSA, reflecting no subcontracting because GSA did not place any orders itself. If the contractor has another prime or

subcontract with the VA, that contractor would combine all its subcontracting under VA into one SSR.

Second, this rule proposes the contractor submit its SSR within 45 days after the end of the Government's fiscal year (*e.g.*, by November 14th for the September 30th reporting period). This mirrors the recently proposed change in 13 CFR 125.3(d)(2), which would extend the due dates for subcontracting reports by 15 days, from 30 days to 45 days.

Third, SBA proposes to amend this section to clarify that SSRs should be submitted to the executive agency level unless otherwise directed by the agency. SBA proposes to define Executive agency as an executive department, a military department, or any independent establishment within the meaning of 5 U.S.C. 101, 102, and 104(1), respectively, and any wholly owned Government corporation within the meaning of 31 U.S.C. 9101 (as defined in FAR 2.101). For example, XYZ Company submits SSRs to Centers for Disease Control and Prevention, Centers for Medicare and Medicaid Services, and Food and Drug Administration—all lower-level agencies that fall under the U.S. Department of Health and Human Services (HHS). Here, XYZ Company should have submitted only one SSR to HHS, the executive agency. Contractors may continue to file commercial SSRs at the awarding level.

Lastly, SBA proposes to amend this section to increase individuals who may sign the SSR. Specifically, the contractor's President (or equivalent at education institutions), CEO, Vice President, General Manager, or most Senior Executive for Government Procurement may sign the SSR. Currently, the contractor's President is the only individual that may sign the SSR. This is an issue because the contractor's President may not be available for signature or may not have subject matter knowledge. Thus, SBA intends to ease the SSRs process by allowing signatures from individuals who have knowledge of the content and are readily available to sign the reports in lieu of the CEO.

Section 125.3(c)(1)(xiii)(C)

SBA proposes to add a definition of contract completion in accordance with physically completed contracts under FAR 4.804–4. More specifically, under FAR 4.804–4, a contract is considered physically complete when the contractor has performed all services and/or provided all required deliveries, and the Government has accepted the services and/or accepted the supplies.

In the instance of rental, use, or storage agreements, contract completion occurs when the Government has provided the contractor a notice of complete contract termination or the contract period has expired.

Under the past performance ratings program, the prime contractor must rate the first-tier small business subcontractor using the five-scale ratings system found in FAR 42.1503 (48 CFR 42.1503). The prime contractor must provide an exceptional, very good, satisfactory, marginal, or unsatisfactory rating to the first-tier small business subcontractor. In turn, subcontractors who intend to provide this rating when making an offer for a prime contract must include the following evaluation factors: (1) technical; (2) cost control; (3) schedule/timeliness; (4) management or business relations; and (5) other (as applicable).

Thus, § 125.3(c)(1)(xiii)(C) allows a first-tier subcontractor to request a subcontractor's past performance rating from the prime contractor within 30 calendar days of completion of the prime contractor's contract with the Government. This clarifies the time a contract is considered complete, which thereby starts the "30 calendar day" window for a first-tier subcontractor to request a performance rating from the prime contractor.

Section 125.3(c)(2)

SBA proposes to amend § 125.3(c)(2) to set forth the rules for commercial subcontracting plans. First, SBA proposes to provide contractors the option to base their commercial subcontracting plans on the Federal Government's fiscal year. Currently, § 125.3(c)(2) only permits subcontractors to base their commercial subcontracting plans on their individual fiscal year. This revision permits contractors to base their commercial subcontracting plans on the Federal Government's fiscal year, if desired, so the subcontracting plan can match the SSR reporting period.

Second, SBA proposes to amend § 125.3(c)(2) to clarify how to calculate an agency's allocation on the Commercial SSR and provide a clear due date for submission of the Commercial SSR. The agency allocation percentage on the SSR is the percentage of revenue during the Government's fiscal year attributable to each Federal agency, when compared to the contractor's total revenue earned during the Government fiscal year. It should be noted that the contractor's total revenue, including its Federal and non-Federal revenue, is used in the denominator. All subcontracting with any Federal agency

should be included even if the contractor does not have a subcontracting plan with the agency; and the executive level of the agency should be selected unless otherwise directed by the agency.

Third, SBA proposes to amend § 125.3(c)(2) to permit the use of a subcontractor's primary NAICS as the size of the subcontractor under a commercial subcontracting plan. This change also applies to indirect costs subcontracts, and subcontracts below the Micro-Purchase Threshold (MPT).

Section 125.3(c)(5)

Per the requirements of section 862 of the NDAA for FY2024, SBA proposes to revise the timeframe in § 125.3(c)(5) in which a prime contractor must notify the contracting officer in writing, if upon completion of the responsibilities of the small business subcontractor, that payment to the subcontractor will be untimely under the terms of the subcontract. Previously, a prime contractor was required to notify the contracting officer in writing if payment was more than "90" days past due. Under this revision, a prime contractor must notify the contracting officer in writing when the payment to a small business subcontractor is more than "30" days past due under the terms of the subcontract.

Section 125.3(c)(6)

SBA proposes to add text to § 125.3(c)(6) that states a contractor has met its subcontracting goal when it has met or exceeded its percentage goal in its subcontracting plan—whether the goals are based on total contract value or total subcontracting. This change clarifies how contracting officers look to a contractor's percentage goal to determine whether that contractor has met its subcontracting goal. Specifically, a prime contractor's subcontracting plan must include a statement of total dollars planned to be subcontracted to small and disadvantaged businesses under FAR 19.704(a)(2). This allocated percentage of the total subcontract dollars is considered the percentage goal for the subcontracting plan. Thus, if the contractor fails to meet its percentage goal, the contractor is required to provide the contracting officer a written explanation why it failed to meet its planned small business subcontracting goals.

Section 125.3(d)(3)(i)

SBA proposes to revise the language in § 125.3(d)(3)(i) by replacing "large" with "other than small" with the intent to clarify that application of this section includes, but is not limited to,

businesses, organizations, public utilities, and State and local governments. The current language includes the term "large" business, which could be interpreted to exclude municipalities; for example, State and local governments, non-profit organizations, and public utilities. Revising this rule will clarify the inclusion of all types of concerns, such as State and local governments, and other organizations that are not small business concerns.

Section 125.3(d)(5)

Consistent with the requirements of section 862 of the NDAA for FY2024, SBA proposes to revise the timeframe of § 125.3(d)(5) from "90" days to "30" days. Under this revision, a contracting officer must evaluate a prime contractor's written explanation for an untimely payment to a subcontractor that is more than "30" days past due under the terms of the subcontract. The contracting officer may also consider that information when rating the contractor for past performance purposes. SBA proposes to mirror the mandatory statutory changes in § 125.3(c)(5) by amending the timeframe for the contracting officer's evaluation from "90" to "30" days for consistency.

Section 125.3(d)(7) Through (8)

SBA proposes to add new paragraph § 125.3(d)(7) to implement the requirements of section 862 of the NDAA for FY 2024. Specifically, this section allows the contracting officer to enter and modify the prime contractor's past performance information when there is an unjustified failure to make a full or timely payment to a subcontractor subject to this section before or after close-out of the contract.

This section further stipulates that once the contracting officer makes the determination that there was an unjustified failure by the prime contractor to make a full or timely payment to a subcontractor under this section, then the prime contractor must cooperate with the contracting officer to correct and mitigate the unjustified failure. During this process, the contracting officer consults with the Director of Small Business Programs or the Director of Small and Disadvantaged Business Utilization acting or other representatives of the Federal Government to ensure compliance with small business goals. The prime contractor has a duty to cooperate until the subcontractor is made whole or the contracting officer's determination is no longer effective, regardless of performance or close-out status of the subject contract.

SBA intends to remove § 125.3(d)(8) entirely because when the contract is awarded, the original subcontracting plan will include all options; therefore, this provision is unnecessary.

As a result of removing § 125.3(d)(8) and adding new paragraph § 125.3(d)(7), SBA proposes to redesignate the current § 125.3(d)(7) as § 125.3(d)(8).

Sections 125.3(e)(1) Through (e)(5)

Similar to amendments made in § 125.3(d)(3)(i), SBA proposes to revise the language in § 125.3(e)(1) through (5) by revising "large" to "other than small" with the intent to clarify that application of this section includes, but is not limited to, businesses, organizations, public utilities, and State and local governments.

Section 125.3(e)(3)

In addition to revising "large" to "other than small" in § 125.3(e)(3), SBA proposes to add DSBS as an alternative market research tool for prime contractors to assist in identifying small business concerns that can perform all or part of the work as a subcontractor. This section currently omits DSBS as a market research tool, thus SBA intends to ensure this database is listed as one of the key market research alternatives available to contractors in addition to the currently listed tools, SAM, SUBnet and Business Matchmaking events.

Section 125.3(f)(1)

First, SBA proposes to revise § 125.3(f)(1) by removing the language "on site" because virtual meetings and calls are more common and widely accessible. Next, SBA proposes to remove the "six to eight months" for a follow-up review and replace that language with "within a year". This revision will clarify that SBA or the agency conducting the review has at least a year to conduct a follow-up compliance review to ensure the contractor has implemented all corrective actions. Lastly, SBA proposes to include the language "the corrective actions" after "implemented". This revision clarifies that contractors are required to complete any corrective actions by the time of its follow-up review. Overall, this provides additional time to complete this segment of contract performance.

Section 125.3(f)(4)

SBA proposes to amend the timeframe from "30" days to within "45" days of receipt of the official compliance report. This provides a contractor that receives a marginal or unsatisfactory rating additional time to provide a written corrective action plan to SBA, or to both

SBA and the agency that conducted the compliance review (if the agency conducting the review has an agreement with SBA).

Section 125.3(h)(2)

SBA proposes to revise the language in § 125.3(h)(2) to include the text “when order-level goals were required” and the text “on the underlying contract’s ISR report.” Specifically, this revision clarifies the time a contractor is required to submit small business subcontracting accomplishments, which is when order-level goals are required; and the correct agency to submit this information, which is the contracting agency on the underlying contract’s ISR report. Summarily, SBA intends to update the requirements so contractors are aware that the order-level achievements must be reported on the underlying contract’s ISR report when order-level goals are required.

Second, SBA proposes to add the language “[t]he order’s subcontracting only needs to be included on the ISR’s order-level report from the inception of the order until the order is completed, and on the ISR designated as ‘final’.” This specifies the length of time an order level subcontracting must be included on the ISR’s order-level report.

Compliance with Executive Orders 12866, 12988, 13132, 13175, 13563, the Congressional Review Act (5 U.S.C. 801–808), the Paperwork Reduction Act (44 U.S.C., Ch. 35), and the Regulatory Flexibility Act, (5 U.S.C. 601–612).

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this rulemaking is significant regulatory action for the purposes of Executive Order 12866.

SBA’s Regulatory Impact Analysis

1. Regulatory Impact Analysis: Is there a need for the regulatory action?

This action proposes to implement a statutory requirement—the NDAA FY24—as well as simplify the subcontracting reporting process by proposing additional changes to the Subcontracting Program. The proposed rule provides an offeror with the option to base its commercial subcontracting plans on its fiscal year or the Federal Government’s fiscal year; and allows for the size status of the subcontractor to be based on its primary NAICS code for commercial subcontracting plans, indirect costs subcontracts, and contracts under the MPT. The proposed rule defines executive agency and contract completion. It clarifies how to calculate the agency allocation on the Commercial SSR; when the higher tier

contractors must review the lower tier ISR; and submission of SSRs for orders under multi-agency IDIQ contracts.

2. What is the baseline, and the incremental benefits and costs of this regulatory action?

There are three provisions associated with incremental benefits or incremental costs. SBA has determined that the remaining changes clarify or improve existing policies.

First, NDAA FY 2024 amends section 8(d)(13) of the Small Business Act to encourage faster payments to small business subcontractors. Prime contractors are required to notify contracting officers of its failure to make full or timely payments to the subcontractor within 30 days. The prime contractor must cooperate with the contracting officer until full and timely payments are made or the contracting officer’s determinations are no longer effective. The contracting officer may consider the prime contractor’s failure to make a full or timely payment to a subcontractor in past performance. The existing baseline without implementing the change provides prime contractors 90 days to notify a contracting officer of late payments without any effect to past performance or incentive to cooperate with the contracting officer to resolve the failure to make timely payments. As a result, subcontractors may not receive full payments until after performance and contract completion. The most significant benefits of this proposed rule will ensure subcontractors receive timely payments and incentivize the prime contractor to cooperate with contracting officers regarding full payments to subcontractors.

Second, § 125.3(c)(1)(vi) allows a contractor’s CEO, president, vice president, general manager, or most senior executive for government procurement to sign the SSRs. The current baseline only allows the CEO/President to sign the SSR. As a result, submissions of SSRs take additional time, subject to the availability and subject-matter knowledge of the CEO/President. This proposed change will benefit the process by allowing additional individuals within a firm to sign the SSRs report. SBA believes this will create more efficiency in the SSR reporting process.

Lastly, § 123.3(c)(1)(vi) would require prime contractors submit separate summary subcontracting reports (SSRs) for each ordering agency against each multi-agency indefinite delivery, indefinite quantity (IDIQ) contract. The existing baseline without implementing the change only requires prime contractors submit one SSR report to the

IDIQ agency. As a result, the ordering agency may not receive proper credit towards its subcontracting goals.

The proposed change will benefit program participants by ensuring each ordering agency receives credit as required under 13 CFR 125.3(h)(3). Contractors are already required to submit SSRs to the agency that awarded the IDIQ contract, and the data should already exist. Thus, the only cost associated with the proposed change would be the cost to complete additional SSR reports and organize existing ordering data by agency. It is difficult to calculate the cost associated with submitting SSRs. To determine a cost for this change, SBA reviewed the Paperwork Reduction Act Supporting Statement for the FAR’s Subcontracting Plan forms, under OMB Control No. 9000–0007. Considering the burdens estimated in the Supporting Statement, SBA estimates a contractor currently spends approximately three hours to submit an SSR, the equivalent to an individual subcontracting report (ISR). That equates to approximately \$132.46 per hour, which is the mean hourly wage of \$66.23 plus 100 percent for overhead and benefits for Management Occupation (see Management Occupations ([bls.gov](https://www.bls.gov/)), retrieved September 4, 2024). In FY20, 4,389 contractors submitted an ISR. SBA estimates a 5% increase, which is an approximate increase of 220 reports submitted annually. Thus, the aggregate cost of this proposed change amounts to \$87,424 annually. This proposed rule also intends to concurrently provide 15 additional days to submit SSRs under § 125.3(d)(2). Thus, SBA believes the additional time allocated in this rulemaking will resolve any undue burden, given the data for SSRs already exist.

3. What alternatives have been considered?

The alternative to the proposed rule would be to keep SBA’s processes and procedures as currently stated in the Code of Federal Regulations. However, because the proposed rule intends to simplify the subcontracting reporting process, SBA does not believe this alternative will benefit the Subcontracting Program.

Additionally, this rulemaking implements section 862 of NDAA FY24. There is no alternative to implementing this statutory requirement.

Executive Order 13563

This Executive order directs agencies to, among other things: (a) Afford the public a meaningful opportunity to comment through the internet on proposed regulations, with a comment

period that should generally consist of not less than 60 days; (b) provide for an “open exchange” of information among Government officials, experts, stakeholders, and the public; and (c) seek the views of those who are likely to be affected by the rulemaking even before issuing a notice of proposed rulemaking. As far as practicable or relevant, SBA considers these requirements in developing this rulemaking as discussed below.

1. Did the agency use the best available techniques to quantify anticipated present and future costs when responding to E.O. 12866 (*e.g.*, identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes)?

To the extent possible the agency utilized the most recent data available in the System for Award Management (SAM.gov) and the Electronic Subcontracting Reporting System (eSRS). This proposed rule does not attempt to quantify anticipated present and future costs, and so the agency expects minimal impact.

2. *Public participation*: Did the agency: (a) afford the public a meaningful opportunity to comment through the internet on any proposed regulation, with a comment period that should generally consist of not less than 60 days; (b) provide for an “open exchange” of information among government officials, experts, stakeholders, and the public; (c) provide timely online access to the rulemaking docket on *Regulations.gov*; and (d) seek the views of those who are likely to be affected by rulemaking?

The notice of proposed rulemaking will have a 60-day comment period and will be posted on *www.regulations.gov* to allow the public to comment meaningfully on its provisions.

3. *Flexibility*: Did the agency identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

Yes, the notice of proposed rulemaking implements changes; provides offerors with the option to submit their commercial subcontracting plans using either the Government’s fiscal year or their fiscal year; allows a subcontractor’s size status to be based on its primary NAICS code for commercial subcontracting plans, indirect costs subcontracts, and contracts under the MPT only in instances where the subcontract does not result from a solicitation with a NAICS code; and provides other clarifications.

Executive Order 12988

For purposes of Executive Order 12988, SBA has drafted this rulemaking, to the extent practicable, in accordance with the standards set forth in section 3(a) and 3(b)(2) of that Executive order, to minimize litigation, eliminate ambiguity, and reduce burden. This rulemaking has no preemptive or retroactive effect.

Executive Order 13175

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

Executive Order 13132

For the purpose of Executive Order 13132, SBA has determined that this rulemaking 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 layers of government. Therefore, SBA has determined that this rulemaking has no federalism implications warranting preparation of a federalism assessment.

Paperwork Reduction Act, 44 U.S.C. Ch. 35

The notice of proposed rulemaking would make changes and clarifications to SBA’s subcontracting regulation. Specifically, this rulemaking will require contractors submit a separate SSR for each ordering agency to capture subcontracts awarded during the fiscal year for that agency’s order(s), so the ordering agency receives credit in accordance with 13 CFR 125.3(h)(3). This collection of information may require submission or retention of documents; however, SBA believes that this impact will be minimal. Contractors are already required to submit SSRs to the agency that awarded the IDIQ contract, so the data should already exist in the contractor’s ordinary course of business recordkeeping.

Regulatory Flexibility Act, 5 U.S.C. 601–612

According to the Regulatory Flexibility Act (RFA), 5 U.S.C. 601, when an agency issues a rulemaking, it must prepare a regulatory flexibility analysis to address the impact of the rule on small entities. However, section 605 of the RFA allows an agency to

certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. The RFA defines “small entity” to include “small businesses,” “small organizations,” and “small governmental jurisdictions.” This proposed rule concerns various aspects of SBA’s contracting programs. As such, the rule relates to small business concerns but would not affect “small organizations” or “small governmental jurisdictions” because those programs generally apply only to “business concerns” as defined by SBA regulations, in other words, to small businesses organized for profit. “Small organizations” or “small governmental jurisdictions” are non-profits or governmental entities and do not generally qualify as “business concerns” within the meaning of SBA’s regulations.

There are approximately 350,000 concerns registered as small business concerns in the System for Award Management (SAM) that could potentially be impacted by the implementation of section 862. However, SBA cannot say with any certainty how many will be impacted because we do not know how many of these concerns participate in Government contracting as subcontractors. A firm is required to register in SAM in order to participate in Federal contracting as a prime contractor, but not for purposes of subcontracting. The data does not allow SBA to estimate the cost of the proposed rule on small business concerns.

In sum, the proposed amendments would not have a disparate impact on small businesses and would increase their opportunities to participate in Federal Government contracting as subcontractors without imposing any additional costs. For the reasons discussed, SBA certifies that this proposed rule would not have a significant economic impact on a substantial number of small business concerns.

List of Subjects in 13 CFR Part 125

Government contracts, Government procurement, Reporting and recordkeeping requirements, Small businesses, Small business subcontracting.

For the reasons stated in the preamble, SBA proposes to amend 13 CFR part 125 as follows:

PART 125—GOVERNMENT CONTRACTING PROGRAMS

■ 1. The authority citation for part 125 is revised to read as follows:

Authority: 15 U.S.C. 632(p), (q), 634(b)(6), 637, 644, 657f, 657q, 657r, and 657s; 38 U.S.C. 501 and 8127.

■ 2. Amend § 125.3 by:

- a. Revising paragraphs (a)(1)(i)(B), (a)(1)(iii), (b)(3)(ii), (c)(1)(v) and (vi), (c)(1)(xiii)(C), (c)(2), (5) and (6), (d)(3)(i), (d)(5);
- b. Removing paragraph (d)(8);
- c. Redesignating paragraph (d)(7) as paragraph (d)(8);
- d. Adding new paragraph (d)(7); and
- e. Revising paragraphs (e)(1) through (5), (f)(1) and (4) and (h)(2).

The revisions and addition read as follows:

§ 125.3 What types of subcontracting assistance are available to small businesses?

- (a) * * *
- (1) * * *
- (i) * * *

(B) Purchases from a corporation, company, or subdivision that is an affiliate of the prime contractor or subcontractor, or a joint venture in which the contractor is one of the joint venturers, are not included in the subcontracting base. Subcontracts by first-tier affiliates, and subcontracts by a joint venture in which the prime contractor is one of the joint venturers, shall be treated as subcontracts of the prime contractor. The subcontracting plan must be submitted by the entity awarded the contract, which reflects subcontracting done by itself, its affiliates and if a joint venture, its joint venture partners.

(iii) The following should not be included in the subcontracting base: internally generated costs such as salaries and wages; employee insurance; other employee benefits; payments for petty cash; depreciation; interest; income taxes; property taxes; lease payments; fines; claims; and dues; Original Equipment Manufacturer relationships during warranty periods (negotiated up front with product); utilities and other services purchased from a municipality or solely authorized by the municipality to provide services in a particular geographic region such as electricity, water, natural gas and sewer; and philanthropic contributions. Utility companies may be eligible for additional exclusions unique to their industry, which may be approved by the contracting officer on a case-by-case basis. Exclusions from the

subcontracting base include but are not limited to those listed in this section.

- * * *
- (b) * * *
- (3) * * *

(ii) Conducting market research to identify small business subcontractors and suppliers through all reasonable means, such as performing online searches via the System for Award Management (SAM) (or any successor system), the Dynamic Small Business Search (DSBS), posting Notices of Sources Sought and/or Requests for Proposal on SBA's SUBNet, participating in Business Matchmaking events, and attending pre-bid conferences;

- * * *
- (c) * * *
- (1) * * *

(v) The contractor must assign to each subcontract, and to each solicitation, if a solicitation is utilized, the NAICS code and corresponding size standard that best describes the principal purpose of the subcontract (see § 121.401 of this chapter). A formal solicitation is not required for each subcontract, but the contractor must provide some form of written notice of the NAICS code and size standard assigned to potential offerors prior to acceptance and award of the subcontract. The prime contractor (or subcontractor) may rely on a subcontractor's electronic representations and certifications, if the solicitation for the subcontract contains a clause which provides that the subcontractor verifies by submission of the offer that the size or socioeconomic representations and certifications are current, accurate, and complete as of the date of the offer for the subcontract. Where the subcontract does not result from a solicitation with a NAICS code, a prime contractor may use a subcontractor's primary NAICS for size classification, only for indirect costs (in all plan types), for subcontracts issued under commercial subcontracting plans, and for subcontracts below the Micro-Purchase Threshold (MPT) as defined in FAR 2.101. If relying upon an electronic size representation, the subcontract must still include a clause in the solicitation or subcontract which provides that the subcontractor verifies by submission of the offer, or acceptance of the subcontract if an offer is not part of the procurement process, that the size or socioeconomic representations and certifications in SAM (or in the contractor's electronic database) are current, accurate and complete as of the date of the offer for the subcontract (or as of the date of award is if an offer is not a part of the

procurement process). The size certification and recertification requirements of § 121.404(g) of this chapter do not apply to subcontracts. However, if there is a merger or acquisition that causes the reissuance of the subcontract, this is considered a new subcontract. Electronic submission may include any method acceptable to the prime contractor (or subcontractor) including, but not limited to, size or socioeconomic representations and certifications made in SAM (or any successor system). With the exception of service-disabled veteran-owned small business and HUBZone, prime contractor (or subcontractor) may not require the use of SAM (or any successor system) for purposes of representing size or socioeconomic status in connection with a subcontract.

(vi) The contractor must submit timely and accurate ISRs and SSRs in eSRS (or any successor system), or if applicable, submit a timely SF 294, Subcontracting Report for Individual Contract, such as when a particular procurement cannot be entered into eSRS. A "final" ISR must be submitted within 45 days of contract completion. A contract should be considered complete in accordance with FAR 4.804–4. For orders placed under multi-agency IDIQ contracting vehicles that contain an individual subcontracting plan, a separate SSR should be submitted for each ordering agency capturing subcontracts awarded during the fiscal year for that agency's orders. An SSR must also be submitted to the agency with the underlying contract even if no subcontracting occurred with this agency; this SSR reflects only subcontract awards as a result of orders from that agency, if any. SSRs should be submitted to the executive agency level unless otherwise directed by the agency. Commercial SSRs may be submitted to the lower-level awarding agency. Any dollar value of subcontract should be included in the ISR and SSR reports. Executive agency under this paragraph (c)(1)(vi) means an executive department, a military department, or any independent establishment within the meaning of 5 U.S.C. 101, 102, and 104(1), respectively, and any wholly owned Government corporation within the meaning of 31 U.S.C. 9101 (FAR 2.101). This is the highest hierarchical agency level such as "Department of the Interior." For the SSRs, the contractor's President, CEO, Vice President, General Manager, or most Senior Executive for Government Procurement may sign the report. When a report is rejected by the contracting officer, the contractor must make the necessary corrections and

resubmit the report within 30 days of receiving the notice of rejection.

* * * * *

(xiii) * * *

(C) A first-tier small business subcontractor must make the request for a performance rating from the prime contractor within 30 calendar days after the completion of the period of performance for the prime contractor's contract with the Government. A contract should be considered complete in accordance with FAR 4.804-4. The prime contractor and the first-tier small business subcontractor may negotiate a later deadline for the request for a performance rating, but in no case can the prime contractor impose a deadline earlier than 30 calendar days after the completion of the period of performance for the prime contractor's contract with the Government.

* * * * *

(2) A commercial subcontracting plan covers the offeror's fiscal year or the Federal Government's fiscal year and applies to all of the commercial products and commercial services sold by either the entire company or a portion thereof (e.g., division, plant, or product line). Once approved, the plan remains in effect during the fiscal year for all Federal Government contracts in effect during that period. The contracting officer of the agency that originally approved the commercial subcontracting plan will exercise the functions of the contracting officer on behalf of all agencies that award contracts covered by the plan. The percentage allocation on the Commercial SSR should include all subcontracting as a prime contractor or a subcontractor with any Federal agency, even if the contractor does not have a contract or a subcontracting plan with the agency; the executive level of the agency should be selected unless otherwise directed by the agency; and the agency allocation should be each Executive Agency's percentage of revenue when compared to the contractor's total revenue for the Government's fiscal year. Unless the subcontract results from a solicitation with a NAICS code, a subcontractor may use its primary NAICS code for its size classification for commercial subcontracting plans. The contractor shall submit an SSR annually. SSRs are due within 45 days after the end of the Government's fiscal year.

* * * * *

(5) A prime contractor shall notify the contracting officer in writing if upon completion of the responsibilities of the small business subcontractor (i.e., the subcontractor is entitled to payment

under the terms of the subcontract), the prime contractor pays a reduced price to a small business subcontractor for goods and services provided for the contract or the payment to a small business subcontractor is more than 30 days past due under the terms of the subcontract for goods and services provided for the contract and for which the Federal agency has paid the prime contractor. "Reduced price" means a price that is less than the price agreed upon in a written, binding contractual document. The prime contractor shall include the reason for the reduction in payment to or failure to pay a small business subcontractor in any written notice.

(6) If at the conclusion of a contract the prime contractor did not meet all of the small business subcontracting goals in the subcontracting plan, the prime contractor shall provide the contracting officer with a written explanation as to why it did not meet the goals of the plan so that contracting officer can evaluate whether the prime contractor acted in good faith as set forth in paragraph (d)(3) of this section. A contractor has met its goal when it has met or exceeded its percentage goal.

* * * * *

(d) * * *

(3) * * *

(i) Evidence that an other than small business prime contractor has made a good faith effort to comply with its subcontracting plan or other subcontracting responsibilities includes supporting documentation that:

* * * * *

(5) Evaluating the prime contractor's written explanation concerning its payment of a reduced price to a small business subcontractor for goods and services upon completion of the responsibilities of the subcontractor or its payment to a subcontractor more than 30 days past due under the terms of the subcontract for goods and services provided for the contract and for which the Federal agency has paid the prime contractor, and considering that information when rating the contractor for past performance purposes.

* * * * *

(7) Entering or modifying the prime contractor's past performance information when there is an unjustified failure to make a full or timely payment to a subcontractor subject to this section before or after close-out of the contract. If the contracting officer makes a determination that there was an unjustified failure by the prime contract to make a full or timely payment to a subcontractor under this section, then the prime contractor must cooperate with the contracting officer, who

consults with the Director of Small Business Programs or the Director of Small and Disadvantaged Business Utilization acting, to correct and mitigate the unjustified failure. The prime contractor must cooperate with the contracting officer until payment is made in full to the subcontractor or the contracting officer's determination is no longer effective, before or after the closeout of the contract.

* * * * *

(e) * * *

(1) Facilitating the matching of other than small prime contractors with small business concerns;

(2) Counseling other than small business contractors on their responsibilities to maximize subcontracting opportunities for small business concerns;

(3) Instructing other than small prime contractors on identifying small business concerns by means of SAM (or any successor system), DSBS, SUBNet, Business Matchmaking events, and other resources and tools;

(4) Counseling small business concerns on how to market themselves to other than small prime contractors;

(5) Maintaining a portfolio of other than small prime contractors and conducting Subcontracting Orientation and Assistance Reviews (SOARs). SOARs are conducted for the purpose of assisting prime contractors in understanding and complying with their small business subcontracting responsibilities, including developing subcontracting goals that reflect maximum practicable opportunity for small business; maintaining acceptable books and records; and periodically submitting reports to the Federal Government; and

* * * * *

(f) * * *

(1) A prime contractor's performance under its subcontracting plan is evaluated by means of compliance reviews and follow-up reviews, as a supplement to evaluations performed by the contracting agency, either on a contract-by-contract basis or, in the case of contractors having multiple contracts, on an aggregate basis. A compliance review is a surveillance review that determines a contractor's achievements in meeting the goals and other elements in its subcontracting plan for both open contracts and contracts completed during the previous 12 months. A follow-up review is done after a compliance review, generally within a year of SBA's receipt of the contractor's Corrective Action Plan, to determine if

the contractor has implemented the corrective actions.

* * * * *

(4) Any contractor that receives a marginal or unsatisfactory rating must provide a written corrective action plan to SBA, or to both SBA and the agency that conducted the compliance review if the agency conducting the review has an agreement with SBA, within 45 days of its receipt of the official compliance report.

* * * * *

(h) * * *

(2) When order-level goals were required, contractors shall submit small business subcontracting accomplishments for individual orders to the contracting agency on the underlying contract's ISR report. The order-level goals only need to be included on the ISR's order-level report from the inception of the order until the order is completed, and on the ISR designated as final.

* * * * *

Isabella Casillas Guzman,
Administrator.

[FR Doc. 2024-29267 Filed 12-18-24; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2024-2352; Airspace
Docket No. 24-AEA-4]

RIN 2120-AA66

Establishment of United States Area Navigation Route Q-161 and Amendment of United States Area Navigation Routes Q-97, Q-133, Q- 437, Q-439, Q-445, and Q-481; Eastern United States

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Supplemental Notice of
Proposed Rulemaking (SNPRM).

SUMMARY: This action adds the proposed amendment of United States Area Navigation (RNAV) Route Q-409 that was inadvertently omitted from the NPRM for Docket No. FAA-2024-2352. Additionally, this action corrects the OYVAY waypoint (WP) state location to Delaware in RNAV Route Q-437. This action supports the Northeast Corridor Atlantic Coast Route (NEC ACR) Optimization Project to improve the efficiency of the National Airspace System (NAS).

DATES: Comments must be received on or before January 21, 2025.

ADDRESSES: Send comments identified by FAA Docket No. FAA-2024-2352 and Airspace Docket No. 24-AEA-4 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, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Brian Vidis, 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 amends the

route structure to maintain the efficient flow of air traffic within the NAS.

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 of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701

Columbia Avenue, College Park, GA 30337.

Incorporation by Reference

United States Area Navigation Routes (Q-Routes) are published in paragraph 2006 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 FAA published a notice of proposed rulemaking for Docket No. FAA–2024–2352 in the **Federal Register** (89 FR 85455; October 28, 2024) to establish United States RNAV Route Q–161 and amend RNAV Routes Q–97, Q–133, Q–437, Q–439, Q–445, and Q–481 in the eastern United States. Subsequent to the NPRM’s publication, the FAA identified that that the OYVAY WP was inadvertently listed as “OA”, which when listed in place of a two-letter state abbreviation, the “OA” means “Offshore Atlantic”. However, the OYVAY WP is listed in the National Airspace System Resource (NASR) database as being in the state of Delaware.

Additionally, the FAA identified that in the proposed amendment to RNAV Route Q–437, the OYVAY, DE, WP would be moved 1.26 nautical miles south of its currently published position. The minor adjustment of the position of the OYVAY WP would require an amendment to RNAV Route Q–409 that also contains this route point. This SNPRM adds the amendment of Q–409 and the correction to the state designation of the OYVAY WP to Docket No. FAA–2024–2352.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend RNAV Route Q–409 and Q–439 in the eastern United States. This action supports the NEC ACR Optimization Project to improve the efficiency of the NAS. The proposed route change is described below.

Q–409: Q–409 currently extends between the ENEME, GA, WP and the WHITE, NJ, Fix. The FAA is changing the geographic coordinates of the OYVAY, DE, WP from “lat. 39°02’18.85” N, long. 075°26’18.04” W” to “lat. 39°01’03.58” N, long. 075°26’28.07” W” in June 2025. The FAA proposes to modify the geographic coordinates of the OYVAY WP in the route description of RNAV Route Q–409. Additionally, the FAA proposes to remove the SESUE, SC, WP and the CRPLR, VA, WP from the route description as they are a turn of less than one degree. Lastly, the FAA identified that the geographic coordinates listed in the route description for the VILLS, NJ, WP are incorrect. The FAA proposes to update the geographic coordinates for the VILLS WP in to match the geographic coordinates listed in the NASR database. The VILLS WP geographic coordinates would be changed from “lat. 39°18’03.87” N, long. 075°06’37.89” W” to “lat. 39°18’03.87” N, long. 075°06’37.90” W”. As amended, the route would continue to extend between the ENEME WP and the WHITE Fix.

Q–437: The FAA corrects the state designation of the OYVAY WP in the route description of RNAV Route Q–437 to match the NASR database. The OYVAY WP is changed from “OYVAY, OA, WP” to “OYVAY, DE, WP”.

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); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

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

Paragraph 2006 United States Area Navigation Routes.

* * * * *

Q–409 ENEME, GA to WHITE, NJ [Amended]

ENEME, GA	WP	(Lat. 30°42’12.09” N, long. 082°26’09.31” W)
PUPYY, GA	WP	(Lat. 31°24’35.58” N, long. 081°49’06.19” W)
ISUZO, GA	WP	(Lat. 31°57’47.85” N, long. 081°14’14.79” W)
KONEY, SC	WP	(Lat. 32°17’01.62” N, long. 081°01’23.79” W)
OKNEE, SC	WP	(Lat. 34°15’39.92” N, long. 079°10’40.68” W)
MRPIT, NC	WP	(Lat. 34°26’05.09” N, long. 079°01’45.10” W)
GUILD, NC	WP	(Lat. 36°18’49.56” N, long. 077°14’59.96” W)
TRPOD, MD	WP	(Lat. 38°20’20.33” N, long. 075°32’01.85” W)
OYVAY, DE	WP	(Lat. 39°01’03.58” N, long. 075°26’28.07” W)
VILLS, NJ	WP	(Lat. 39°18’03.87” N, long. 075°06’37.90” W)
Coyle, NJ (CYN)	VORTAC	(Lat. 39°49’02.42” N, long. 074°25’53.85” W)
WHITE, NJ	FIX	(Lat. 40°00’24.32” N, long. 074°15’04.61” W)

* * * * *

Q-437 CRPLR, VA to PONCT, NY [Amended]

CRPLR, VA	WP	(Lat. 37°36'24.01" N, long. 076°09'57.67" W)
TRPOD, MD	WP	(Lat. 38°20'20.33" N, long. 075°32'01.85" W)
OYVAY, DE	WP	(Lat. 39°01'03.58" N, long. 075°26'28.07" W)
VILLS, NJ	WP	(Lat. 39°18'03.87" N, long. 075°06'37.90" W)
SIZZ, NJ	WP	(Lat. 39°33'57.22" N, long. 074°53'58.83" W)
METRO, NJ	WP	(Lat. 40°25'21.77" N, long. 074°40'10.30" W)
CLAUS, NJ	WP	(Lat. 40°48'50.07" N, long. 074°10'08.96" W)
GANDE, NY	WP	(Lat. 41°30'36.66" N, long. 073°48'52.03" W)
PONCT, NY	WP	(Lat. 42°44'48.83" N, long. 073°48'48.07" W)

* * * * *

Issued in Washington, DC, on December 16, 2024.

Richard Lee Parks,

Manager (A), Rules and Regulations Group.

[FR Doc. 2024-30282 Filed 12-18-24; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2023-2491; Airspace Docket No. 23-ANM-23]

RIN 2120-AA66

Establishment of Class E Airspace; Challis Airport, Challis, ID

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Challis Airport, Challis, ID, in support of the airport's transition from visual flight rules (VFR) to instrument flight rules (IFR) operations.

DATES: Comments must be received on or before February 3, 2025.

ADDRESSES: Send comments identified by FAA Docket No. FAA-2023-2491 and Airspace Docket No. 23-ANM-23 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:

Jeffrey Drasin, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231-2248.

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 (U.S.C.). 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 establish Class E airspace to support IFR operations at Challis Airport, Challis, ID.

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 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 E5 airspace designations are published in paragraph 6005, of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11J 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.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would establish Class E airspace extending upward from 700 feet above the surface at Challis Airport, Challis, ID, in support of the airport's forthcoming transition from VFR to IFR operations.

The proposed Class E airspace would exist within a 6-mile radius of the airport with extensions to 5.9 miles north and .6 miles east of the arc. This configuration is designed to contain departing aircraft until reaching 1,200 feet above the surface to the north and east and arriving aircraft that descend below 1,500 feet above the surface to the south.

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); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

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

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

* * * * *

ANM ID E5 Challis, ID [New]

Challis Airport, ID

(Lat. 44°31'25" N, long. 114°13'05" W)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the airport, within 2 miles east and 2.1 miles west of the 023° bearing extending from the airport's 6-mile radius to 11.9 miles north, and within .8 miles north and 2.9 miles south of the 102° bearing extending from the airport's 6-mile radius to 6.6 miles east.

* * * * *

Issued in Des Moines, Washington, on December 3, 2024.

B.G. Chew,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2024–29869 Filed 12–18–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–2614; Airspace Docket No. 24–ASO–32]

RIN 2120–AA66

Amendment of Jet Routes J–83 and J–85, and Very High Frequency Omnidirectional Range (VOR) Federal Airways V–415 and V–605; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Jet Routes J–83 and J–85, and Very High Frequency Omnidirectional Range (VOR) Federal Airways V–415 and V–605 in the eastern United States. These actions support the Spartanburg, SC (SPA), VOR/Tactical Air Navigation (VORTAC) relocation project.

DATES: Comments must be received on or before February 3, 2025.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2024–2614 and Airspace Docket No. 24–ASO–32 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, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT:

Brian Vidis, 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 amends the route structure to maintain the efficient flow of air traffic within the National Airspace System.

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 of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, GA 30337.

Incorporation by Reference

Jet routes are published in paragraph 2004 and domestic VOR Federal airways are published in paragraph 6010(a) 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 (ATS) routes, and reporting points.

Background

This action is proposed due to the Spartanburg, SC (SPA), VORTAC relocation project. The land where the Spartanburg VORTAC resides is being developed for other uses which requires its relocation. The Spartanburg VORTAC is planned to be relocated in October 2025 from its current location, "lat. 35°02'01.05" N, long. 081°55'37.24" W", to 7.97 nautical miles (NM) south-southwest, "lat. 34°54'19.19" N, long. 081°58'11.30" W". The facility identification and magnetic variation

will remain unchanged. The route modifications proposed would realign the airway structure resulting from relocating the Spartanburg VORTAC.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend Jet Routes J-83 and J-85, and VOR Federal Airways V-415 and V-605 to support the Spartanburg, SC (SPA), VORTAC relocation project. The proposed changes are described below.

J-83: J-83 currently extends between the Spartanburg, SC (SPA), VORTAC and the Dryer, OH (DJB), VOR/Distance Measuring Equipment (VOR/DME). The FAA proposes to remove the airway segment between the Spartanburg VORTAC and the Appleton, OH (APE), VORTAC as once the Spartanburg VORTAC is relocated, aircraft flying this segment of Jet Route J-83 would conflict with aircraft flying on the adjacent United States Area Navigation (RNAV) Route Q-149. As amended, the airway would extend between the Appleton VORTAC and the Dryer VOR/DME.

J-85: J-85 currently extends between the Spartanburg, SC (SPA), VORTAC and the Dryer, OH (DJB), VOR/DME. The FAA proposes to remove the airway segment between the Spartanburg VORTAC and the Charleston, WV (HVQ), VOR/DME as once the Spartanburg VORTAC is relocated, aircraft flying this segment of Jet Route J-85 would conflict with aircraft flying on the adjacent RNAV Route Q-147. As amended, the airway would extend between the Charleston VOR/DME and the Dryer VOR/DME.

V-415: V-415 currently extends between the Montgomery, AL (MGM), VORTAC and the intersection of the Montgomery VORTAC 029° and Gadsden, AL (GAD), VOR/DME 124° radials (HEFIN Fix); and between the intersection of the Rome, GA (RMG), VORTAC 060° and Foothills, SC (ODF), VOR/DME 258° radials (NELLO Fix) and the intersection of the Spartanburg, SC (SPA), VORTAC 101° and Charlotte, NC (CLT), VOR/DME 229° radials (LOCKS, SC, Fix). Due to the relocation of the Spartanburg VORTAC, the radials that make up the LOCKS Fix are changed to become the intersection of the Spartanburg VORTAC 088° True (T)/090° Magnetic (M) and Charlotte VOR/DME 227° T/232° M radials. The FAA proposes to update the route description of VOR Federal Airway V-415 with the new radials that define the LOCKS Fix. As amended, the airway would extend between the Montgomery VORTAC and the HEFIN Fix; and between the NELLO Fix and the intersection of the

Spartanburg VORTAC 088° and Charlotte VOR/DME 227° radials.

V-605: V-605 currently extends between the Holston Mountain, TN (HNV), VORTAC and the Spartanburg, SC (SPA), VORTAC. In the route description of VOR Federal Airway V-605 between the Holston Mountain VORTAC and the Spartanburg VORTAC is a turn point listed as the intersection of the Holston Mountain 171° T/175° M and the Spartanburg VORTAC 001° T/003° M radials. The FAA proposes to update the route description of VOR Federal Airway V-605 with the new radials that define the GENOD Fix. Additionally, the FAA changes the order of the navigational aids (NAVAID) to be listed from south to north to follow the FAA's current ATS route formatting requirements. As amended, the airway would extend between the Spartanburg VORTAC and the Holston Mountain VORTAC.

The NAVAID radials listed in the ATS descriptions in the proposed regulatory text of this NPRM are stated in degrees True north. The full descriptions of the above routes are set forth below in the proposed amendments to part 71.

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); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

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

Paragraph 2004 Jet Routes.

* * * * *

J-83 [Amended]

From Appleton, OH; to Dryer, OH.
* * * * *

J-85 [Amended]

From Charleston, WV; INT Charleston 357° and Dryer, OH, 172° radials; to Dryer.

* * * * *

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V-415 [Amended]

From Montgomery, AL, to INT Montgomery 029° and Gadsden, AL, 124° radials. From INT Rome, GA, 060° and Foothills, SC, 258° radials; Foothills; Spartanburg, SC; to INT Spartanburg 088° T/090° M and Charlotte, NC, 227° T/232° M radials.

* * * * *

V-605 [Amended]

From Spartanburg, SC; INT Spartanburg 001° T/003° M and Holston Mountain, TN, 171° T/175° M radials; to Holston Mountain.
* * * * *

Issued in Washington, DC, on December 16, 2024.

Richard Lee Parks,

Manager (A); Rules and Regulations Group.
[FR Doc. 2024–30233 Filed 12–18–24; 8:45 am]

BILLING CODE 4910–13–P

LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 383

[Docket No. 23–CRB–0013–NSR (2026–2030)]

Determination of Rates and Terms for Digital Performance of Sound Recordings by New Subscription Services and Making of Ephemeral Copies To Facilitate Those Performances (NSS V)

ACTION: Proposed rule.

SUMMARY: The Copyright Royalty Judges are publishing for comment proposed regulations governing the rates and terms for the digital performances of sound recordings by new subscription services and for the making of ephemeral recordings necessary to facilitate those transmissions for the period commencing January 1, 2026, and ending on December 31, 2030.

DATES: Comments and objections, if any, are due no later than January 21, 2025.

ADDRESSES: You may submit comments using eCRB, the Copyright Royalty Board's online electronic filing application, at <https://app.crb.gov/>.

Instructions: To send your comment through eCRB, if you don't have a user account, you will first need to register for an account and wait for your registration to be approved. Approval of user accounts is only available during business hours. Once you have an approved account, you can only sign in and file your comment after setting up multi-factor authentication, which can be done at any time of day. All comments must include the Copyright Royalty Board name and the docket number for this proposed rule (23–CRB–0013–NSR (2026–2030)). All properly filed comments will appear without change in eCRB at <https://app.crb.gov/>, including any personal information provided.

Docket: For access to the docket, go to eCRB, the Copyright Royalty Board's electronic filing and case management system, at <https://app.crb.gov/>, and search for docket number 23–CRB–0013–NSR (2026–2030).

FOR FURTHER INFORMATION CONTACT: Anita Brown, CRB Program Specialist, at (202) 707–7658 or crb@loc.gov.

SUPPLEMENTARY INFORMATION:

Background

Section 114 of the Copyright Act, title 17 of the United States Code, provides a statutory license that allows for the public performance of sound recordings

by means of a digital audio transmission by, among others, new subscription services. 17 U.S.C. 114(f). For purposes of the section 114 license, a “new subscription service” is a “service that performs sound recordings by means of noninteractive subscription digital audio transmissions and that is not a preexisting subscription or preexisting satellite digital audio radio service.” 17 U.S.C. 114(j)(8).

Services using the section 114 license may need to make one or more temporary or “ephemeral” copies of a sound recording to facilitate the transmission of that recording. The section 112 statutory license allows for the making of these ephemeral reproductions. 17 U.S.C. 112(e).

Chapter 8 of the Copyright Act requires the Judges to conduct proceedings every five years to determine the rates and terms for the sections 114 and 112 statutory licenses. 17 U.S.C. 801(b)(1), 804(b)(3)(A). The current proceeding commenced in January 2024 for rates and terms that will become effective on January 1, 2026, and end on December 31, 2030. Pursuant to section 804(b)(3)(A), the Judges published in the **Federal Register** a notice commencing the proceeding and requesting that interested parties submit their petitions to participate. 89 FR 810 (Jan. 5, 2024). SoundExchange, Inc. (“SoundExchange”), Sirius XM Radio Inc. (“Sirius XM”), and Stingray Music USA Inc. (“Stingray”), each filed Petitions to Participate.

The Judges gave notice to all participants of the three-month negotiation period required by 17 U.S.C. 803(b)(3) and directed that, if the participants were unable to negotiate a settlement, they should submit Written Direct Statements no later than September 13, 2024. On September 9, 2024, the Copyright Royalty Judges (Judges) received a joint motion from SoundExchange, Sirius XM, and Stingray to adopt a settlement of their interests regarding the rates and terms for 2026–2030 for certain new subscription services (NSS). The parties request that the Judges adopt the settlement in its entirety as a settlement of rates and terms under sections 112(e) and 114 of the Copyright Act for new subscription services of the type at issue in the captioned proceeding, *i.e.*, music services provided to residential subscribers as part of a cable or satellite television bundle subject to royalty rates and terms in 37 CFR part 383. Joint Motion to Adopt Partial Settlement at 1 (Joint Motion). SoundExchange represents sound recording copyright owners and performers. Sirius XM and

Stingray rely on the royalty rates and terms in 37 CFR part 383. Joint Motion at 2. The Judges hereby publish the settlement and request comments.

Statutory Timing of Adoption of Rates and Terms

Section 801(b)(7)(A) of the Copyright Act authorizes the Judges to adopt royalty rates and terms negotiated by “some or all of the participants in a proceeding at any time during the proceeding” provided they are submitted to the Judges for approval. The Judges must provide “an opportunity to comment on the agreement” to participants and non-participants in the rate proceeding who “would be bound by the terms, rates, or other determination set by any agreement. . . .” 17 U.S.C. 801(b)(7)(A)(i). Participants in the proceeding may also “object to [the agreement’s] adoption as a basis for statutory terms and rates.” *Id.*

The Judges “may decline to adopt the agreement as a basis for statutory terms and rates for participants that are not parties to the agreement,” only “if any participant [in the proceeding] objects to the agreement and the [Judges] conclude, based on the record before them if one exists, that the agreement does not provide a reasonable basis for setting statutory terms or rates.” 17 U.S.C. 801(b)(7)(A)(ii), or where the negotiated agreement includes provisions that are contrary to the provisions of the applicable license(s) or otherwise contrary to statutory law. *See* Scope of the Copyright Royalty Judges Authority to Adopt Confidentiality Requirements upon Copyright Owners within a Voluntarily Negotiated License Agreement, 78 FR 47421, 47422 (Aug. 5, 2013), citing 74 FR 4537, 4540 (Jan. 26, 2009).

Proposed Adjustments to Rates and Terms

According to SoundExchange, Sirius XM, and Stingray, the settlement incorporates the same royalty rate structure presently set forth in 37 CFR part 383 except that annual increases in the per-subscriber fees are to be based on changes in the Consumer Price Index for All Urban Consumers, rather than being pre-negotiated as during the current rate period. Thus, the statutory royalty rates for 2026 are to be based on an inflation adjustment to the 2025 rates currently provided in § 383.3(a), and the rates for each subsequent year of the royalty period are to be determined by a similar adjustment.

The Parties have also agreed that the applicable terms used in part 383 should be those finally determined in

the *Web VI* proceeding (Docket No. 23–CRB–0012–WR (2026–2030)), except for (1) the provisions concerning auditing of payments and distributions, which are substantively the same as those currently in effect for new subscription services of the type at issue in the proceeding, and (2) a provision addressing distribution of royalties, which includes language based on that in 37 CFR 384.4(i)(1) and 370.4(f) permitting SoundExchange to use proxy data to distribute royalties when it is not able to obtain a usable report of use from a Licensee. In other respects, the Settlement preserves the existing provisions of part 383 with only minor updating. Joint Motion at 2–3.

The fact that the Settlement incorporates terms that have not yet been established in the *Web VI* proceeding may raise concern as to whether participants and non-participants in the rate proceeding who would be bound by the terms, rates, or other determination set by any agreement are properly afforded the aforementioned statutory opportunities to object or comment on the agreement. However, the Judges take notice that it is not inappropriate for agreements to incorporate and/or rely in part on events, facts or determinations that have not yet been established, *e.g.*, references to adjustments based on yet to be determined consumer price index measurements. The Judges are also mindful that Congress intended to facilitate and encourage settlement agreements. *See*, H.R. Rep. No. 108–408, at 24 and 30 (2002). Accordingly, objectors and commenters may knowingly and willingly choose to accept some uncertainty as to future settlement terms and a reference to an outside method for resolving the uncertain issues. The Judges do not express an opinion as to the extent to which any persons or entities who would otherwise be bound by this settlement may have a subsequent right to challenge the applicability of as yet non-existent terms.

Therefore, the Judges publish the Settlement with the current understanding that doing so is in compliance with the statutory opportunities to object or comment on the agreement.

Those who would be bound by the terms, rates, or other determination set by the agreement may comment and proceeding participants may object to any or all of the proposed regulations contained in this document.¹ Such

¹ The parties represent that SoundExchange, Sirius XM, and Stingray, all of which have joined

comments and objections must be submitted no later than January 21, 2025.

List of Subjects in 37 CFR Part 383

Copyright, Sound recordings, Webcasters.

For the reasons set forth in the preamble, the Copyright Royalty Judges propose to revise 37 CFR part 383 to read as follows:

PART 383—RATES AND TERMS FOR SUBSCRIPTION TRANSMISSIONS AND THE REPRODUCTION OF EMPHEMERAL RECORDINGS BY CERTAIN NEW SUBSCRIPTION SERVICES

Sec.

383.1 General.

383.2 Definitions.

383.3 Royalty fees for public performances of sound recordings and the making of ephemeral recordings.

383.4 Distribution of royalties.

383.5 Auditing payments and distributions.

383.6 Terms for making payment of royalty fees.

Authority: 17 U.S.C. 112(e), 114, and 801(b)(1).

§ 383.1 General.

(a) *Scope*. This part establishes rates and terms of royalty payments for the public performance of sound recordings in certain digital transmissions by Licensees in accordance with the provisions of 17 U.S.C. 114, and the making of certain ephemeral recordings by Licensees in accordance with the provisions of 17 U.S.C. 112(e), during the period commencing January 1, 2026, and continuing through December 31, 2030.

(b) *Legal compliance*. Licensees relying upon the statutory licenses set forth in 17 U.S.C. 112(e) and 114 shall comply with the requirements of those sections and the rates and terms of this part.

(c) *Relationship to voluntary agreements*. Notwithstanding the royalty rates and terms established in this part, the rates and terms of any voluntary license agreements entered into by Copyright Owners and Licensees shall apply in lieu of the rates and terms of this part to transmissions with the scope of such agreements.

§ 383.2 Definitions.

For purposes of this part, the following definitions shall apply:

in the Joint Motion, are the only parties that have filed petitions to participate in this proceeding and, therefore, “there is no basis for the Judges not to adopt the Settlement as the statutory terms and rates under [s]ection 112(e) and 114 for services relying on the royalty rates and terms in 37 CFR [p]art 383.” Joint Motion at 3.

(a) *Bundled Contracts* means contracts between the Licensee and a Provider in which the Service is not the only content licensed by the Licensee to the Provider.

(b) *Collective* means the collection and distribution organization that is designated by the Copyright Royalty Judges, and which, for the current rate period, is SoundExchange, Inc.

(c) *Copyright Owner* means a sound recording copyright owner, or a rights owner under 17 U.S.C. 1401(l)(2), who is entitled to receive royalty payments made under this part pursuant to the statutory licenses under 17 U.S.C. 112(e) and 114.

(d) *License Period* means the period commencing January 1, 2026, and continuing through December 31, 2030.

(e) *Licensee* is a person that has obtained statutory licenses under 17 U.S.C. 112(e) and 114, and the implementing regulations in this part, to make digital audio transmissions as part of a Service (as defined in this section), and ephemeral recordings for use in facilitating such transmissions.

(f) *Payor* means the entity required to make royalty payments to the Collective or the entity required to distribute royalty fees collected, depending on context. The Payor is:

(1) A Licensee, in relation to the Collective; and

(2) The Collective in relation to a Copyright Owner or Performer.

(g) *Performers* means the independent administrators identified in 17 U.S.C. 114(g)(2)(B) and (C) and the parties identified in 17 U.S.C. 114(g)(2)(D).

(h) *Provider* means a “multichannel video programming distributor” as that term is defined in 47 CFR 76.1000(e); notwithstanding such definition, for purposes of this part, a Provider shall include only a distributor of programming to televisions, such as a cable or satellite television provider.

(i) *Qualified auditor* means a Certified Public Accountant independent within the meaning of the American Institute of Certified Public Accountants Code of Professional Conduct.

(j) *Service* is a non-interactive (consistent with the definition of “interactive service” in 17 U.S.C. 114(j)(7)) audio-only subscription service (including accompanying information and graphics related to the audio) that is transmitted to residential subscribers of a television service through a Provider which is marketed as and is in fact primarily a video service where:

(1) Subscribers do not pay a separate fee for audio channels.

(2) The audio channels are delivered by digital audio transmissions through a

technology that is incapable of tracking the individual sound recordings received by any particular consumer.

(3) However, paragraph (j)(2) of this section shall not apply to the Licensee’s current contracts with Providers that are in effect as of the effective date of this part if such Providers become capable in the future of tracking the individual sound recordings received by any particular consumer, provided that the audio channels continued to be delivered to Subscribers by digital audio transmissions and the Licensee remains incapable of tracking the individual sound recordings received by any particular consumer.

(k) *Subscriber* means every residential subscriber to the underlying service of the Provider who receives Licensee’s Service in the United States for all or any part of a month; provided, however, that for any Licensee that is not able to track the number of subscribers on a per-day basis, “Subscribers” shall be calculated based on the average of the number of subscribers on the last day of the preceding month and the last day of the applicable month, unless the Service is paid by the Provider based on end-of-month numbers, in which event “Subscribers” shall be counted based on end-of-month data.

(l) *Stand-Alone Contracts* means contracts between the Licensee and a Provider in which the only content licensed to the Provider is the Service.

§ 383.3 Royalty fees for public performances of sound recordings and the making of ephemeral recordings.

(a) *Royalty rates*. Royalty rates for the public performance of sound recordings by eligible digital transmissions made over a Service pursuant to 17 U.S.C. 114, and for ephemeral recordings of sound recordings made pursuant to 17 U.S.C. 112(e) to facilitate such transmissions during the License Period, are as follows. For 2026, each Licensee will pay, with respect to content covered by the License that is provided via the Service of each such Licensee:

(1) For Stand-Alone Contracts, a monthly payment of [amount to be calculated in November 2025 and published in December 2025 in the final rule] per Subscriber to the Service of such Licensee, which is equivalent to the 2025 royalty rate of \$0.0234, as adjusted by the annual royalty fee adjustment in paragraph (b) of this section.

(2) For Bundled Contracts, a monthly payment of [amount to be calculated in November 2025 and published in December 2025 in the final rule] per Subscriber to the Service of such

Licensee, which is equivalent to the 2025 royalty rate of \$0.0390, as adjusted by the annual royalty fee adjustment in paragraph (b) of this section.

(b) *Annual royalty fee adjustment.* (1) The Copyright Royalty Judges shall adjust the royalty fees each year, as described in paragraph (b)(2) of this section, beginning with the fees for 2026, to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index for All Urban Consumers (U.S. City Average, all items) (CPI-U) published by the Secretary of Labor before December 1 of the preceding year.

(2)(i) The calculation of the rate for each year shall be cumulative based on a calculation of the percentage increase in the CPI-U from the CPI-U published in November, 2024 (CPI-U%) and shall be made according to the following formulas:

(A) For Stand-Alone Contracts, $(1 + (C_y - 315.664/315.664) \times \$0.0234)$; and

(B) For Bundled Contracts, $(1 + (C_y - 315.664/315.664) \times \$0.0390)$; and

(ii) For both formulas C_y is the CPI-U published by the Secretary of Labor before December 1 of the preceding year. The adjusted rate shall be rounded to the nearest fourth decimal place.

(3) The Judges shall publish notice of the adjusted fees in the **Federal Register** at least 25 days before January 1 of each year of the License Period. The adjusted fees shall be effective on January 1 of each year of the License Period for such year.

(c) *Minimum fee.* Each Licensee will pay an annual, non-refundable minimum fee of one hundred thousand dollars (\$100,000), payable on January 31 of each calendar year in which the Service is provided pursuant to statutory licenses under 17 U.S.C. 112(e) and 114. Such fee shall be recoupable and credited against royalties due in the calendar year for which the payment is made.

(d) *Allocation between ephemeral recordings fees and performance royalty fees.* The Collective must credit 5% of all royalty payments as royalty payment for Ephemeral Recordings and credit the remaining 95% to royalties under 17 U.S.C. 114. All Ephemeral Recordings that a Licensee makes which are necessary and commercially reasonable for making noninteractive digital transmissions through a Service are included in the 5%.

§ 383.4 Distribution of royalties.

The Collective must promptly distribute royalties received from Licensees to Copyright Owners and Performers that are entitled thereto, or to their designated agents. The

Collective shall only be responsible for making distributions to those who provide the Collective with information as is necessary to identify and pay the correct recipient. The Collective must distribute royalties on a basis that values all usage by a Licensee equally based upon the information provided under the Reports of Use requirements for Licensees pursuant to § 370.4 of this chapter and this part. However, in any case in which a Licensee has not provided a compliant Report of Use, whether for the License Period or otherwise, and the board of directors of the Collective determines that further efforts to seek the missing Report of Use from the Licensee would not be warranted, the Collective may distribute the royalties associated with the Licensee's missing Report of Use on the basis of Reports of Use for the corresponding calendar year filed by other Licensees.

§ 383.5 Auditing payments and distributions.

(a) *General.* This section prescribes procedures by which any entity entitled to receive payment or distribution of royalties may verify payments or distributions by auditing the Payor. The Collective may audit a Licensee's payments of royalties to the Collective, and a Copyright Owner or Performer may audit the Collective's distributions of royalties to the Copyright Owner or Performer. Nothing in this section shall preclude a verifying entity and the Payor from agreeing to verification methods in addition to or different from those set forth in this section.

(b) *Frequency of auditing.* The verifying entity may conduct an audit of each Licensee only once a year for any or all of the prior three calendar years. A verifying entity may not audit records for any calendar year more than once.

(c) *Notice of intent to audit.* The verifying entity must file with the Copyright Royalty Judges a notice of intent to audit the Payor, which notice the Judges must publish in the **Federal Register** within 30 days of the filing of the notice. Simultaneously with the filing of the notice, the verifying entity must deliver a copy to the Payor.

(d) *The audit.* The audit must be conducted during regular business hours by a qualified auditor who is not retained on a contingency fee basis and is identified in the notice. The auditor shall determine the accuracy of royalty payments or distributions, including whether an underpayment or overpayment of royalties was made. An audit of books and records, including underlying paperwork, performed in the ordinary course of business according to

generally accepted auditing standards by a qualified auditor, shall serve as an acceptable verification procedure for all parties with respect to the information that is within the scope of the audit.

(e) *Access to third-party records for audit purposes.* The Payor must use commercially reasonable efforts to obtain or to provide access to any relevant books and records maintained by third parties for the purpose of the audit.

(f) *Duty of auditor to consult.* The auditor must produce a written report to the verifying entity. Before rendering the report, unless the auditor has a reasonable basis to suspect fraud on the part of the Payor, the disclosure of which would, in the reasonable opinion of the auditor, prejudice any investigation of the suspected fraud, the auditor must review tentative written findings of the audit with the appropriate agent or employee of the Payor in order to remedy any factual errors and clarify any issues relating to the audit; provided that an appropriate agent or employee of the Payor reasonably cooperates with the auditor to remedy promptly any factual errors or clarify any issues raised by the audit. The auditor must include in the written report information concerning the cooperation or the lack thereof of the employee or agent.

(g) *Audit results; underpayment or overpayment of royalties.* If the auditor determines the Payor underpaid royalties, the Payor shall remit the amount of any underpayment determined by the auditor to the verifying entity, together with interest at the rate specified in § 380.2(d) of this chapter. In the absence of mutually agreed payment terms, which may, but need not, include installment payments, the Payor shall remit promptly to the verifying entity the entire amount of the underpayment determined by the auditor. If the auditor determines the Payor overpaid royalties, however, the verifying entity shall not be required to remit the amount of any overpayment to the Payor, and the Payor shall not seek by any means to recoup, offset, or take a credit for the overpayment, unless the Payor and the verifying entity have agreed otherwise.

(h) *Paying the costs of the audit.* The verifying entity must pay the cost of the verification procedure, unless the auditor determines that there was a net underpayment (i.e., underpayments less any overpayments) of 10% or more, in which case the Payor must bear the reasonable costs of the verification procedure, in addition to paying or distributing the amount of any underpayment.

(i) *Retention of audit report.* The verifying party must retain the report of the audit for a period of not less than three years from the date of issuance.

§ 383.6 Terms for making payment of royalty fees.

(a) *Terms in general.* Subject to the provisions of this section, terms governing timing and due dates of royalty payments to the Collective, late fees, statements of account, audit and verification of royalty payments and distributions, retention of records requirements, treatment of Licensees' confidential information, distribution of royalties by the Collective, unclaimed funds, designation of the Collective, and any definitions for applicable terms not defined in this part and not otherwise inapplicable shall be those adopted by the Copyright Royalty Judges for digital audio transmission and the reproduction of ephemeral recordings by Commercial Webcasters in part 380, subpart A, of this chapter, for the License Period. For purposes of this part, the term "Collective" refers to the collection and distribution organization that is designated by the Copyright Royalty Judges. For the License Period, the sole Collective is SoundExchange, Inc.

(b) *Reporting of performances.* Without prejudice to any applicable notice and recordkeeping provisions, statements of account shall not require reports of performances.

(c) *Applicable regulations.* To the extent not inconsistent with this part, all applicable regulations, including part 370 of this chapter, shall apply to activities subject to this part.

Dated: December 10, 2024.

David P. Shaw,

Chief Copyright Royalty Judge.

[FR Doc. 2024–29384 Filed 12–18–24; 8:45 am]

BILLING CODE 1410–72–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2024–0588; FRL–12486–01–R9]

Air Plan Revisions; California; California Mobile Source Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve all or portions of two submissions by the State of California ("State") to revise

its State Implementation Plan (SIP). The submissions consist of State regulations establishing standards and other requirements relating to the control of emissions from certain new on-road vehicles and engines. The EPA is proposing to approve the SIP revision because the regulations meet the applicable requirements of the Clean Air Act. If finalized, approval of the regulations as part of the California SIP will make them Federally enforceable.

DATES: Comments must be received on or before January 21, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2024–0588 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: Rory Mays, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; phone: (415) 972–3227; email: mays.rory@epa.gov.

SUPPLEMENTARY INFORMATION:

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

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I. Background

Under the Clean Air Act (CAA or "Act"), the EPA establishes national ambient air quality standards (NAAQS) to protect public health and welfare. The EPA has established NAAQS for certain pervasive air pollutants including ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, and particulate matter. Under section 110(a)(1) of the CAA, states must submit plans that provide for the implementation, maintenance, and enforcement of the NAAQS within each State. Such plans are referred to as SIPs, and revisions to those plans are referred to as SIP revisions. Section 110(a)(2) of the CAA sets forth the content requirements for SIPs. Among the various requirements, SIPs must include enforceable emission limitations and other control measures, means, or techniques as may be necessary or appropriate to meet the applicable requirements of the CAA. See CAA section 110(a)(2)(A).

Emissions sources contributing to ambient air pollution levels can be divided into two basic categories: stationary emissions sources and mobile emissions sources. As a general matter, the CAA assigns stationary source regulation and SIP development responsibilities to the States through title I of the Act and assigns mobile source regulation to the EPA through title II of the Act. In so doing, the CAA preempts various types of State regulation of mobile sources as set forth in section 209(a) (preemption of State emissions standards for new motor vehicles and engines), section 209(e) (preemption of State emissions standards for new and in-use off-road vehicles and engines),¹ and section 211(c)(4)(A) (preemption of State fuel requirements for motor vehicle emission control other than California's motor vehicle fuel requirements for motor

¹ EPA regulations refer to "nonroad" vehicles and engines whereas California Air Resources Board (CARB) regulations refer to "off-road" vehicles and engines. These terms refer to the same types of vehicles and engines, and for the purposes of this action, we will be using CARB's chosen term, "off-road," to refer to such vehicles and engines.

vehicle emission control as authorized by section 211(c)(4)(B)).

Under California law, the California Air Resources Board (CARB) is the State agency responsible for adopting and submitting the California SIP and SIP revisions to the EPA for approval. Over the years, CARB has submitted, and the EPA has approved, many county and regional air district rules regulating stationary source emissions as part of the California SIP. See generally 40 CFR 52.220(c). With respect to regulation of mobile sources not specifically preempted by the CAA, CARB has submitted, and the EPA has approved, certain specific State regulatory programs or regulations, such as the various fuels regulations, the inspection and maintenance program for light-duty and other vehicles (also known as the “Smog Check” program), the Heavy Duty Vehicle Inspection Program (HDVIP)/Periodic Smoke Inspection Program (PSIP), and the Innovative Clean Transit Regulation.² See generally 40 CFR 52.220a(c).

CARB and the California air districts rely on these county, regional, and State stationary and mobile source regulations to meet various CAA requirements and account for the corresponding emissions reductions in the various regional air quality plans developed to attain and maintain the NAAQS. The EPA generally allows California to take credit for the corresponding emissions reductions relied upon in the various regional air quality plans because, among other reasons, the regulations are approved as part of the SIP and are thereby Federally enforceable as required under CAA section 110(a)(2)(A).

With respect to mobile sources that are specifically preempted under the CAA, CARB must request a waiver (for motor vehicles) or authorization (for off-road engines and equipment) from the EPA in order to enforce standards relating to the control of emissions from these types of mobile sources. See CAA sections 209(b) (new motor vehicles) and 209(e)(2) (most categories of new

and in-use off-road vehicles). Over the years, CARB has submitted many requests for waiver or authorization of its standards and other requirements relating to the control of emissions from new on-road and new and in-use off-road vehicles and engines, and the EPA has granted many such requests. Once the EPA grants the request for waiver or authorization, CARB may enforce the corresponding mobile source regulations and may rely on the related emissions reductions to meet CAA requirements, and until 2015, the EPA had approved California air quality plans that took credit for emissions reductions from such regulations, notwithstanding the fact that California had not submitted these particular regulations as part of the California SIP.

The EPA’s longstanding practice of approving California plans that rely on emissions reductions from such “waiver measures,” notwithstanding the lack of approval as part of the SIP, was challenged in several petitions filed in the Ninth Circuit Court of Appeals. In a 2015 decision, the Ninth Circuit held in favor of the petitioners on this issue and concluded that CAA section 110(a)(2)(A) requires that all State and local control measures on which SIPs rely to attain the NAAQS be included in the SIP, including the “waiver measures,” and thereby subject to enforcement by the EPA and members of the general public. See *Committee for a Better Arvin v. EPA*, 786 F.3d 1169 (9th Cir. 2015).

In response to the decision in *Committee for a Better Arvin v. EPA*, CARB made SIP submissions on August 14, 2015; December 7, 2016; and June 15, 2017; consisting of State mobile source regulations that establish standards and other requirements for the control of emissions from various new on-road and new and in-use off-road vehicles and engines for which the EPA had issued waivers or authorizations and that California regional plans rely upon to attain and maintain the NAAQS. The EPA took final action on those SIP revisions at 81 FR 39424 (June 16, 2016), 82 FR 14446 (March 21, 2017), and 83 FR 23232 (May 18, 2018), respectively. In this document, the EPA is proposing action on two SIP submissions submitted by CARB on August 8, 2023, and June 25,

2024, which include four new or amended CARB mobile source regulations for which the EPA issued waivers in 2023 as discussed further in the following sections of this document.

II. The State’s Submissions

A. What regulations did the State submit?

CARB submitted two SIP revisions that include four mobile source regulations and documentation of the public process conducted by CARB in adopting and submitting the regulations for inclusion in the California SIP. Specifically, on August 8, 2023, CARB submitted the Advanced Clean Trucks Regulation, Heavy-Duty Warranty Regulations and Maintenance Provisions, and Zero-Emission Airport Shuttle Regulation to the EPA.³ On June 25, 2024, CARB submitted the Alternative Certification Requirements and Test Procedures for Heavy-Duty Electric and Fuel-Cell Vehicles and Proposed Standards and Test Procedures for Zero-Emission Powertrains (herein referred to as the “Zero-Emission Powertrain Certification Regulation”) to the EPA.⁴

For the four mobile source regulations that are the subject of this proposed action, CARB requested and the EPA has granted the appropriate waiver under CAA section 209. Table 1 lists each regulation and identifies the applicable mobile source category to which it applies, the relevant sections of the California Code of Regulations (CCR), the corresponding date of adoption by the CARB Board, and the notice of decision in which the EPA granted the relevant waiver.

³ CARB submitted the Advanced Clean Trucks Regulation, Heavy-Duty Warranty Regulation and Maintenance Provisions, and the Zero-Emission Airport Shuttle Regulation to the EPA electronically on August 8, 2023, as attachments to a letter dated July 12, 2023, from Steven S. Cliff, Ph.D., Executive Officer, CARB to Martha Guzman, Regional Administrator, EPA Region IX.

⁴ CARB submitted the Zero-Emission Powertrain Certification Regulation to the EPA electronically on June 25, 2024, as attachments to a letter dated June 25, 2024, from Steven S. Cliff, Ph.D., Executive Officer, CARB to Martha Guzman, Regional Administrator, EPA Region IX. This SIP submission included additional SIP revisions that the EPA will address in separate rulemakings, including the Clean Miles Standard Regulation and several amendments to CARB’s consumer products regulations.

² See 75 FR 26653 (May 12, 2010) (revisions to California on-road reformulated gasoline and diesel fuel regulations), 75 FR 38023 (July 1, 2010) (revisions to California Smog Check program), 87 FR 27949 (May 10, 2022) (HDVIP/PSIP), and 88 FR 10049 (February 16, 2023) (Innovative Clean Transit Regulation).

TABLE 1—SUMMARY OF CARB MOBILE SOURCE REGULATIONS SUBMITTED AS SIP REVISIONS

CARB regulation/source category	Relevant sections of California Code of Regulations (CCR)	CARB Board adoption date	EPA notice of decision
Advanced Clean Trucks Regulation/On-Road Medium- and Heavy-Duty Vehicles.	New sections: 13 CCR §§ 1963, 1963.1–1963.5, 2012, 2012.1, 2012.2, effective for State law purposes on March 15, 2021.	June 25, 2020	88 FR 20688 (April 6, 2023).
Heavy-Duty Warranty Regulations and Maintenance Provisions/On-Road Diesel-Powered Heavy-Duty Vehicles.	Amended sections: 13 CCR §§ 1956.8, 2035, 2036, 2040, and the document incorporated by reference (see Table 2 of this document), effective for State law purposes on October 1, 2019.	June 28, 2018	88 FR 20688 (April 6, 2023).
Zero-Emission Airport Shuttle Regulation/Airport Shuttles.	New sections: 17 CCR §§ 95690.1–95690.8, effective for State law purposes on April 1, 2020.	June 27, 2019	88 FR 20688 (April 6, 2023).
Zero-Emission Powertrain Certification Regulation/Medium- and Heavy-Duty Electric and Fuel-Cell Vehicles.	Amended sections: 13 CCR § 1956.8 and 17 CCR § 95663, and the documents incorporated by reference (see Table 2 of this document), effective for State law purposes on April 1, 2020.	June 27, 2019	88 FR 20688 (April 6, 2023).

The Heavy-Duty Warranty Regulations and Maintenance Provisions and the Zero-Emission

Powertrain Certification Regulation incorporate by reference documents that amend or establish test procedures,

among other things. Table 2 lists the incorporated documents included in the SIP submissions.

TABLE 2—DOCUMENTS INCORPORATED BY REFERENCE IN CERTAIN REGULATIONS LISTED IN TABLE 1 AND SUBMITTED AS PART OF SIP REVISION

On-Road Diesel-Powered Heavy-Duty Vehicles

California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles, as amended April 18, 2019.

Heavy-Duty Electric and Fuel-Cell Vehicles

California Greenhouse Gas Exhaust Emission Standards and Test Procedures for 2014 and Subsequent Model Heavy-Duty Vehicles, as last amended on June 27, 2019.

California Standards and Test Procedures for New 2021 and Subsequent Model Heavy-Duty Zero-Emission Powertrains, as adopted June 27, 2019.

B. Are there other versions of these regulations in the SIP?

All the rules that comprise the Advanced Clean Trucks Regulation and the Zero-Emission Airport Shuttle Regulation would be new to the California SIP.

The Heavy-Duty Warranty Regulations and Maintenance Provisions amend 13 CCR 1956.8, specifically subsection (b), and certain test procedures, which the EPA last approved in 2018.⁵ The other sections of the CCR that comprise the Heavy-Duty Warranty Regulations and Maintenance Provisions would be new to the SIP.

The Zero-Emission Powertrain Certification Regulation amends the subsections of 13 CCR 1956.8 that relate to emissions standards and definitions. The EPA most recently approved those subsections in 2016.⁶ The amendments to 17 CCR 95663 and the new or

amended test procedures would be new to the SIP.

C. What is the purpose of the submitted regulations?

California has experienced some of the most severe and most persistent air pollution problems in the country. Under the CAA, based on ambient data collected at numerous sites throughout the State, the EPA has designated areas within California as nonattainment areas for the ozone NAAQS and the particulate matter (PM) NAAQS, which includes both coarse and fine particulate (*i.e.*, PM₁₀ and PM_{2.5}). See, generally, 40 CFR 81.305. Several areas in California that had been designated as nonattainment areas for the carbon monoxide NAAQS have been redesignated by the EPA as attainment areas because California has attained the standard in those areas and is subject to an approved maintenance plan demonstrating how the State will maintain the carbon monoxide standard into the future.

Mobile source emissions constitute a significant portion of overall emissions of carbon monoxide, ozone precursors including volatile organic compounds (VOC) and oxides of nitrogen (NO_x), and direct PM and PM precursors including NO_x and sulfur dioxide (SO₂) in the various air quality planning areas within California.⁷ Thus, a main purpose of CARB's mobile source regulations in general, and the mobile source regulations that are subject of this proposed action in particular, is to reduce these emissions and thereby reduce ambient concentrations of these pollutants to help California attain and maintain the NAAQS throughout the State.⁸ At elevated levels, ozone and PM

⁷ VOC and NO_x are precursors responsible for the formation of ozone, and NO_x and SO₂ are precursors for PM_{2.5}. SO₂ belongs to a family of compounds referred to as sulfur oxides. PM_{2.5} precursors also include VOC and ammonia. See 40 CFR 51.1000.

⁸ See, *e.g.*, 13 CCR section 1963(a) and Attachment A to CARB Resolution 20–19, June 25, 2020, p. 18 (Advanced Clean Trucks Regulation); CARB Resolution 18–24, June 28, 2018, pp. 8–9

⁵ 83 FR 23232 (May 18, 2018).

⁶ 81 FR 39424.

harm human health and the environment by contributing to premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems.

CARB adopted the mobile source regulations that are the subject of this proposed action to address, in part, commitments made by CARB as part of the “Revised Proposed 2016 State Strategy for the State Implementation Plan” (March 7, 2017) (“2016 State SIP Strategy”) and the “San Joaquin Valley Supplement to the 2016 State Strategy for the State Implementation Plan” (October 25, 2018) (“Valley State SIP Strategy”).⁹ CARB adopted the 2016 State SIP Strategy to provide, in combination with local measures, a plan for achieving emission reductions necessary to attain the ozone NAAQS across California. CARB adopted the supplemental Valley State SIP Strategy to provide a plan for achieving additional emission reductions necessary to attain the PM_{2.5} NAAQS in San Joaquin Valley.

The 2016 State SIP Strategy and the Valley State SIP Strategy included commitments to develop and bring to the CARB Board for consideration the Last Mile Delivery and Zero-Emission Airport Shuttle Buses measures.¹⁰ The Last Mile Delivery measure became the Advanced Clean Trucks Regulation and the Zero-Emission Airport Shuttle Buses measure became the Zero-Emission Airport Shuttle Regulation. The Valley State SIP Strategy expanded the 2016 State Strategy’s Lower In-Use Performance Level measure to include a commitment to develop and bring to the CARB Board for consideration the Amended Warranty Requirements for Heavy-Duty Vehicles measure, which became the Heavy-Duty Warranty Regulations and Maintenance Provisions. The Zero-Emission Powertrain Certification Regulation supports other CARB regulations, including the Advanced Clean Trucks Regulation.¹¹

In addition, CARB’s “2022 State Strategy for the State Implementation Plan” (“2022 State SIP Strategy”) was adopted as part of the State’s plan to

attain the 2015 ozone NAAQS, which relies upon emission reductions from the regulations evaluated herein.¹² Lastly, we note that the Advanced Clean Truck Regulation is included specifically in the most recent EPA-approved version of CARB’s EMFAC on-road vehicle emissions factor model, EMFAC2021.¹³ The EPA approved EMFAC2021 for use in SIP development and transportation conformity in California.

D. What requirements do the regulations establish?

In the following paragraphs, we briefly summarize some of the key emission control requirements in the new or amended regulations addressed in this proposed action and listed in table 1 of this document. For further detail on each provision of the CCR that has been submitted for incorporation into the California SIP for these new or amended regulations, see the December 2024 “EPA Technical Support Document on California Air Resources Board Mobile Source Regulation SIP Submissions.”

The Advanced Clean Trucks Regulation requires that manufacturers produce and sell increasing percentages of medium- and heavy-duty zero-emission vehicles (ZEVs) and near zero-emission vehicles (NZEVs) in California in each model year. These quantities of vehicles are based on increasingly higher percentages of manufacturers’ annual sales of on-road medium- and heavy-duty vehicles, beginning in the 2024 model year.

The Heavy-Duty Warranty Regulations and Maintenance Provisions extend the emissions warranty periods for 2022 and subsequent model year on-road heavy-duty diesel engines and for 2022 and subsequent model year diesel vehicles with a gross vehicle weight rating exceeding 14,000 pounds powered by such engines.

The Zero-Emission Airport Shuttle Regulation establishes steadily increasing zero-emission airport shuttle fleet composition requirements for airport shuttle fleet owners who service the thirteen largest California airports.

The Zero-Emission Powertrain Certification Regulation establishes certification requirements and optional emission standards for 2021 and subsequent model year medium- and heavy-duty ZEVs and the zero-emission powertrains installed in such vehicles.

For more information on these four regulations, see 88 FR 20688 (April 6, 2023).

III. EPA’s Evaluation and Proposed Action

A. How is the EPA evaluating the regulations?

The EPA has evaluated the submitted regulations discussed in section II of this document against the applicable procedural and substantive requirements of the CAA for SIPs and SIP revisions and is proposing to conclude that they meet all the applicable requirements. Generally, SIPs must include enforceable emission limitations and other control measures, means, or techniques, including schedules and timetables for compliance, as may be necessary to meet the requirements of the Act (see CAA section 110(a)(2)(A)); must provide necessary assurances that the State will have adequate personnel, funding, and authority under State law to carry out such SIP (including that the State is not prohibited by any provision of Federal or State law from carrying out such SIP) (see CAA section 110(a)(2)(E)); must be adopted by a State after reasonable notice and public hearing (see CAA section 110(l)); and must not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act (see CAA section 110(l)).¹⁴

B. Do the State’s regulations meet CAA SIP evaluation criteria?

1. Did the State provide adequate public notification and comment periods?

Under CAA sections 110(a)(2) and 110(l), SIP revisions must be adopted by the State, and the State must provide for reasonable public notice and hearing prior to adoption. In 40 CFR 51.102(d), the EPA specifies that reasonable public notice in this context refers to at least 30 days.

All the submitted regulations have gone through extensive public comment processes including CARB’s workshop and hearing processes prior to CARB adoption of each regulation, and CARB has provided documentation of these processes as part of its SIP submissions.

¹⁴ CAA section 193, which prohibits any pre-1990 SIP control requirement relating to nonattainment pollutants in nonattainment areas from being modified unless the SIP is revised to insure equivalent or greater emission reductions of such air pollutants, does not apply to these regulations because they are new regulations or amended regulations previously approved in the California SIP in 2016 and 2018, and thus, do not constitute an amendment to a pre-1990 SIP control requirement.

(Heavy-Duty Warranty Regulations and Maintenance Provisions); and CARB Resolution 19–8, February 21, 2019, p. 7 (Zero-Emission Airport Shuttle Regulation).

⁹ The EPA approved the 2016 State SIP Strategy at 84 FR 3302 (February 12, 2019) (corrected at 84 FR 19680, May 3, 2019), and at 84 FR 52005 (October 1, 2019). The EPA approved the Valley State SIP Strategy at 85 FR 44192 (July 22, 2020).

¹⁰ CARB Executive Order S–23–011, dated July 12, 2023, p. 2.

¹¹ CARB Resolution 24–4, May 23, 2024, p. 2.

¹² CARB, 2022 State SIP Strategy, adopted September 22, 2022.

¹³ The EPA approved EMFAC2021 at 87 FR 68483 (November 15, 2022).

Additionally, the EPA's waiver process provided a separate opportunity for the public to submit written comment and to request public hearings to present information relevant to the separate action in which EPA evaluated CARB's

request for the relevant waivers and authorizations under section 209 of the CAA.¹⁵

In table 3, for each of the subject CARB regulations, we list the date that CARB published notice of public

hearing, the date of the public hearing, the resolution through which CARB adopted the regulations, and the CARB resolution or Executive Order through which CARB adopted the regulation as part of the California SIP.

TABLE 3—KEY DATES LEADING TO ADOPTION AND SUBMISSION OF CARB REGULATIONS ADDRESSED IN THIS PROPOSED ACTION

CARB regulation	Date of notice of public hearing	Date of public hearing	CARB Board resolution of adoption of regulation	CARB Board resolution or Executive Order (E.O.) of adoption of regulation as revision to California SIP
Advanced Clean Trucks Regulation.	October 8, 2019 ...	December 12, 2019.	Resolution 20–19, June 25, 2020.	Resolution 20–19 and E.O. S–23–011, July 12, 2023.
Heavy-Duty Warranty Regulations and Maintenance Provisions.	April 24, 2018	June 28, 2018	Resolution 18–24, June 28, 2018.	Resolution 18–24 and E.O. S–23–011, July 12, 2023.
Zero-Emission Airport Shuttle Regulation.	December 18, 2018.	February 21, 2019	Resolution 19–16, June 27, 2019.	E.O. S–23–011, July 12, 2023.
Zero-Emission Powertrain Certification Regulation.	December 18, 2018.	February 21, 2019	Resolution 19–15, June 27, 2019.	Resolution 24–4, May 23, 2024.

Based on the public participation processes that CARB has undertaken and documented for the four regulations in the two relevant SIP submissions, CARB's SIP submissions of the four regulations meet the applicable procedural requirements for SIP revisions under the CAA sections 110(a)(2) and 110(l) and 40 CFR 51.102.

2. Does the State have adequate legal authority to implement the regulations?

CARB has been granted both general and specific authority under the California Health & Safety Code (H&SC) to adopt and implement these regulations. California H&SC sections 39600 (“Acts required”) and 39601 (“Adoption of regulation; Conformance to Federal law”) confer on CARB the general authority and obligation to adopt regulations and measures necessary to execute CARB's powers and duties imposed by State law. California H&SC sections 43013(a) and 43018 provide broad authority to achieve the maximum feasible and cost-effective emission reductions from all mobile source categories. Regarding in-use motor vehicles, California H&SC sections 43600 and 43701(b), respectively, grant CARB authority to

adopt emission standards and emission control equipment requirements.

The mobile source regulations that are the subject of this proposed action were submitted by CARB under CAA section 209 with a request for waiver and were granted such waiver by the EPA.¹⁶ Thus, the regulations we are proposing to approve in this document are not preempted under the CAA. For additional information regarding California's motor vehicle emission standards, please see the EPA's “California Waivers and Authorizations” web page at URL address: <https://www.epa.gov/state-and-local-transportation/vehicle-emissions-california-waivers-and-authorizations>. This website also lists relevant **Federal Register** notices that have been issued by the EPA in response to California waiver and authorization requests.

In addition, the EPA is unaware, at the present time, of any non-CAA legal obstacle to CARB's enforcement of the regulations¹⁷ and CARB has provided the necessary assurances that the State has adequate authority under State law to carry out the SIP revision (and is not prohibited by any provision of Federal or State law from carrying out such SIP) and thereby meets the requirements of

CAA section 110(a)(2)(E) with respect to legal authority.

3. Are the regulations enforceable as required under CAA section 110(a)(2)?

We have evaluated the enforceability of the new or amended mobile source regulations with respect to applicability and exemptions; standard of conduct and compliance dates; sunset provisions; discretionary provisions; and test methods, recordkeeping, and reporting;¹⁸ the amended regulations would be enforceable for the purposes of CAA section 110(a)(2) for the reasons presented in the following paragraphs.

First, with respect to applicability, the new or amended regulations are sufficiently clear as to which persons and which vehicles or engines are affected by the regulations. See, e.g., 13 CCR sections 1963(b) and (e) (applicability and exemption provisions for the Advanced Clean Trucks Regulation), and 17 CCR sections 95690.3 and 95690.6 (applicability and exemption provisions for the Zero-Emission Airport Shuttle Regulation).

Second, the new or amended regulations are sufficiently specific so that the persons affected by the regulations are on notice as to what the requirements and related compliance

¹⁵ The EPA's actions issuing the relevant waivers are separate actions outside the scope of this rulemaking. Thus, we are not soliciting comments on the issuance of waivers as part of this action.

¹⁶ We note that the EPA's waiver published at 88 FR 20688 for CARB's Advanced Clean Trucks Regulation, Heavy-Duty Warranty Regulations and Maintenance Provisions, Zero-Emission Airport Shuttle Regulation, and Zero-Emission Powertrain Certification Regulation has been challenged in the U.S. Court of Appeals for the D.C. Circuit. The

individual related challenges have been consolidated into *Western States Trucking Association v. EPA*, 23–1143. The *Western States Trucking Association v. EPA* case is currently in abeyance pending the Court's resolution of *Ohio v. EPA*, No. 22–1081, and *Texas v. EPA*, No. 22–1031. If the EPA's waiver decision is overturned by the Court before we take final action on the subject regulations as revisions to the California SIP, then we will reconsider this proposed approval in light of the decision.

¹⁷ We note that the petitioners in *Western States Trucking Association* have raised certain non-CAA claims as well.

¹⁸ These concepts are discussed in detail in an EPA memorandum from J. Craig Potter, EPA Assistant Administrator for Air and Radiation, et al., titled “Review of State Implementation Plans and Revisions for Enforceability and Legal Sufficiency,” September 23, 1987.

dates are. For example, see the model-year-specific deficit and credit generation and compliance demonstration provisions set forth in the Advanced Clean Truck Regulation at 13 CCR sections 1963.1, 1963.2, and 1963.3; and the fleet requirements and compliance dates set forth in the Zero-Emission Airport Shuttle Regulation at 17 CCR section 95690.5.

Third, none of the new or amended regulations contain sunset provisions that automatically repeal the emissions limits by a given date or upon the occurrence of a particular event, such as the change in the designation of an area from nonattainment to attainment.

Fourth, with the exception of certain provisions in the Zero-Emission Airport Shuttle Regulation, as described in the following paragraphs, the new or amended regulations do not contain provisions that allow for discretion on the part of CARB's Executive Officer. As a general matter, such "director's discretion" provisions can undermine enforceability of a SIP regulation, and thus prevent full approval by the EPA.

Under 17 CCR section 95690.7(a), the Zero-Emission Airport Shuttle Regulation authorizes the CARB Executive Officer to grant a fleet owner an extension to the compliance deadline or purchase replacement requirement for a fleet that is domiciled in a facility with site limitations that either prevent adequate zero-emission charging infrastructure from being installed, or if installed, would not allow for safe ingress and egress at the facility. However, under the Regulation, the CARB Executive Officer may grant only one "infrastructure facility extension" to a given fleet owner, and the extension can be granted for not more than two years. Under 17 CCR section 95690.7(b), the CARB Executive Officer may grant a fleet owner an extension to the compliance deadline or purchase replacement requirement due to unforeseen, temporary, or extenuating circumstances outside of the fleet owner's control. The extension provided for in 17 CCR section 95690.7(b) is not limited to a single instance for a given fleet owner or limited in duration. With respect to either type of extension, we note that 17 CCR section 95690.7(c) specifies an application process, provides for a 30-day public comment period on any such application, requires CARB consider and address comments received during the public comment period, and to make the notification to the applicant (if the application is denied) or approved plan (if the application is approved) available to the public on the CARB Zero-Emission Airport Shuttle website.

As noted, director's discretion provisions can undermine enforceability of a SIP regulation, and while the provisions requiring public review and comment on extension applications provide beneficial public participation opportunities and transparency, they do not fully mitigate the identified deficiencies. However, due to the time constraints built into the "infrastructure facility extension" under 17 CCR section 95690.7(a) and the limited circumstances under which the CARB Executive Officer may grant extensions under 17 CCR section 95690.7(b), we propose to find that the deficiencies with respect to enforceability would not significantly undermine enforcement of the Regulation by citizens or the EPA and thus do not prevent the EPA from proposing approval of the Zero-Emission Airport Shuttle Regulation as a SIP-strengthening measure.

Lastly, the new or amended regulations identify appropriate test methods and include adequate recordkeeping and reporting requirements sufficient to ensure compliance with the applicable requirements. See, e.g., the reporting and recordkeeping requirements set forth in the Advanced Clean Trucks Regulation at 13 CCR section 1963.4 and in the Zero-Emission Airport Shuttle Regulation at 17 CCR section 95690.4.

4. Do the regulations interfere with reasonable further progress and attainment or any other applicable requirement of the Act?

All the State's reasonable further progress (RFP), attainment, and maintenance plans rely to some extent on the emission reductions from CARB's mobile source program, including the emissions standards and other requirements for which the EPA has issued waivers or authorizations. CARB's mobile source program is accounted for in the emissions estimates for mobile sources that are included in the emissions inventories that form the quantitative basis for the RFP, attainment, and maintenance demonstrations. The new and amended regulations evaluated herein would reduce criteria pollutant emissions.¹⁹

Based on CARB estimates, these four new and amended regulations,

¹⁹ The EPA stated in the Notice of Decision for the waivers of CAA preemption for the regulations proposed here that, "Although nothing in the statutory text limits California's program or the associated waivers to a certain category of air pollution problems, the EPA notes that each of the regulations contained in the two waiver requests from CARB is clearly designed to address emissions of criteria pollutants and will have that effect, regardless of whether some also reduce greenhouse gases." 88 FR 20688, 20702.

considered together, would reduce statewide direct PM_{2.5} emissions by approximately 0.11 tons per day (tpd) in 2030 and statewide NO_x emissions by approximately 5 tpd in 2031 and 12 tpd in 2037.²⁰ In doing so, these control measures support California's plans to attain the 2012 annual PM_{2.5} NAAQS by 2030 (for the Serious areas of Los Angeles-South Coast Air Basin and San Joaquin Valley),²¹ the 2008 ozone NAAQS by 2031 (for the Extreme areas of Los Angeles-South Coast Air Basin, San Joaquin Valley, and Riverside County (Coachella Valley)), and the 2015 ozone NAAQS by 2037 (for the Extreme areas of Los Angeles-South Coast Air Basin, San Joaquin Valley, and Riverside County (Coachella Valley)).²² They also support California's plans to attain the 2015 ozone NAAQS by 2032 for three Severe-15 areas in California (i.e., Los Angeles-San Bernardino Counties (West Mojave Desert), Kern County (Eastern Kern), and Sacramento Metro).²³

Moreover, as discussed in more detail in Section II.C of this document, the new or amended regulations that are evaluated herein were adopted to fulfill certain commitments made by CARB in the 2016 State SIP Strategy and Valley State SIP Strategy and are relied upon in the 2022 State SIP Strategy. As such, the new and amended regulations would support the various RFP, attainment, and maintenance plans, and would not interfere with such requirements for the purposes of CAA section 110(l).

²⁰ The emissions estimates are based on emissions data presented in the Initial Statement of Reasons (ISOR) published by CARB for each of the four individual regulatory actions considered herein, including appendix F of the ISOR documents for the Advanced Clean Trucks Regulation and the Heavy-Duty Warranty Regulations and Maintenance Provisions. We include the relevant ISORs in the docket for this rulemaking. See also, EPA Region IX, "Summary of Statewide Emission Reduction Estimates by CARB for Each of Four On-Road Regulations," December 2024.

²¹ CARB has requested an attainment date extension from December 31, 2025, to December 31, 2030, under CAA section 188(e) for the Los Angeles-South Coast Air Basin and San Joaquin Valley Areas. See CARB Resolution 24-7, June 27, 2024, p. 3 (Los Angeles-South Coast Air Basin) and CARB Resolution 24-10, July 25, 2024, p. 3 (San Joaquin Valley).

²² The Riverside County (Coachella Valley) nonattainment area is currently classified as Severe-15 for the 2015 ozone NAAQS but CARB has requested reclassification from Severe-15 to Extreme for this area.

²³ The Kern County (Eastern Kern) and Sacramento Metro nonattainment areas are currently classified as Serious for the 2015 ozone NAAQS but CARB has requested reclassification from Serious to Severe-15 for both areas.

5. Will the State have adequate personnel and funding for the regulations?

In previous SIP submissions dated August 14, 2015, and October 1, 2018, CARB refers to the annual approval by the California Legislature of funding and staff resources for carrying out CAA-related responsibilities and notes that a large portion of CARB's budget has gone toward meeting CAA mandates.^{24 25} CARB indicates that a majority of CARB's funding comes from dedicated fees collected from regulated emission sources and other sources such as vehicle registration fees and vehicles license plate fees and that these funds can only be used for air pollution control activities.²⁶ For the 2024–2025 budget cycle, CARB has over 1,100 positions and almost \$560 million dedicated to developing and enforcing the mobile source program regulations.²⁷ Given the longstanding nature of CARB's mobile source program, its adequate personnel and funding dedicated to developing and enforcing the mobile source program regulations, and its history of effective implementation of similar regulations as illustrated by the documented mobile source emissions reductions achieved,²⁸ CARB has provided necessary assurances that the State has adequate personnel and funding to carry out the mobile source regulations and amendments submitted for approval on August 8, 2023, and June 25, 2024.

6. EPA's Proposed Conclusion

Based on the preceding discussion, we propose to find that these regulations are consistent with the relevant CAA requirements and with relevant EPA policies and guidance with the exception noted previously in connection with director's discretion provisions in the Zero-Emission Airport Shuttle Regulation. We also propose to find that the director's discretion

provisions in the Zero-Emission Airport Shuttle Regulation would not significantly undermine enforcement of the Regulation by citizens or the EPA and thus do not prevent the EPA from proposing approval of the Zero-Emission Airport Shuttle Regulation as a SIP-strengthening measure.

C. Proposed Action and Public Comment

As authorized in section 110(k)(3) of the Act, the EPA proposes to approve all or portions of two SIP submissions submitted by CARB on August 8, 2023, and June 25, 2024, that include certain sections of titles 13 and 17 of the California Code of Regulations and establish standards and other requirements relating to the control of emissions from certain new on-road vehicles and engines. We are proposing to approve these regulations as part of the California SIP based on our proposed determination that they fulfill all relevant CAA requirements. We will accept comments from the public on this proposal until January 21, 2025. If we take final action to approve the submitted regulations, our final action will incorporate these regulations into the Federally enforceable SIP for the State of California.

IV. Environmental Justice Considerations

As explained in the EJ Legal Tools to Advance Environmental Justice 2022 document, the CAA provides States with the discretion to consider environmental justice in developing rules and measures related to nonattainment area control measures analyses.²⁹ In this instance, CARB exercised this discretion, and we summarize the State's discussion of EJ in the following paragraphs. In reviewing CARB's analysis, the EPA defers to CARB's reasonable exercise of its discretion in considering EJ in this way.

CARB discusses environmental justice in its "Initial Statement of Reasons" (ISOR) staff report for each of the measures addressed in this proposed action and released such reports in advance of the respective public hearings where the measures would be considered for adoption. Where CARB received comments relating to environmental justice, it provided responses in its "Final Statement of Reasons" (FSOR).³⁰ In addition, in

board resolutions adopting each measure, CARB affirms that the regulations are consistent with the Board's environmental justice policies and do not disproportionately impact people of any race, culture, or income. The ISOR, FSOR, and board resolution(s) for each measure are included in the SIP submission for each measure.

For the Advanced Clean Trucks Regulation, CARB states that one key strategy to meeting the State's "air quality, public health, and climate goals, along with ensuring economic prosperity, social equity, and energy security" is transitioning to zero-emission technologies and that the Advanced Clean Trucks Regulation is essential to that strategy.³¹ CARB notes that medium- and heavy-duty trucks are the primary means of distributing goods and services and are prevalent at distribution centers, ports, warehouses, and major roadways, which are common to densely populated urban areas that include disadvantaged communities. CARB states that deploying heavy-duty ZEVs, as the Advanced Clean Trucks Regulation requires, would eliminate tailpipe emissions and reduce brake wear PM emissions (due to regenerative braking) from such vehicles in such disadvantaged communities.

For the Heavy-Duty Warranty Regulations and Maintenance Provisions, CARB states that the regulation would promote timelier repair of malfunctioning vehicle emission components, support improved overall maintenance and less engine tampering, and reduce emissions of NO_x and diesel PM.³² CARB anticipates that emission reductions will be greatest near major trucking and freight corridors, ports, and railyards, where the majority of trucks operate, thereby benefiting environmental justice communities found along such goods movement facilities.

For the Zero-Emission Airport Shuttle Regulation, CARB states that the measure would improve air quality at

²⁴ Letter dated August 14, 2015, from Richard W. Corey, Executive Officer, CARB, to Jared Blumenfeld, Regional Administrator, EPA Region IX, p. 2 (for a prior set of mobile source regulations).

²⁵ Letter dated October 1, 2018, from Richard W. Corey, Executive Officer, CARB, to Michael Stoker, Regional Administrator, EPA Region IX, and CARB, "California Infrastructure SIP, Revision for the 0.070 Parts per Million 8-Hour Ozone Standard," report release date August 24, 2018, pp. 15–16.

²⁶ Id.

²⁷ California Department of Finance, 2024–25 State Budget, Department Report, 3900 State Air Resources Board, enacted June 26, 2024.

²⁸ CARB, 2022 State Strategy for the State Implementation Plan (September 22, 2022), figure 5 on page 7 (illustrating a 73% reduction in mobile source NO_x emissions in California from 2000–2020, excluding primarily federally-regulated mobile sources—interstate trucks, planes, trains, and ships).

²⁹ EPA Office of General Counsel, "EPA Legal Tools to Advance Environmental Justice," May 2022. See, for example, "Chapter One: Clean Air Act Programs."

³⁰ See, for example, CARB, "Advanced Clean Trucks Regulation, Final Statement of Reasons,"

March 2021, e.g., pp. 94–99 (regarding inclusion of pickups earlier and/or increase sales percentage requirements).

³¹ CARB, "Public Hearing to Consider the Proposed Advanced Clean Trucks Regulation, Staff Report: Initial Statement of Reasons," release date October 22, 2019, section VIII. Environmental Justice.

³² CARB, "Public Hearing to Consider Proposed Amendments to California Emission Control System Warranty Regulations and Maintenance Provisions for 2022 and Subsequent Model Year On-Road Heavy-Duty Diesel Vehicles and Heavy-Duty Engines with Gross Vehicle Weight Ratings Greater than 14,000 Pounds and Heavy-Duty Diesel Engines in Such Vehicles, Staff Report: Initial Statement of Reasons," release date May 8, 2018, section VIII. Environmental Justice.

airports (*i.e.*, reduce emissions relative to existing airport shuttles), including airports in the South Coast Air Basin (*e.g.*, LAX, BUR, and ONT) and the San Francisco Bay Area (*e.g.*, OAK), which are in disadvantaged communities.³³

For the Zero-Emission Powertrain Certification Regulation, CARB states that, while the emission reductions from the measure are not directly quantifiable (because it does not mandate deployment of heavy-duty electric or fuel-cell vehicles), it expects the measure to help ensure the success of CARB's other zero-emission efforts, which will benefit disadvantaged communities that are disproportionately impacted by heavy-duty truck traffic and off-road equipment usage.³⁴

The EPA is taking proposed action to approve the SIP revision because it meets minimum requirements pursuant to the CAA and relevant implementing regulations. The EPA also finds that CARB's consideration of EJ analyses in this context is reasonable. The EPA encourages air agencies generally to evaluate environmental justice considerations of their actions and carefully consider impacts to communities. The EJ analyses submitted by the air agency were considered but were not the basis for EPA's decision making and the SIP met the minimum applicable requirements, as explained in this document.

V. Incorporation by Reference

In this action, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference certain sections of titles 13 and 17 of the California Code of Regulations that establish standards and other requirements relating to the control of emissions from certain new on-road vehicles and engines, as described in section II of this preamble. The EPA has made, and will continue to make, these materials available through <https://www.regulations.gov> and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER**

INFORMATION CONTACT section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

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

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

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on communities with environmental justice (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 Executive Order 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.”

CARB evaluated EJ considerations as part of its SIP submittals even though the CAA and applicable implementing regulations neither prohibit nor require an evaluation. The EPA's evaluation of the air agency's EJ considerations is described in this document in the section titled, “Environmental Justice Considerations.” The analysis was done for the purpose of providing additional context and information about this rulemaking to the public, not as a basis of the action. The EPA is taking action under the CAA on bases independent of the air agency's evaluation of EJ. 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. In addition, there is no information in the record upon which this decision is based that is inconsistent with the stated goal of Executive Orders 12898 and 14096 of achieving EJ for communities with EJ concerns.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon oxides, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 13, 2024.

Martha Guzman Aceves,
Regional Administrator, Region IX.

[FR Doc. 2024–30246 Filed 12–18–24; 8:45 am]

BILLING CODE 6560–50–P

³³ CARB, “Public Hearing to Consider the Proposed Zero-Emission Airport Shuttle Regulation, Staff Report: Initial Statement of Reasons,” release date December 31, 2018, section VI. Environmental Justice.

³⁴ CARB, “Staff Report: Initial Statement of Reasons, Proposed Alternative Certification Requirements and Test Procedures for Heavy-Duty Electric and Fuel-Cell Vehicles and Proposed Standards and Test Procedures for Zero-Emission Powertrains (Zero-Emission Powertrain Certification Regulation),” release date December 31, 2018, section VIII. Environmental Justice.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2018–0715; FRL–12462–01–R6]

Air Plan Disapproval; Texas; Houston-Galveston-Brazoria Area Section 185 Fee Program; Cessation of Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to disapprove revisions to the Texas State Implementation Plan (SIP). The revisions were submitted by the Texas Commission on Environmental Quality (TCEQ or State) on November 27, 2018, to address CAA requirements for the Houston-Galveston-Brazoria (HGB) area relevant to the 1979 1-hour ozone national ambient air quality standard (NAAQS or standard). The EPA approved most portions of this submission on February 14, 2020. In this current action, we are proposing to disapprove the remaining portions not addressed in the February 14, 2020 action. This submission, titled “Severe Ozone Nonattainment Area Failure to Attain Fee,” addresses the CAA section 185 requirement for fee collection programs, which applies to ozone nonattainment areas classified as Severe or Extreme that fail to attain by the required attainment date.

DATES: Written comments must be received on or before January 21, 2025.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2018–0715, at <https://www.regulations.gov> or via email to riley.jeffrey@epa.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 Jeff Riley, 214–665–8542, riley.jeffrey@epa.gov. 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>.

Docket: The index to the docket for this action is available electronically at www.regulations.gov. While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.*, CBI).

FOR FURTHER INFORMATION CONTACT: Jeff Riley, EPA Region 6 Office, Infrastructure & Ozone Section, 214–665–8542, riley.jeffrey@epa.gov. We encourage the public to submit comments via <https://www.regulations.gov>. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever “we,” “us,” or “our” is used, we mean the EPA.

I. Background

The background for this proposed action is discussed in detail in two preceding EPA rulemaking actions: our May 16, 2019 Proposed Rule (84 FR 22093) and our February 14, 2020 Final Rule (85 FR 8411, “Final Rule”) to approve revisions to the Texas SIP pertaining to the HGB area and the revoked 1979 1-hour and 1997 8-hour ozone NAAQS.^{1 2} In EPA’s Final rule, we: (1) Approved the State’s December 14, 2018 maintenance plan for maintaining both the 1-hour and 1997 ozone NAAQS through the year 2032 in the HGB area; (2) Determined that the HGB area continues to attain both the 1-hour and 1997 ozone NAAQS; (3) Determined that the HGB area met the five criteria in CAA section 107(d)(3)(E) for redesignation with respect to both the 1-hour and 1997 ozone NAAQS; (4) Terminated the anti-backsliding obligations for the HGB area with respect to the revoked 1-hour and 1997 ozone NAAQS; and, (5) Approved sufficient provisions of the State’s November 27, 2018 SIP submission titled “Severe Ozone Nonattainment Area Failure to Attain Fee” such that there was as an equivalent alternative

185 fee program to address CAA section 185 requirements for the HGB 1-hour ozone NAAQS nonattainment area.³

In our February 14, 2020 Final Rule, EPA did not act on two provisions of the State’s submitted 185 fee program for the 1-hour ozone NAAQS for the HGB area: Title 30 of the Texas Administrative Code (30 TAC) sections 101.118(a)(2) and 101.118(b). The Final Rule stated that the provisions that were approved at the time were sufficient to fulfill the requirement to have an equivalent alternative section 185 fee program for the HGB nonattainment area with respect to the 1-hour ozone standard. However, the two not acted-upon provisions have not been withdrawn by Texas, and therefore remain pending before the Agency for consideration as SIP submissions. These two outstanding 185 fee program provisions are the focus of this proposed rule.

II. The EPA’s Evaluation

1. Statutory and Regulatory Requirements

CAA section 185 (Enforcement for Severe and Extreme ozone nonattainment areas for failure to attain) requirements apply to ozone nonattainment areas classified as Severe or Extreme that fail to attain by the required attainment date. It requires each major stationary source of Volatile Organic Compounds (VOC) located in an area that fails to attain by its attainment date to pay a fee to the State for each ton of VOC the source emits in excess of 80 percent of a baseline amount. CAA section 182(f) extends the application of this provision to major stationary sources of nitrogen oxides (NO_x). States with ozone nonattainment areas classified as Severe or Extreme must submit a SIP revision that includes procedures for assessment and collection of such fees should the area fail to attain the standard by its attainment date. Under the 1-hour ozone standard, the HGB area, consisting of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, was designated as nonattainment and classified as Severe–17 with an attainment deadline of November 15, 2007 (56 FR 56694, November 6, 1991). Because the HGB

¹ Throughout this document, we refer to the 1979 1-hour ozone NAAQS as the “1-hour ozone NAAQS” and the 1997 8-hour ozone NAAQS as the “1997 ozone NAAQS.”

² The EPA revoked both the 1-hour and 1997 ozone NAAQS along with associated designations and classifications (69 FR 23951, April 30, 2004; and 80 FR 12264, March 6, 2015).

³ The following elements of the November 27, 2018 submission were approved as an equivalent alternative 185 fee program to address CAA section 185: 30 TAC sections 101.100–101.102, 101.104, 101.106–101.110, 101.113, 101.116, 101.117, 101.118(a)(1), 101.118(a)(3), and 101.120–101.122. When this approval was subsequently challenged, EPA took a voluntary remand without vacatur of this approval. *See Sierra Club v. EPA*, D.C. Circuit Docket No. 20–1121 (January 11, 2022).

area was classified as a Severe area, Texas was required to submit a SIP revision addressing the CAA section 185 requirement. The HGB area subsequently failed to attain the 1-hour ozone NAAQS by the applicable attainment deadline of November 15, 2007 (77 FR 36400, June 19, 2012).

Since 2010,⁴ the EPA has taken the position that the Agency can approve SIPs that include an equivalent alternative program to the section 185 fee program specified in the CAA when addressing anti-backsliding for a revoked ozone standard under the principles of section 172(e). Section 172(e) requires EPA to develop regulations to ensure that controls in a nonattainment area are “not less stringent” than those that applied to the area before EPA revised a NAAQS to make it less stringent. Although section 172(e) does not directly apply where EPA has strengthened the NAAQS, as it did in 1997, 2008, and 2015, EPA has applied the principles in section 172(e) when revoking less stringent ozone standards.⁵ EPA allows a State to adopt an alternative to CAA section 185 if the State demonstrates that the proposed alternative program is “not less stringent” than the direct application of CAA section 185. EPA has previously stated that one way to demonstrate this is to show that the alternative program provides equivalent or greater fees and/or emissions reductions than those directly attributable to the application of CAA section 185. EPA has approved equivalent alternative 185 fee equivalent programs in addition to the Final Rule. See 84 FR 12511 (April 2, 2019) (approving an equivalent alternative 185 fee program in New York), 77 FR 74372 (Dec. 14, 2012) (approving an equivalent

alternative program for South Coast Air Quality Management District).

The TCEQ adopted the Severe Ozone Nonattainment Area Failure to Attain Fee program for the 1-hour ozone NAAQS (alternative section 185 fee equivalent program) on May 22, 2013 (38 Tex. Reg. 3610, June 7, 2013). However, the program was not submitted to EPA as a SIP revision until November 27, 2018. EPA’s May 16, 2019 Proposed Rule evaluated the State’s alternative section 185 fee equivalent program against the language of CAA sections 172(e) and 185 to determine whether the State had demonstrated that the proposed alternative program was “not less stringent” than the direct application of CAA section 185. EPA’s February 14, 2020 Final Rule approved sufficient provisions of the SIP submission to determine that the State had met applicable requirements to have a section 185 fee program, or equivalent.

2. Summary of the State’s Submission

The November 27, 2018 alternative section 185 fee equivalent program SIP revision for the 1-hour ozone standard included Subchapter B (Failure to Attain Fee) in Chapter 101 (General Air Quality Rule) of 30 TAC. The two remaining provisions that EPA has not yet acted on in this submission are 30 TAC sections 101.118(a)(2) and 101.118(b). Under 30 TAC section 101.118 (Cessation of Program), the State’s 185 fee equivalent program would be terminated following EPA action to: redesignate the area to attainment (101.118(a)(1)); make a finding of attainment (101.118(a)(2)); or otherwise end the Failure to Attain fee (101.118(a)(3)). 30 TAC section 101.118(b) provides that fees would be calculated but not invoiced, and fee collection may be placed in abeyance by the TCEQ, pending EPA action on quality-assured data showing the area’s design value meets the 1-hour ozone standard, or a demonstration indicating that the area would have attained by the attainment date but for emissions emanating from outside the United States.

3. The EPA’s Review of the State’s Submission

EPA’s February 14, 2020 Final Rule approved sufficient provisions of the SIP submittal to determine that there was an operative alternative section 185 fee equivalent program for the HGB area. This prior approval included 30 TAC sections 101.118(a)(1) and 101.118(a)(3). EPA determined these provisions provided mechanisms for terminating the program, through either

EPA action to redesignate the area to attainment or other EPA action to terminate the anti-backsliding requirements, that are consistent with section 185 equivalent programs as allowed through the anti-backsliding principles of CAA section 172(e).

30 TAC section 101.118(a)(2), however, allows for the alternative section 185 fee equivalent program to be terminated upon an EPA finding of attainment. The language of CAA section 185(a) clearly specifies redesignation as an attainment area as the only means by which an area’s fee program obligation may be terminated. Allowing for cessation of the fee program through a finding of attainment by EPA is therefore contrary to the statutory requirement. While the 1-hour ozone standard has been revoked, as explained earlier EPA can only approve alternative 185 programs that are equivalent to a statutory 185 program. Texas has provided no explanation as to how 185 program termination upon a finding of attainment could be equivalent to the statutory language in section 185, and EPA has not identified any such explanation either. Here, the equivalent mechanism is a functional redesignation, which terminates an area’s anti-backsliding requirements for a revoked standard. As explained earlier, the Final Rule approved a mechanism to terminate the HGB equivalent alternative program upon EPA terminating the area’s anti-backsliding requirements. EPA has identified no basis to propose approval of the remaining SIP provisions. EPA accordingly proposes to disapprove 30 TAC section 101.118(a)(2).

30 section TAC 101.118(b) allows for placing fee payment into abeyance if the State submits to EPA three consecutive years of quality-assured data resulting in a design value that does not exceed the 1-hour ozone standard, or a demonstration indicating that the area would have attained by the attainment date but for emissions emanating from outside the United States. Under CAA section 185(a), the relevant sources shall “pay a fee to the state . . . for each calendar year beginning after the attainment date, until the area is redesignated as an attainment area for ozone” by EPA. As noted previously, the language of CAA section 185(a) clearly specifies redesignation as an attainment area as the only means by which an area’s fee program obligation may be terminated. Thus, provisions that allow the fee obligation to be terminated prior to an EPA redesignation of the area as attainment are inconsistent with the relevant statutory language, and EPA has not

⁴ See “Guidance on Developing Fee Programs Required by Clean Air Act Section 185 for the 1-hour Ozone NAAQS.” https://www.epa.gov/sites/production/files/2015-09/documents/1hour_ozone_nonattainment_guidance.pdf. Although the 2010 guidance was vacated and remanded by the D.C. Circuit on procedural grounds, the court did not prohibit alternative programs, stating “neither the statute nor our case law obviously precludes that alternative.” *NRDC v. EPA*, 643 F.3d 311 (D.C. Cir. 2011).

⁵ In 2008, we revised the primary and secondary ozone NAAQS to 0.075 parts per million (ppm), averaged over an 8-hour period (73 FR 16436, March 27, 2008). In 2015, we again revised the primary and secondary ozone NAAQS to 0.070 ppm, averaged over an 8-hour period (80 FR 65292, October 26, 2015). However, EPA has not revoked the 2008 standard, so section 172(e) would not apply to requirements under this standard. On November 7, 2022, the HGB area and the Dallas-Fort Worth (DFW) area were reclassified from Serious to Severe-15 nonattainment for the 2008 ozone NAAQS (87 FR 60926). As such, Texas is subject to a requirement to provide a new CAA section 185 failure to attain fee program for both the DFW and HGB areas.

identified any basis to say that such provisions are equivalent to the statutory language. EPA accordingly proposes to disapprove 30 section TAC 101.118(b).

EPA is proposing to disapprove 30 sections TAC 101.118(a)(2) and 101.118(b), as discussed. However, EPA notes that our February 14, 2020 Final Rule terminated anti-backsliding requirements with respect to the 1-hour standard ozone standard for the HGB area. While that action was challenged, the case was ultimately dismissed,⁶ and the termination of those anti-backsliding requirements was effective. As such, the State is no longer required to have a section 185 fee program in place for the HGB area with respect to the 1-hour ozone standard. Therefore, while we are proposing to disapprove the relevant provisions of the State's alternative section 185 fee equivalent program for the reasons discussed in this notice, EPA is also proposing to find that these provisions are part of a SIP submission that is no longer required. Accordingly, we are proposing to find that the State does not have an obligation to correct the deficiencies identified in this proposed disapproval, and that this disapproval, if finalized, would not trigger mandatory sanctions under CAA section 179(b), or the EPA's obligation to promulgate a Federal Implementation Plan under CAA section 110(c).

III. Proposed Action

We are proposing to disapprove the 30 TAC sections 101.118(a)(2) and 101.118(b) of Texas's alternative section 185 fee equivalent program with respect to the 1-hour ozone NAAQS for the HGB area as submitted in the State's November 27, 2018 SIP revision. EPA proposes this disapproval with respect to the failure to attain fee program requirements under CAA sections 182 and 185 for the reasons discussed above. The effect of this proposal, if finalized, is that 30 sections TAC 101.118(a)(2) and 101.118(b) will not become part of Texas's State Implementation Plan. As our February 14, 2020 Final Rule terminated the anti-backsliding requirements with respect to the 1-hour standard for the HGB area, Texas has no obligation to have this alternative section 185 fee program in place. Accordingly, we are proposing to find that Texas does not have an obligation to correct these deficiencies in its rules, and that this proposed disapproval, if finalized, would not trigger mandatory

sanctions under CAA section 179(b). As previously noted, Texas is required to provide a CAA section 185 failure to attain fee program for both the DFW and HGB areas with respect to the 2008 ozone standard, and this proposed action does not impact that requirement.

IV. Environmental Justice Considerations

Executive Order (E.O.) 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. 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."

The air agency did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898/14096 of achieving EJ for communities with EJ concerns.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 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 CAA. Accordingly, this proposed action to disapprove the remaining provisions of Texas' 185 fee program for 1-hour ozone NAAQS for the HGB area submitted to EPA on November 27, 2018, disapproves State law as not meeting

Federal requirements and does not impose additional requirements beyond those imposed by State law.

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 as defined in Executive Order 12866 (58 FR 51735, October 4, 1993), as amended by E.O. 14094 (88 FR 21879, April 11, 2023), and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA (44 U.S.C. 3501 *et seq.*) because it does not contain any information collection activities.

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.

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 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 as specified in E.O. 13132 (64 FR 43255, August 10, 1999). It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This proposed action has no Tribal implications as specified in E.O. 13175 (65 FR 67249, November 9, 2000). This action will neither impose substantial direct compliance costs on Federally recognized Tribal governments, nor preempt Tribal law. This action will not impose substantial direct compliance costs on Federally recognized Tribal governments because no actions will be required of Tribal governments. This action will also not preempt Tribal law

⁶ The United States Court of Appeals for the 5th Circuit dismissed the case on December 1, 2022 (see *Sierra Club v. EPA*, 5th Circuit docket no. 20–60303).

as it does not have applicable or related Tribal laws.

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

The EPA interprets E.O. 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 to disapprove SIP revisions. 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 E.O. 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under E.O. 12866.

I. National Technology Transfer and Advancement Act

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. This action is not subject to the requirements of section 12(d) of the NTTAA (15 U.S.C. 272 note) 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 environmental justice (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.”

The air agency did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: December 12, 2024.

Earthea Nance,

Regional Administrator, Region 6.

[FR Doc. 2024–29935 Filed 12–18–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2024–0459; FRL–12287–01–R9]

Partial Approval and Partial Disapproval of Air Quality Implementation Plans; California; Regional Haze State Implementation Plan for the Second Implementation Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to partially approve and partially disapprove the regional haze state implementation plan (SIP) revision submitted by California on August 9, 2022 (hereinafter the “2022 California Regional Haze Plan” or “the Plan”), under the Clean Air Act (CAA) and the EPA’s Regional Haze Rule for the program’s second implementation period. California’s SIP submission addresses the requirement that states must periodically revise their long-term strategies for making reasonable progress towards the

national goal of preventing any future, and remedying any existing, anthropogenic impairment of visibility, including regional haze, in mandatory Class I Federal areas. The SIP submission also addresses other applicable requirements for the second implementation period of the regional haze program. The EPA is taking this action pursuant to CAA sections 110 and 169A.

DATES: Written comments must be received on or before February 3, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2024–0459 at <https://www.regulations.gov>. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.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:** Laura Lawrence, Planning Section (ARD–2–1), Planning & Analysis Branch, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, 415–972–3407, or by email at lawrence.laura@epa.gov. **SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us,” and “our” refer to the EPA.

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I. What action is the EPA proposing?

On August 9, 2022, the California Air Resources Board (CARB) submitted the 2022 California Regional Haze Plan to address the requirements of the CAA's regional haze program pursuant to CAA sections 169A and 169B and 40 CFR 51.308. For the reasons described in this document, the EPA is proposing to approve the elements of the Plan related to requirements contained in 40 CFR 51.308(f)(1), 40 CFR 51.308(f)(4)–(6), and 40 CFR 51.308(g)(1)–(5). The EPA is proposing to disapprove the elements of the Plan related to requirements contained in 40 CFR 51.308(f)(2), 40 CFR 51.308(f)(3), and 40 CFR 51.308(i)(2)–(4).

II. Background and Requirements for Regional Haze Plans

A. Regional Haze Background

In the 1977 CAA Amendments, Congress created a program for protecting visibility in the nation's mandatory Class I Federal areas, which include certain national parks and

wilderness areas.¹ The CAA establishes as a national goal the “prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.”² The CAA further directs the EPA to promulgate regulations to assure reasonable progress toward meeting this national goal.³ On December 2, 1980, the EPA promulgated regulations to address visibility impairment in mandatory Class I Federal areas (hereinafter referred to as “Class I areas”) that is “reasonably attributable” to a single source or small group of sources.⁴ These regulations, codified at 40 CFR 51.300 through 51.307, represented the first phase of the EPA's efforts to address visibility impairment. In 1990, Congress added section 169B to the CAA to further address visibility impairment, specifically, impairment from regional haze.⁵ The EPA promulgated the Regional Haze Rule (RHR), codified at 40 CFR 51.308,⁶ on July 1, 1999.⁷ These regional haze regulations are a central component of the EPA's comprehensive visibility protection program for Class I areas.

Regional haze is visibility impairment that is produced by a multitude of anthropogenic sources and activities which are located across a broad geographic area and that emit pollutants that impair visibility. Visibility impairing pollutants include fine and coarse particulate matter (PM) (*e.g.*, sulfates, nitrates, organic carbon, elemental carbon, and soil dust) and their precursors (*e.g.*, sulfur dioxide (SO₂), nitrogen oxides (NO_x), and, in some cases, volatile organic compounds (VOC) and ammonia (NH₃)). Fine particle precursors react in the atmosphere to form fine particulate matter (PM_{2.5}), which impairs visibility by scattering and absorbing light.

¹ CAA 169A. Areas statutorily designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. CAA 162(a). There are 156 mandatory Class I areas. The list of areas to which the requirements of the visibility protection program apply is in 40 CFR part 81, subpart D.

² CAA 169A(a)(1).

³ CAA 169A(a)(4).

⁴ 45 FR 80084 (December 2, 1980).

⁵ CAA 169B.

⁶ In addition to the generally applicable regional haze provisions at 40 CFR 51.308, the EPA also promulgated regulations specific to addressing regional haze visibility impairment in Class I areas on the Colorado Plateau at 40 CFR 51.309. The latter regulations are applicable only for specific jurisdictions' regional haze plans submitted no later than December 17, 2007, and thus are not relevant here.

⁷ 64 FR 35714.

Visibility impairment reduces the perception of clarity and color, as well as visible distance.⁸

To address regional haze visibility impairment, the 1999 RHR established an iterative planning process that requires both States in which Class I areas are located and states “the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility” in a Class I area to periodically submit SIP revisions to address such impairment.⁹ Under the CAA, each SIP submission must contain “a long-term (ten to fifteen years) strategy for making reasonable progress toward meeting the national goal.”¹⁰ The initial round of SIP submissions also had to address the statutory requirement that certain older, larger sources of visibility impairing pollutants install and operate the best available retrofit technology (BART).¹¹ States' first regional haze SIPs were due by December 17, 2007,¹² with subsequent SIP submissions containing updated long-term strategies originally due July 31, 2018, and every ten years thereafter.¹³ The EPA established in the 1999 RHR that all States either have Class I areas within their borders or “contain sources whose emissions are reasonably anticipated to contribute to regional haze in a Class I area”; therefore, all States must submit regional haze SIPs.¹⁴

⁸ There are several ways to measure the amount of visibility impairment, *i.e.*, haze. One such measurement is the deciview, which is the principal metric used by the RHR. Under many circumstances, a change in one deciview will be perceived by the human eye to be the same on both clear and hazy days. The deciview is unitless. It is proportional to the logarithm of the atmospheric extinction of light, which is the perceived dimming of light due to it being scattered and absorbed as it passes through the atmosphere. Atmospheric light extinction (b_{ext}) is a metric used for expressing visibility and is measured in inverse megameters (Mm^{-1}). The EPA's August 20, 2019 Guidance on Regional Haze State Implementation Plans for the Second Implementation Period (“2019 Guidance”) offers the flexibility for the use of light extinction in certain cases. Light extinction can be simpler to use in calculations than deciviews because it is not a logarithmic function. See, *e.g.*, 2019 Guidance at 16, 19, <https://www.epa.gov/visibility/guidance-regional-haze-state-implementation-plans-second-implementation-period>. The formula for the deciview is $10 \ln(b_{ext})/10 Mm^{-1}$. 40 CFR 51.301.

⁹ CAA 169A(b)(2). The RHR expresses the statutory requirement for states to submit plans addressing out-of-state Class I areas by providing that states must address visibility impairment “in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State.” 40 CFR 51.308(d), (f). See also 40 CFR 51.308(b), (f) (establishing submission dates for iterative regional haze SIP revisions).

¹⁰ CAA 169A(b)(2)(B).

¹¹ CAA 169A(b)(2)(A); 40 CFR 51.308(d), (e).

¹² 40 CFR 51.308(b).

¹³ 64 FR 35768 (July 1, 1999).

¹⁴ *Id.* at 35721. In addition to each of the fifty states, the EPA also concluded that the Virgin

Much of the focus in the first implementation period of the regional haze program, which ran from 2007 through 2018, was on satisfying States' BART obligations. First implementation period SIPs were additionally required to contain long-term strategies for making reasonable progress toward the national visibility goal, of which BART is one component. The core required elements for the first implementation period SIPs (other than BART) are laid out in 40 CFR 51.308(d). Those provisions required that States containing Class I areas establish reasonable progress goals (RPGs) that are measured in deciviews and reflect the anticipated visibility conditions at the end of the implementation period including from implementation of States' long-term strategies. The first planning period RPGs were required to provide for an improvement in visibility for the most impaired days over the period of the implementation plan and ensure no degradation in visibility for the least impaired days over the same period. In establishing the RPGs for any Class I area in a State, the State was required to consider four statutory factors: the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any potentially affected sources.¹⁵

States were also required to calculate baseline (using the five year period of 2000–2004) and natural visibility conditions (*i.e.*, visibility conditions without anthropogenic visibility impairment) for each Class I area, and to calculate the linear rate of progress needed to attain natural visibility conditions, assuming a starting point of baseline visibility conditions in 2004 and ending with natural conditions in 2064. This linear interpolation is known as the uniform rate of progress (URP) and is used as a tracking metric to help States assess the amount of progress they are making towards the national visibility goal over time in each Class I area.¹⁶ The 1999 RHR also provided that

States' long-term strategies must include the "enforceable emissions limitations, compliance schedules, and other measures as necessary to achieve the reasonable progress goals."¹⁷ In establishing their long-term strategies, States are required to consult with other States that also contribute to visibility impairment in a given Class I area and include all measures necessary to obtain their shares of the emission reductions needed to meet the RPGs.¹⁸ Section 51.308(d) also contains seven additional factors States must consider in formulating their long-term strategies, 40 CFR 51.308(d)(3)(v), as well as provisions governing monitoring and other implementation plan requirements.¹⁹ Finally, the 1999 RHR required states to submit periodic progress reports, which are SIP revisions due every five years that contain information on States' implementation of their regional haze plans and an assessment of whether anything additional is needed to make reasonable progress,²⁰ and to consult with the Federal Land Manager(s)²¹ (FLMs) responsible for each Class I area according to the requirements in CAA 169A(d) and 40 CFR 51.308(i).

On January 10, 2017, the EPA promulgated revisions to the RHR that apply for the second and subsequent implementation periods.²² The 2017 rulemaking made several changes to the requirements for regional haze SIPs to clarify States' obligations and streamline certain regional haze requirements. The revisions to the regional haze program for the second and subsequent implementation periods focused on the requirement that States' SIPs contain long-term strategies for making reasonable progress towards the national visibility goal. The reasonable progress requirements as revised in the 2017 RHR Revisions) are codified at 40

CFR 51.308(f). Among other changes, the 2017 RHR Revisions adjusted the deadline for States to submit their second implementation period SIPs from July 31, 2018, to July 31, 2021, clarified the order of analysis and the relationship between RPGs and the long-term strategy, and focused on making visibility improvements on the days with the most *anthropogenic* visibility impairment, as opposed to the days with the most visibility impairment overall. The EPA also revised requirements of the visibility protection program related to periodic progress reports and FLM consultation. The specific requirements applicable to second implementation period regional haze SIP submissions are addressed in detail below.

The EPA provided guidance to the States for their second implementation period SIP submissions in the preamble to the 2017 RHR Revisions as well as in subsequent, stand-alone guidance documents. In August 2019, the EPA issued "Guidance on Regional Haze State Implementation Plans for the Second Implementation Period" ("2019 Guidance").²³ On July 8, 2021, the EPA issued a memorandum containing "Clarifications Regarding Regional Haze State Implementation Plans for the Second Implementation Period" ("2021 Clarifications Memo").²⁴ Additionally, the EPA further clarified the recommended procedures for processing ambient visibility data and optionally adjusting the URP to account for international anthropogenic and prescribed fire impacts in two technical guidance documents: the December 2018 "Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program" ("2018 Visibility Tracking Guidance"),²⁵ and the June 2020 "Recommendation for the Use of Patched and Substituted Data and

the future, the EPA determined that natural visibility conditions would be reached in 60 years, or 2064 (60 years from the baseline starting point of 2004). However, the EPA did not establish 2064 as the year by which the national goal *must* be reached. 64 FR at 35731–32. That is, the URP and the 2064 date are not enforceable targets but are rather tools that "allow for analytical comparisons between the rate of progress that would be achieved by the state's chosen set of control measures and the URP." 82 FR 3078, 3084 (January 10, 2017).

¹⁷ 40 CFR 51.308(d)(3).

¹⁸ 40 CFR 51.308(d)(3)(i), (ii).

¹⁹ 40 CFR 51.308(d)(4).

²⁰ See 40 CFR 51.308(g) and (h).

²¹ The EPA's regulation define "Federal Land Manager" as "the Secretary of the department with authority over the Federal Class I area (or the Secretary's designee) or, with respect to Roosevelt-Campobello International Park, the Chairman of the Roosevelt-Campobello International Park Commission." 40 CFR 51.301.

²² 82 FR 3078 (January 10, 2017).

²³ Guidance on Regional Haze State Implementation Plans for the Second Implementation Period, <https://www.epa.gov/visibility/guidance-regional-haze-state-implementation-plans-second-implementation-period>, EPA Office of Air Quality Planning and Standards, Research Triangle Park (August 20, 2019).

²⁴ Clarifications Regarding Regional Haze State Implementation Plans for the Second Implementation Period, <https://www.epa.gov/system/files/documents/2021-07/clarifications-regarding-regional-haze-state-implementation-plans-for-the-second-implementation-period.pdf>, EPA Office of Air Quality Planning and Standards, Research Triangle Park (July 8, 2021).

²⁵ Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program, <https://www.epa.gov/visibility/technical-guidance-tracking-visibility-progress-second-implementation-period-regional>, EPA Office of Air Quality Planning and Standards, Research Triangle Park (December 20, 2018).

Islands and District of Columbia must also submit regional haze plans because they either contain a Class I area or contain sources whose emissions are reasonably anticipated to contribute regional haze in a Class I area. See 40 CFR 51.300(b), (d)(3).

¹⁵ CAA 169A(g)(1); 40 CFR 51.308(d)(1).

¹⁶ 40 CFR 51.308(d)(1)(i)(B), (d)(2). The EPA established the URP framework in the 1999 RHR to provide "an equitable analytical approach" to assessing the rate of visibility improvement at Class I areas across the country. The start point for the URP analysis is 2004 and the endpoint was calculated based on the amount of visibility improvement that was anticipated to result from implementation of existing CAA programs over the period from the mid-1990s to approximately 2005. Assuming this rate of progress would continue into

Clarification of Data Completeness for Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program” and associated Technical Addendum (“2020 Data Completeness Memo”).²⁶

As explained in the 2021 Clarifications Memo, the EPA intends the second implementation period of the regional haze program to secure meaningful reductions in visibility impairing pollutants that build on the significant progress States have achieved to date. The Agency also recognizes that analyses regarding reasonable progress are State-specific and that, based on States’ and sources’ individual circumstances, what constitutes reasonable reductions in visibility impairing pollutants will vary from State-to-State. While there exist many opportunities for states to leverage both ongoing and upcoming emission reductions under other CAA programs, the Agency expects states to undertake rigorous reasonable progress analyses that identify further opportunities to advance the national visibility goal consistent with the statutory and regulatory requirements.²⁷ This is consistent with Congress’s determination that a visibility protection program is needed in addition to the CAA’s National Ambient Air Quality Standards (NAAQS) and Prevention of Significant Deterioration programs, as further emission reductions may be necessary to adequately protect visibility in Class I areas throughout the country.²⁸

B. Roles of Agencies in Addressing Regional Haze

Because the air pollutants and pollution affecting visibility in Class I areas can be transported over long distances, successful implementation of the regional haze program requires long-term, regional coordination among multiple jurisdictions and agencies that have responsibility for Class I areas and the emissions that impact visibility in

those areas. To address regional haze, states need to develop strategies in coordination with one another, considering the effect of emissions from one jurisdiction on the air quality in another. Five regional planning organizations (RPOs),²⁹ which include representation from state and tribal governments, the EPA, and FLMs, were developed in the lead-up to the first implementation period to address regional haze. RPOs evaluate technical information to better understand how emissions from State and Tribal land impact Class I areas across the country, pursue the development of regional strategies to reduce emissions of particulate matter and other pollutants leading to regional haze, and help states meet the consultation requirements of the RHR.

The Western Regional Air Partnership (WRAP), one of the five RPOs described above, is a collaborative effort of state governments, tribal governments, and various Federal agencies established to initiate and coordinate activities associated with the management of regional haze, visibility, and other air quality issues in the western corridor of the United States. Member states (listed alphabetically) include: Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The Federal partner members of WRAP are the EPA, U.S. National Parks Service (NPS), U.S. Fish and Wildlife Service (FWS), and U.S. Forest Service (USFS). There are also 468 federally recognized Tribes within the WRAP region.

III. Requirements for Regional Haze Plans for the Second Implementation Period

Under the CAA and the EPA’s regulations, all 50 States, the District of Columbia, and the U.S. Virgin Islands are required to submit regional haze SIPs satisfying the applicable requirements for the second implementation period of the regional haze program by July 31, 2021. Each state’s SIP must contain a long-term strategy for making reasonable progress toward meeting the national goal of remedying any existing and preventing any future anthropogenic visibility impairment in Class I areas.³⁰ To this end, section 51.308(f) lays out the process by which states determine what constitutes their long-term strategies, with the order of the requirements in

section 51.308(f)(1) through (3) generally mirroring the order of the steps in the reasonable progress analysis³¹ and (f)(4) through (6) containing additional, related requirements. Broadly speaking, a state first must identify the Class I areas within the state and determine the Class I areas outside the state in which visibility may be affected by emissions from the state. These are the Class I areas that must be addressed in the state’s long-term strategy.³² For each Class I area within its borders, a state must then calculate the baseline, current, and natural visibility conditions for that area, as well as the visibility improvement made to date and the URP.³³ Each state having a Class I area and/or emissions that may affect visibility in a Class I area must then develop a long-term strategy that includes the enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress in such areas. A reasonable progress determination is based on applying the four factors in CAA section 169A(g)(1) to sources of visibility-impairing pollutants that the state has selected to assess for controls for the second implementation period. Additionally, as further explained below, the RHR at 40 CFR 51.3108(f)(2)(iv) separately provides five “additional factors”³⁴ that states must consider in developing their long-term strategies.³⁵ A state evaluates potential emission reduction measures for those selected sources and determines which are necessary to make reasonable progress. Those measures are then incorporated into the state’s long-term strategy. After a state has developed its long-term strategy, it then establishes RPGs for each Class I area within its borders by modeling the visibility impacts of all reasonable progress controls at the end of the second implementation period, *i.e.*, in 2028, as well as the impacts of other requirements of the CAA. The RPGs include reasonable progress controls not only for sources in the state in which the Class I area is located, but also for sources in other states that contribute to visibility impairment in that area. The

²⁶ Recommendation for the Use of Patched and Substituted Data and Clarification of Data Completeness for Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program, <https://www.epa.gov/visibility/memo-and-technical-addendum-ambient-data-usage-and-completeness-regional-haze-program>, EPA Office of Air Quality Planning and Standards, Research Triangle Park (June 3, 2020).

²⁷ See generally 2021 Clarifications Memo.

²⁸ See, *e.g.*, H.R. Rep No. 95–294 p. 205 (“In determining how to best remedy the growing visibility problem in these areas of great scenic importance, the committee realizes that as a matter of equity, the national ambient air quality standards cannot be revised to adequately protect visibility in all areas of the country.”), (“the mandatory class I increments of [the PSD program] do not adequately protect visibility in class I areas”).

²⁹ RPOs are sometimes also referred to as “multi-jurisdictional organizations,” or MJOs. For the purposes of this notice, the terms RPO and MJO are synonymous.

³⁰ CAA 169A(b)(2)(B).

³¹ The EPA explained in the 2017 RHR Revisions that we were adopting new regulatory language in 40 CFR 51.308(f) that, unlike the structure in 51.308(d), “tracked the actual planning sequence.” (82 FR 3091, January 10, 2017).

³² See 40 CFR 51.308(f), (f)(2).

³³ See 40 CFR 51.308(f)(1).

³⁴ The five “additional factors” for consideration in section 51.308(f)(2)(iv) are distinct from the four factors listed in CAA section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that states must consider and apply to sources in determining reasonable progress.

³⁵ See 40 CFR 51.308(f)(2).

RPGs are then compared to the baseline visibility conditions and the URP to ensure that progress is being made towards the statutory goal of preventing any future and remedying any existing anthropogenic visibility impairment in Class I areas.³⁶

In addition to satisfying the requirements at 40 CFR 51.308(f) related to reasonable progress, the regional haze SIP revisions for the second implementation period must address the requirements in section 51.308(g)(1) through (5) pertaining to periodic reports describing progress towards the RPGs,³⁷ as well as requirements for FLM consultation that apply to all visibility protection SIPs and SIP revisions.³⁸

A state must submit its regional haze SIP and subsequent SIP revisions to the EPA according to the requirements applicable to all SIP revisions under the CAA and the EPA's regulations.³⁹ Upon EPA approval, a SIP is enforceable by the Agency and the public under the CAA. If the EPA finds that a state fails to make a required SIP revision, or if the EPA finds that a state's SIP is incomplete or disapproves the SIP, the Agency must promulgate a federal implementation plan (FIP) that satisfies the applicable requirements.⁴⁰

A. Identification of Class I Areas

The first step in developing a regional haze SIP is for a state to determine which Class I areas, in addition to those within its borders, "may be affected" by emissions from within the state. In the 1999 RHR, the EPA determined that all states contribute to visibility impairment in at least one Class I area,⁴¹ and explained that the statute and regulations lay out an "extremely low triggering threshold" for determining "whether States should be required to engage in air quality planning and analysis as a prerequisite to determining the need for control of emissions from sources within their State."⁴²

A state must determine which Class I areas must be addressed by its SIP by evaluating the total emissions of visibility impairing pollutants from all sources within the state. While the RHR does not require this evaluation to be conducted in any particular manner, the EPA's 2019 Guidance provides recommendations for how such an assessment might be accomplished, including by, where appropriate, using

the determinations previously made for the first implementation period.⁴³ In addition, the determination of which Class I areas may be affected by a state's emissions is subject to the requirement in 40 CFR 51.308(f)(2)(iii) to "document the technical basis, including modeling, monitoring, cost, engineering, and emissions information, on which the State is relying to determine the emission reduction measures that are necessary to make reasonable progress in each mandatory Class I Federal area it affects."

B. Calculations of Baseline, Current, and Natural Visibility Conditions; Progress to Date; and the Uniform Rate of Progress

As part of assessing whether a SIP submission for the second implementation period is providing for reasonable progress towards the national visibility goal, the RHR contains requirements in 40 CFR 51.308(f)(1) related to tracking visibility improvement over time. The requirements of this subsection apply only to states having Class I areas within their borders; the required calculations must be made for each such Class I area. The EPA's 2018 Visibility Tracking Guidance⁴⁴ provides recommendations to assist states in satisfying their obligations under section 51.308(f)(1); specifically, in developing information on baseline, current, and natural visibility conditions, and in making optional adjustments to the URP to account for the impacts of international anthropogenic emissions and prescribed fires.

The RHR requires tracking of visibility conditions on two sets of days: the clearest and the most impaired days. Visibility conditions for both sets of days are expressed as the average deciview index for the relevant five-year period (the period representing baseline or current visibility conditions). The RHR provides that the relevant sets of days for visibility tracking purposes are the 20 percent clearest (the 20 percent of monitored days in a calendar year with the lowest values of the deciview index) and 20 percent most impaired days (the 20 percent of monitored days in a calendar year with the highest amounts of anthropogenic visibility impairment).⁴⁵ A state must calculate

visibility conditions for both the 20 percent clearest and 20 percent most impaired days for the baseline period of 2000–2004 and the most recent five-year period for which visibility monitoring data are available (representing current visibility conditions).⁴⁶ States must also calculate natural visibility conditions for the clearest and most impaired days,⁴⁷ by estimating the conditions that would exist on those two sets of days absent anthropogenic visibility impairment.⁴⁸ Using all these data, states must then calculate, for each Class I area, the amount of progress made since the baseline period (2000–2004) and how much improvement is left to achieve to reach natural visibility conditions.

Using the data for the set of most impaired days only, states must plot a line between visibility conditions in the baseline period and natural visibility conditions for each Class I area to determine the URP—the amount of visibility improvement, measured in deciviews, that would need to be achieved during each implementation period to achieve natural visibility conditions by the end of 2064. The URP is used in later steps of the reasonable progress analysis for informational purposes and to provide a non-enforceable benchmark against which to assess a Class I area's rate of visibility improvement.⁴⁹ Additionally, in the 2017 RHR Revisions, the EPA provided states the option of proposing to adjust the endpoint of the URP to account for impacts of anthropogenic sources outside the United States and/or impacts of certain types of wildland prescribed fires. These adjustments, which must be approved by the EPA, are intended to avoid any perception that states should compensate for impacts from international

anthropogenically impaired days as the "clearest" and "most impaired" or "most anthropogenically impaired" days, respectively.

⁴⁶ 40 CFR 51.308(f)(1)(i), (iii).

⁴⁷ The RHR at 40 CFR 51.308(f)(1)(ii) contains an error related to the requirement for calculating two sets of natural conditions values. The rule says "most impaired days or the clearest days" where it should say "most impaired days and clearest days." This is an error that was intended to be corrected in the 2017 RHR Revisions but did not get corrected in the final rule language. This is supported by the preamble text at 82 FR 3098: "In the final version of 40 CFR 51.308(f)(1)(ii), an occurrence of 'or' has been corrected to 'and' to indicate that natural visibility conditions for both the most impaired days and the clearest days must be based on available monitoring information."

⁴⁸ 40 CFR 51.308(f)(1)(ii).

⁴⁹ Being on or below the URP is not a "safe harbor"; i.e., achieving the URP does not mean that a Class I area is making "reasonable progress" and does not relieve a state from using the four statutory factors to determine what level of control is needed to achieve such progress. See, e.g., 82 FR 3093.

³⁶ 40 CFR 51.308(f)(2)–(3).

³⁷ 40 CFR 51.308(f)(5).

³⁸ 40 CFR 51.308(i).

³⁹ See CAA 169A(b)(2); CAA 110(a).

⁴⁰ CAA 110(c)(1).

⁴¹ 64 FR 35720–35722.

⁴² Id. at 35721.

⁴³ 2019 Guidance, pp. 8–9.

⁴⁴ The 2018 Visibility Tracking Guidance references and relies on parts of the 2003 Tracking Guidance: "Guidance for Tracking Progress Under the Regional Haze Rule," which can be found at <https://www3.epa.gov/ttnamti1/files/ambient/visible/tracking.pdf>.

⁴⁵ 40 CFR 51.301. This notice also refers to the 20 percent clearest and 20 percent most

anthropogenic sources and to give states the flexibility to determine that limiting the use of wildland-prescribed fire is not necessary for reasonable progress.⁵⁰

The EPA's 2018 Visibility Tracking Guidance can be used to help satisfy the 40 CFR 51.308(f)(1) requirements, including in developing information on baseline, current, and natural visibility conditions, and in making optional adjustments to the URP. In addition, the 2020 Data Completeness Memo provides recommendations on the data completeness language referenced in section 51.308(f)(1)(i) and provides updated natural conditions estimates for each Class I area.

C. Long-Term Strategy for Regional Haze

The core component of a regional haze SIP submission is a long-term strategy that addresses regional haze in each Class I area within a state's borders and each Class I area that may be affected by emissions from the state. The long-term strategy "must include the enforceable emissions limitations, compliance schedules, and other measures that are necessary to make reasonable progress, as determined pursuant to (f)(2)(i) through (iv)."⁵¹ The amount of progress that is "reasonable progress" is based on applying the four statutory factors in CAA section 169A(g)(1) in an evaluation of potential control options for sources of visibility impairing pollutants, which is referred to as a "four-factor" analysis. The outcome of that analysis is the emission reduction measures that a particular source or group of sources needs to implement to make reasonable progress towards the national visibility goal.⁵² Emission reduction measures that are necessary to make reasonable progress may be either new, additional control measures for a source, or they may be the existing emission reduction measures that a source is already implementing.⁵³ Such measures must be represented by "enforceable emissions limitations, compliance schedules, and other measures" (*i.e.*, any additional compliance tools) in a state's long-term strategy in its SIP.⁵⁴

Section 51.308(f)(2)(i) provides the requirements for the four-factor analysis. The first step of this analysis entails selecting the sources to be evaluated for emission reduction measures; to this end, the RHR requires

states to consider "major and minor stationary sources or groups of sources, mobile sources, and area sources" of visibility impairing pollutants for potential four-factor control analysis.⁵⁵ A threshold question at this step is which visibility impairing pollutants will be analyzed. As the EPA previously explained, consistent with the first implementation period, the EPA generally expects that each state will analyze at least SO₂ and NO_x in selecting sources and determining control measures.⁵⁶ A state that chooses not to consider at least these two pollutants should demonstrate why such consideration would be unreasonable.⁵⁷

While states have the option to analyze *all* sources, the 2019 Guidance explains that "an analysis of control measures is not required for every source in each implementation period," and that "[s]electing a set of sources for analysis of control measures in each implementation period is . . . consistent with the Regional Haze Rule, which sets up an iterative planning process and anticipates that a state may not need to analyze control measures for all its sources in a given SIP revision."⁵⁸ However, given that source selection is the basis of all subsequent control determinations, a reasonable source selection process "should be designed and conducted to ensure that source selection results in a set of pollutants and sources the evaluation of which has the potential to meaningfully reduce their contributions to visibility impairment."⁵⁹

The EPA explained in the 2021 Clarifications Memo that each state has an obligation to submit a long-term strategy that addresses the regional haze visibility impairment that results from emissions from within that state. Thus, source selection should focus on the in-state contribution to visibility impairment and be designed to capture a meaningful portion of the state's total contribution to visibility impairment in Class I areas. A state should not decline to select its largest in-state sources on the basis that there are even larger out-of-state contributors.⁶⁰

⁵⁵ 40 CFR 51.308(f)(2)(i).

⁵⁶ 2019 Guidance, p. 12, 2021 Clarifications Memo p. 4.

⁵⁷ 2021 Clarifications Memo, p. 4.

⁵⁸ 2019 Guidance, p. 9.

⁵⁹ 2021 Clarifications Memo, p. 3.

⁶⁰ 2021 Clarifications Memo, p. 4. Similarly, in responding to comments on the 2017 RHR Revisions, the EPA explained that "[a] state should not fail to address its many relatively low-impact sources merely because it only has such sources and another state has even more low-impact sources and/or some high impact sources." Responses to Comments on Protection of Visibility: Amendments

Thus, while states have discretion to choose any source selection methodology that is reasonable, whatever choices they make should be reasonably explained. To this end, 40 CFR 51.308(f)(2)(i) requires that a state's SIP submission include "a description of the criteria it used to determine which sources or groups of sources it evaluated." The technical basis for source selection, which may include methods for quantifying potential visibility impacts such as emissions divided by distance metrics, trajectory analyses, residence time analyses, and/or photochemical modeling, must also be appropriately documented, as required by 40 CFR 51.308(f)(2)(iii).

Once a state has selected the set of sources, the next step is to determine the emissions reduction measures for those sources that are necessary to make reasonable progress for the second implementation period.⁶¹ This is accomplished by considering the four factors—"the costs of compliance, the time necessary for compliance, and the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements."⁶² The EPA has explained that the four-factor analysis is an assessment of potential emission reduction measures (*i.e.*, control options) for sources; "use of the terms 'compliance' and 'subject to such requirements' in section 169A(g)(1) strongly indicates that Congress intended the relevant determination to be the requirements with which sources would have to comply to satisfy the CAA's reasonable progress mandate."⁶³ Thus, for each source it has selected for four-factor analysis,⁶⁴ a state must

to Requirements for State Plans; Proposed Rule (81 FR 26942, May 4, 2016), pp. 87–88.

⁶¹ The CAA provides that, "[i]n determining reasonable progress there shall be taken into consideration" the four statutory factors. CAA 169A(g)(1). However, in addition to four-factor analyses for selected sources, groups of sources, or source categories, a state may also consider additional emissions reduction measures for inclusion in its long-term strategy, *e.g.*, from other newly adopted, on-the-books, or on-the-way rules and measures for sources not selected for four-factor analysis for the second planning period.

⁶² CAA 169A(g)(1).

⁶³ 82 FR 3091.

⁶⁴ "Each source" or "particular source" is used here as shorthand. While a source-specific analysis is one way of applying the four factors, neither the statute nor the RHR requires states to evaluate individual sources. Rather, states have "the flexibility to conduct four-factor analyses for specific sources, groups of sources or even entire source categories, depending on state policy preferences and the specific circumstances of each state." 82 FR at 3088. However, not all approaches to grouping sources for four-factor analysis are necessarily reasonable; the reasonableness of grouping sources in any particular instance will

⁵⁰ 82 FR 3107 footnote 116.

⁵¹ 40 CFR 51.308(f)(2).

⁵² See 40 CFR 51.308(f)(2)(i).

⁵³ See 2019 Guidance, p. 43; 2021 Clarifications Memo, pp. 8–10.

⁵⁴ 40 CFR 51.308(f)(2).

consider a “meaningful set” of technically feasible control options for reducing emissions of visibility impairing pollutants.⁶⁵ The 2019 Guidance provides that “[a] state must reasonably pick and justify the measures that it will consider, recognizing that there is no statutory or regulatory requirement to consider all technically feasible measures or any particular measures. A range of technically feasible measures available to reduce emissions would be one way to justify a reasonable set.”⁶⁶

The EPA’s 2021 Clarifications Memo provides further guidance on what constitutes a reasonable set of control options for consideration: “A reasonable four-factor analysis will consider the full range of potentially reasonable options for reducing emissions.”⁶⁷ In addition to add-on controls and other retrofits (*i.e.*, new emissions reduction measures for sources), the EPA explained that states should generally analyze efficiency improvements for sources’ existing measures as control options in their four-factor analyses, as in many cases such improvements are reasonable given that they typically involve only additional operation and maintenance costs. Additionally, the 2021 Clarifications Memo provides that states that have assumed a higher emissions rate than a source has achieved or could potentially achieve using its existing measures should also consider lower emissions rates as potential control options. That is, a state should consider a source’s recent actual and projected emission rates to determine if it could reasonably attain lower emission rates with its existing measures. If so, the state should analyze the lower emission rate as a control option for reducing emissions.⁶⁸ The EPA’s recommendations to analyze potential efficiency improvements and achievable lower emission rates apply to both sources that have been selected for four-factor analysis and those that have forgone a four-factor analysis on the basis of existing “effective controls.”⁶⁹

After identifying a reasonable set of potential control options for the sources it has selected, a state then collects information on the four factors with

depend on the circumstances and the manner in which grouping is conducted. If it is feasible to establish and enforce different requirements for sources or subgroups of sources, and if relevant factors can be quantified for those sources or subgroups, then states should make a separate reasonable progress determination for each source or subgroup. 2021 Clarifications Memo at 7–8.

⁶⁵ *Id.* at 3088.

⁶⁶ 2019 Guidance, p. 29.

⁶⁷ 2021 Clarifications Memo, p. 7.

⁶⁸ 2021 Clarifications Memo, p. 7.

⁶⁹ See 2021 Clarifications Memo pp. 5, 10.

regard to each option identified. The EPA has also explained that, in addition to the four statutory factors, states have flexibility under the CAA and RHR to reasonably consider visibility benefits as an additional factor alongside the four statutory factors.⁷⁰ The 2019 Guidance provides recommendations for the types of information that can be used to characterize the four factors (with or without visibility), as well as ways in which states might reasonably consider and balance that information to determine which of the potential control options is necessary to make reasonable progress.⁷¹ The 2021 Clarifications Memo contains further guidance on how states can reasonably consider modeled visibility impacts or benefits in the context of a four-factor analysis.⁷² Specifically, the EPA explained that while visibility can reasonably be used when comparing and choosing between multiple reasonable control options, it should not be used to summarily reject controls that are reasonable given the four statutory factors.⁷³ Ultimately, while states have discretion to reasonably weigh the factors and to determine what level of control is needed, section 51.308(f)(2)(i) provides that a state “must include in its implementation plan a description of . . . how the four factors were taken into consideration in selecting the measure for inclusion in its long-term strategy.”

As explained above, section 51.308(f)(2)(i) requires states to determine the emission reduction measures for sources that are necessary to make reasonable progress by considering the four factors. Pursuant to section 51.308(f)(2), measures that are necessary to make reasonable progress towards the national visibility goal must be included in a state’s long-term strategy and in its SIP.⁷⁴ If the outcome of a four-factor analysis is a new, additional emission reduction measure

⁷⁰ See, *e.g.*, Responses to Comments on Protection of Visibility: Amendments to Requirements for State Plans; Proposed Rule (81 FR 26942, May 4, 2016) (December 2016), Docket Number EPA–HQ–OAR–2015–0531, U.S. Environmental Protection Agency, p. 186; 2019 Guidance, pp. 36–37.

⁷¹ See 2019 Guidance, pp. 30–36.

⁷² 2021 Clarifications Memo, pp. 12–15.

⁷³ 2021 Clarifications Memo, p. 13.

⁷⁴ States may choose to, but are not required to, include measures in their long-term strategies beyond just the emission reduction measures that are necessary for reasonable progress. See 2021 Clarifications Memo at 16. For example, states with smoke management programs may choose to submit their smoke management plans to EPA for inclusion in their SIPs but are not required to do so. See, *e.g.*, 82 FR at 3108–3109 (requirement to consider smoke management practices and smoke management programs under 40 CFR 51.308(f)(2)(iv) does not require states to adopt such practices or programs into their SIPs, although they may elect to do so).

for a source, that new measure is necessary to make reasonable progress towards remedying existing anthropogenic visibility impairment and must be included in the SIP. If the outcome of a four-factor analysis is that no new measures are reasonable for a source, continued implementation of the source’s existing measures is generally necessary to prevent future emission increases and thus to make reasonable progress towards the second part of the national visibility goal: preventing future anthropogenic visibility impairment.⁷⁵ That is, when the result of a four-factor analysis is that no new measures are necessary to make reasonable progress, the source’s existing measures are generally necessary to make reasonable progress and must be included in the SIP. However, there may be circumstances in which a state can demonstrate that a source’s existing measures are *not* necessary to make reasonable progress. Specifically, if a state can demonstrate that a source will continue to implement its existing measures and will not increase its emissions rate, it may not be necessary to have those measures in the long-term strategy to prevent future emissions increases and future visibility impairment. The EPA’s 2021 Clarifications Memo provides further explanation and guidance on how states may demonstrate that a source’s existing measures are not necessary to make reasonable progress.⁷⁶ If the state can make such a demonstration, it need not include a source’s existing measures in the long-term strategy or its SIP.

As with source selection, the characterization of information on each of the factors is also subject to the documentation requirement in section 51.308(f)(2)(iii). The reasonable progress analysis, including source selection, information gathering, characterization of the four statutory factors (and potentially visibility), balancing of the four factors, and selection of the emission reduction measures that represent reasonable progress, is a technically complex exercise, but also a flexible one that provides states with bounded discretion to design and implement approaches appropriate to their circumstances. Given this flexibility, section 51.308(f)(2)(iii) plays an important function in requiring a state to document the technical basis for its decision making so that the public and the EPA can comprehend and evaluate the information and analysis the state relied upon to determine what

⁷⁵ See CAA 169A(a)(1).

⁷⁶ See 2021 Clarifications Memo, pp. 8–10.

emission reduction measures must be in place to make reasonable progress. The technical documentation must include the modeling, monitoring, cost, engineering, and emissions information on which the state relied to determine the measures necessary to make reasonable progress. This documentation requirement can be met through the provision of and reliance on technical analyses developed through a regional planning process, so long as that process and its output has been approved by all state participants. In addition to the explicit regulatory requirement to document the technical basis of their reasonable progress determinations, states are also subject to the general principle that those determinations must be reasonably moored to the statute.⁷⁷ That is, a state's decisions about the emission reduction measures that are necessary to make reasonable progress must be consistent with the statutory goal of remedying existing and preventing future visibility impairment.

The four statutory factors (and potentially visibility) are used to determine what emission reduction measures for selected sources must be included in a state's long-term strategy for making reasonable progress. Additionally, the RHR at 40 CFR 51.308(f)(2)(iv) separately provides five "additional factors"⁷⁸ that states must consider in developing their long-term strategies: (1) Emission reductions due to ongoing air pollution control programs, including measures to address reasonably attributable visibility impairment; (2) measures to reduce the impacts of construction activities; (3) source retirement and replacement schedules; (4) basic smoke management practices for prescribed fire used for agricultural and wildland vegetation management purposes and smoke management programs; and (5) the anticipated net effect on visibility due to projected changes in point, area, and mobile source emissions over the period addressed by the long-term strategy. The 2019 Guidance provides that a state may satisfy this requirement by considering these additional factors in the process of

selecting sources for four-factor analysis, when performing that analysis, or both, and that not every one of the additional factors needs to be considered at the same stage of the process.⁷⁹ The EPA provided further guidance on the five additional factors in the 2021 Clarifications Memo, explaining that a state should generally not reject cost-effective and otherwise reasonable controls merely because there have been emission reductions since the first planning period owing to other ongoing air pollution control programs or merely because visibility is otherwise projected to improve at Class I areas. Additionally, states generally should not rely on these additional factors to summarily assert that the state has already made sufficient progress and, therefore, no sources need to be selected or no new controls are needed regardless of the outcome of four-factor analyses.⁸⁰

Because the air pollution that causes regional haze crosses state boundaries, section 51.308(f)(2)(ii) requires a state to consult with other states that also have emissions that are reasonably anticipated to contribute to visibility impairment in a given Class I area. Consultation allows for each state that impacts visibility in an area to share whatever technical information, analyses, and control determinations may be necessary to develop coordinated emission management strategies. This coordination may be managed through inter- and intra-RPO consultation and the development of regional emissions strategies; additional consultations between states outside of RPO processes may also occur. If a state, pursuant to consultation, agrees that certain measures (e.g., a certain emission limitation) are necessary to make reasonable progress at a Class I area, it must include those measures in its SIP.⁸¹ Additionally, the RHR requires that states that contribute to visibility impairment at the same Class I area consider the emission reduction measures the other contributing states have identified as being necessary to make reasonable progress for their own sources.⁸² If a state has been asked to consider or adopt certain emission reduction measures, but ultimately determines those measures are not necessary to make reasonable progress, that state must document in its SIP the actions taken to resolve the disagreement.⁸³ The EPA will consider

the technical information and explanations presented by the submitting state and the state with which it disagrees when considering whether to approve the state's SIP.⁸⁴ Under all circumstances, a state must document in its SIP submission all substantive consultations with other contributing states.⁸⁵

D. Reasonable Progress Goals

Reasonable progress goals "measure the progress that is projected to be achieved by the control measures states have determined are necessary to make reasonable progress based on a four-factor analysis."⁸⁶ Their primary purpose is to assist the public and the EPA in assessing the reasonableness of states' long-term strategies for making reasonable progress towards the national visibility goal.⁸⁷ States in which Class I areas are located must establish two RPGs, both in deciviews—one representing visibility conditions on the clearest days and one representing visibility on the most anthropogenically impaired days—for each area within their borders.⁸⁸ The two RPGs are intended to reflect the projected impacts, on the two sets of days, of the emission reduction measures the state with the Class I area, as well as all other contributing states, have included in their long-term strategies for the second implementation period.⁸⁹ The RPGs also account for the projected impacts of implementing other CAA requirements, including non-SIP based requirements. Because RPGs are the modeled result of the measures in states' long-term strategies (as well as other measures required under the CAA), they cannot be determined before states have conducted their four-factor analyses and determined the control measures that are necessary to make reasonable progress.⁹⁰

For the second implementation period, the RPGs are set for 2028. Reasonable progress goals are not

⁷⁷ See *Arizona ex rel. Darwin v. U.S. EPA*, 815 F.3d 519, 531 (9th Cir. 2016); *Nebraska v. U.S. EPA*, 812 F.3d 662, 668 (8th Cir. 2016); *North Dakota v. EPA*, 730 F.3d 750, 761 (8th Cir. 2013); *Oklahoma v. EPA*, 723 F.3d 1201, 1206, 1208–10 (10th Cir. 2013); cf. also *Nat'l Parks Conservation Ass'n v. EPA*, 803 F.3d 151, 165 (3d Cir. 2015); *Alaska Dep't of Envtl. Conservation v. EPA*, 540 U.S. 461, 485, 490 (2004).

⁷⁸ The five "additional factors" for consideration in section 51.308(f)(2)(iv) are distinct from the four factors listed in CAA section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that states must consider and apply to sources in determining reasonable progress.

⁷⁹ See 2019 Guidance, p. 21.

⁸⁰ 2021 Clarifications Memo, p. 13.

⁸¹ 40 CFR 51.308(f)(2)(iii)(A).

⁸² 40 CFR 51.308(f)(2)(ii)(B).

⁸³ 40 CFR 51.308(f)(2)(ii)(C).

⁸⁴ See *id.*; 2019 Guidance, p. 53.

⁸⁵ 40 CFR 51.308(f)(2)(ii)(C).

⁸⁶ 82 FR 3091.

⁸⁷ See 40 CFR 51.308(f)(3)(iii)–(iv).

⁸⁸ 40 CFR 51.308(f)(3)(i).

⁸⁹ RPGs are intended to reflect the projected impacts of the measures all contributing states include in their long-term strategies. However, due to the timing of analyses, control determinations by other states, and other on-going emissions changes, a particular state's RPGs may not reflect all control measures and emissions reductions that are expected to occur by the end of the implementation period. The 2019 Guidance provides recommendations for addressing the timing of RPG calculations when states are developing their long-term strategies on disparate schedules, as well as for adjusting RPGs using a post-modeling approach. 2019 Guidance, pp. 47–48.

⁹⁰ See 2021 Clarifications Memo p. 6.

enforceable targets;⁹¹ rather, they “provide a way for the states to check the projected outcome of the [long-term strategy] against the goals for visibility improvement.”⁹² While states are not legally obligated to achieve the visibility conditions described in their RPGs, section 51.308(f)(3)(i) requires that “[t]he long-term strategy and the reasonable progress goals must provide for an improvement in visibility for the most impaired days since the baseline period and ensure no degradation in visibility for the clearest days since the baseline period.” Thus, states are required to have emission reduction measures in their long-term strategies that are projected to achieve visibility conditions on the most impaired days that are better than the baseline period and shows no degradation on the clearest days compared to the clearest days from the baseline period. The baseline period for the purpose of this comparison is the baseline visibility condition—the annual average visibility condition for the period 2000–2004.⁹³

So that RPGs may also serve as a metric for assessing the amount of progress a state is making towards the national visibility goal, the RHR requires states with Class I areas to compare the 2028 RPG for the most impaired days to the corresponding point on the URP line (representing visibility conditions in 2028 if visibility were to improve at a linear rate from conditions in the baseline period of 2000–2004 to natural visibility conditions in 2064). If the most impaired days RPG in 2028 is above the URP (*i.e.*, if visibility conditions are improving more slowly than the rate described by the URP), each state that contributes to visibility impairment in the Class I area must demonstrate, based on the four-factor analysis required under 40 CFR 51.308(f)(2)(i), that no additional emission reduction measures would be reasonable to include in its long-term strategy.⁹⁴ To this end, 40 CFR 51.308(f)(3)(ii) requires that each state contributing to visibility impairment in a Class I area that is projected to improve more slowly than the URP provide “a robust demonstration, including documenting the criteria used to determine which sources or groups [of] sources were evaluated and how the four factors required by paragraph (f)(2)(i) were taken into consideration in selecting the measures for inclusion in its long-term strategy.” The 2019 Guidance provides

suggestions about how such a “robust demonstration” might be conducted.⁹⁵

The 2017 RHR, 2019 Guidance, and 2021 Clarifications Memo also explain that projecting an RPG that is on or below the URP based on only on-the-books and/or on-the-way control measures (*i.e.*, control measures already required or anticipated before the four-factor analysis is conducted) is not a “safe harbor” from the CAA’s and RHR’s requirement that all states must conduct a four-factor analysis to determine what emission reduction measures constitute reasonable progress. The URP is a planning metric used to gauge the amount of progress made thus far and the amount left before reaching natural visibility conditions. However, the URP is not based on consideration of the four statutory factors and therefore cannot answer the question of whether the amount of progress being made in any particular implementation period is “reasonable progress.”⁹⁶

E. Monitoring Strategy and Other State Implementation Plan Requirements

Section 51.308(f)(6) requires states to have certain strategies and elements in place for assessing and reporting on visibility. Individual requirements under this subsection apply either to states with Class I areas within their borders, states with no Class I areas but that are reasonably anticipated to cause or contribute to visibility impairment in any Class I area, or both. A state with Class I areas within its borders must submit with its SIP revision a monitoring strategy for measuring, characterizing, and reporting regional haze visibility impairment that is representative of all Class I areas within the state. SIP revisions for such states must also provide for the establishment of any additional monitoring sites or equipment needed to assess visibility conditions in Class I areas, as well as reporting of all visibility monitoring data to the EPA at least annually. Compliance with the monitoring strategy requirement may be met through a state’s participation in the Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring network, which is used to measure visibility impairment caused by air pollution at the 156 Class I areas covered by the visibility program.⁹⁷ The Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring data is used to determine the 20 percent most anthropogenically

impaired and 20 percent clearest sets of days every year at each Class I area and tracks visibility impairment over time.

All states’ SIPs must provide for procedures by which monitoring data and other information are used to determine the contribution of emissions from within the state to regional haze visibility impairment in affected Class I areas.⁹⁸ Section 51.308(f)(6)(v) further requires that all states’ SIPs provide for a statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment in any Class I area; the inventory must include emissions for the most recent year for which data are available and estimates of future projected emissions. States must also include commitments to update their inventories periodically. The inventories themselves do not need to be included as elements in the SIP and are not subject to the EPA review as part of the Agency’s evaluation of a SIP revision.⁹⁹ All states’ SIPs must also provide for any other elements, including reporting, recordkeeping, and other measures, that are necessary for states to assess and report on visibility.¹⁰⁰ Per the 2019 Guidance, a state may note in its regional haze SIP that its compliance with the Air Emissions Reporting Rule (AERR) in 40 CFR part 51 Subpart A satisfies the requirement to provide for an emissions inventory for the most recent year for which data are available. To satisfy the requirement to provide estimates of future projected emissions, a state may explain in its SIP how projected emissions were developed for use in establishing RPGs for its own and nearby Class I areas.¹⁰¹

Separate from the requirements related to monitoring for regional haze purposes under 40 CFR 51.308(f)(6), the RHR also contains a requirement at 40 CFR 51.308(f)(4) related to any additional monitoring that may be needed to address visibility impairment in Class I areas from a single source or a small group of sources. This is called “reasonably attributable visibility impairment.”¹⁰² Under this provision, if the EPA or the FLM of an affected Class I area has advised a state that additional monitoring is needed to assess reasonably attributable visibility

⁹¹ 40 CFR 51.308(f)(3)(iii).

⁹² 2019 Guidance, p. 46.

⁹³ See 40 CFR 51.308(f)(1)(i), 82 FR 3097–98.

⁹⁴ 40 CFR 51.308(f)(3)(ii).

⁹⁵ See 2019 Guidance, pp. 50–51.

⁹⁶ See 82 FR 3093, 3099–3100; 2019 Guidance, p. 22; 2021 Clarifications Memo, pp. 15–16.

⁹⁷ 40 CFR 51.308(f)(6), (f)(6)(i), (f)(6)(iv).

⁹⁸ 40 CFR 51.308(f)(6)(ii), (iii).

⁹⁹ See “Step 8: Additional requirements for regional haze SIPs” in 2019 Guidance, p. 55.

¹⁰⁰ 40 CFR 51.308(f)(6)(vi).

¹⁰¹ *Id.*

¹⁰² The EPA’s visibility protection regulations define “reasonably attributable visibility impairment” as “visibility impairment that is caused by the emission of air pollutants from one, or a small number of sources.” 40 CFR 51.301.

impairment, the state must include in its SIP revision for the second implementation period an appropriate strategy for evaluating such impairment.

F. Requirements for Periodic Reports Describing Progress Towards the Reasonable Progress Goals

Section 51.308(f)(5) requires a state's regional haze SIP revision to address the requirements of paragraphs 40 CFR 51.308(g)(1) through (5) so that the plan revision due in 2021 will serve also as a progress report addressing the period since submission of the progress report for the first implementation period. The regional haze progress report requirement is designed to inform the public and the EPA about a state's implementation of its existing long-term strategy and whether such implementation is in fact resulting in the expected visibility improvement.¹⁰³ To this end, every state's SIP revision for the second implementation period is required to describe the status of implementation of all measures included in the state's long-term strategy, including BART and reasonable progress emission reduction measures from the first implementation period, and the resulting emissions reductions.¹⁰⁴

A core component of the progress report requirements is an assessment of changes in visibility conditions on the clearest and most impaired days. For second implementation period progress reports, section 51.308(g)(3) requires states with Class I areas within their borders to first determine current visibility conditions for each area on the most impaired and clearest days,¹⁰⁵ and then to calculate the difference between those current conditions and baseline (2000–2004) visibility conditions to assess progress made to date.¹⁰⁶ States must also assess the changes in visibility impairment for the most impaired and clearest days since they submitted their first implementation period progress reports.¹⁰⁷ Since different states submitted their first implementation period progress reports at different times, the starting point for this assessment will vary state by state.

Similarly, states must provide analyses tracking the change in emissions of pollutants contributing to visibility impairment from all sources and activities within the state over the period since they submitted their first

implementation period progress reports.¹⁰⁸ Changes in emissions should be identified by the type of source or activity. Section 51.308(g)(5) also addresses changes in emissions since the period addressed by the previous progress report and requires states' SIP revisions to include an assessment of any significant changes in anthropogenic emissions within or outside the state. This assessment must explain whether these changes in emissions were anticipated and whether they have limited or impeded progress in reducing emissions and improving visibility relative to what the state projected based on its long-term strategy for the first implementation period.

G. Requirements for State and Federal Land Manager Coordination

Clean Air Act section 169A(d) requires that before a state holds a public hearing on a proposed regional haze SIP revision, it must consult with the appropriate FLM or FLMs; pursuant to that consultation, the state must include a summary of the FLMs' conclusions and recommendations in the notice to the public. Consistent with this statutory requirement, the RHR also requires that states "provide the [FLM] with an opportunity for consultation, in person and at a point early enough in the State's policy analyses of its long-term strategy emission reduction obligation so that information and recommendations provided by the [FLM] can meaningfully inform the State's decisions on the long-term strategy."¹⁰⁹ Consultation that occurs 120 days prior to any public hearing or public comment opportunity will be deemed "early enough," but the RHR provides that in any event the opportunity for consultation must be provided at least 60 days before a public hearing or comment opportunity. This consultation must include the opportunity for the FLMs to discuss their assessment of visibility impairment in any Class I area and their recommendations on the development and implementation of strategies to address such impairment.¹¹⁰ For the EPA to evaluate whether FLM consultation meeting the requirements of the RHR has occurred, the SIP submission should include documentation of the timing and content of such consultation. The SIP revision submitted to the EPA must also describe how the state addressed any comments provided by the FLMs.¹¹¹

Finally, a SIP revision must provide procedures for continuing consultation between the state and FLMs regarding the state's visibility protection program, including development and review of SIP revisions, five-year progress reports, and the implementation of other programs having the potential to contribute to impairment of visibility in Class I areas.¹¹²

IV. The EPA's Evaluation of California's Regional Haze Submission for the Second Implementation Period

A. Background on California's First Implementation Period SIP Submission

California submitted its initial regional haze plan under 40 CFR 51.308 to the EPA on March 16, 2009 (hereinafter "2009 Submittal"). The EPA approved the 2009 Submittal on June 14, 2011.¹¹³ On June 16, 2014, California submitted its Progress Report to meet the requirements of 40 CFR 51.308(g) and (h). The EPA approved the Progress Report on April 1, 2015.¹¹⁴

B. California's Second Implementation Period SIP Submission

In accordance with CAA sections 169A and the RHR at 40 CFR 51.308(f), on August 9, 2022, CARB submitted a revision to the California SIP to address its regional haze obligations for the second implementation period, which runs through 2028. California made its 2022 Regional Haze Plan available for public comment on May 13, 2022. CARB received and responded to public comments.¹¹⁵

The following sections describe the Plan, including analyses conducted by the WRAP and CARB, CARB's assessment of progress made since the first implementation period in reducing emissions of visibility impairing pollutants, and the visibility improvement progress at its Class I areas and nearby Class I areas. This notice also contains the EPA's evaluation of the Plan against the requirements of the CAA and RHR for the second implementation period of the regional haze program.

C. Identification of Class I Areas

Section 169A(b)(2) of the CAA requires each state in which any Class I area is located or "the emissions from which may reasonably be anticipated to cause or contribute to any impairment

¹⁰³ See 81 FR 26942, 26950 (May 4, 2016); 82 FR 3119 (January 10, 2017).

¹⁰⁴ 40 CFR 51.308(g)(1) and (2).

¹⁰⁵ 40 CFR 51.308(g)(3)(i)(B).

¹⁰⁶ See 40 CFR 51.308(g)(3)(ii)(B).

¹⁰⁷ See 40 CFR 51.308(g)(3)(iii)(B), (f)(5).

¹⁰⁸ See 40 CFR 51.308(g)(4), (f)(5).

¹⁰⁹ 40 CFR 51.308(i)(2).

¹¹⁰ 40 CFR 51.308(i)(2).

¹¹¹ 40 CFR 51.308(i)(3).

¹¹² 40 CFR 51.308(i)(4).

¹¹³ 76 FR 34608.

¹¹⁴ 80 FR 17327.

¹¹⁵ Public comments and CARB responses are available on the CARB website at <https://ww2.arb.ca.gov/sites/default/files/2023-01/RegionalHazeResponseToPublicComments.pdf>.

of visibility” in a Class I area to have a plan for making reasonable progress toward the national visibility goal. The RHR implements this statutory requirement at 40 CFR 51.308(f), which provides that each state’s plan “must address regional haze in each mandatory Class I Federal area located within the State and in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State,” and (f)(2), which requires each state’s plan to include a long-term strategy that addresses regional haze in such Class I areas.

The EPA explained in the 1999 RHR preamble that the CAA section 169A(b)(2) requirement that states submit SIPs to address visibility impairment establishes “an ‘extremely low triggering threshold’ in determining which States should submit SIPs for regional haze.”¹¹⁶ In concluding that each of the contiguous 48 states and the District of Columbia meet this threshold,¹¹⁷ the EPA relied on “a large body of evidence demonstrat[ing] that long-range transport of fine PM contributes to regional haze,”¹¹⁸ including modeling studies that “preliminarily demonstrated that each State not having a Class I area had emissions contributing to impairment in at least one downwind Class I area.”¹¹⁹ In addition to the technical evidence supporting a conclusion that each state contributes to *existing* visibility impairment, the EPA also explained that the second half of the national visibility goal—preventing *future* visibility impairment—requires having a framework in place to address future growth in visibility-impairing emissions and makes it inappropriate to “establish criteria for excluding States or geographic areas from consideration as potential contributors to regional haze visibility impairment.”¹²⁰ Thus, the EPA concluded that the agency’s “statutory authority and the scientific evidence are sufficient to require all States to develop regional haze SIPs to

ensure the prevention of any future impairment of visibility, and to conduct further analyses to determine whether additional control measures are needed to ensure reasonable progress in remedying existing impairment in downwind Class I areas.”¹²¹ The EPA’s 2017 revisions to the RHR did not disturb this conclusion.¹²²

California has 29 Class I areas within its borders: Redwood National Park; Marble Mountain Wilderness; Lava Beds National Monument; South Warner Wilderness; Thousand Lakes Wilderness; Lassen Volcanic National Park; Caribou Wilderness; Yolla Bolly-Middle Eel Wilderness (includes land managed by the U.S. Bureau of Land Management); Point Reyes National Seashore; Ventana Wilderness; Pinnacles National Monument; Desolation Wilderness; Mokelumne Wilderness; Emigrant Wilderness; Hoover Wilderness; Yosemite National Park; Ansel Adams Wilderness; Kaiser Wilderness; John Muir Wilderness; Kings Canyon National Park; Sequoia National Park; Dome Lands Wilderness; San Rafael Wilderness; San Gabriel Wilderness; Cucamonga Wilderness; San Geronio Wilderness; San Jacinto Wilderness; Agua Tibia Wilderness; and Joshua Tree National Park.

In its submission, CARB also briefly assessed the contribution of emissions from California to visibility impairment at Class I areas in three neighboring states: Oregon, Nevada, and Arizona.¹²³ CARB noted that the projected share of ammonium nitrate and ammonium sulfate attributable to California sources ranges from 0.1 to 1.7 percent and 0.1 to 1.0 percent, respectively, of the total light extinction budgets at Class I areas in neighboring states.¹²⁴ These total light extinction budgets include international and natural emissions, which cannot be addressed by states, and therefore do not provide a meaningful assessment of the contribution of California’s sources relative to other U.S. anthropogenic sources. CARB also did not consider whether emissions from California may affect Class I areas in any states other than its three neighboring states.¹

As discussed in further detail below, the EPA is proposing to find that the

2022 California Regional Haze Plan does not fully meet the requirements of 40 CFR 51.308(f)(2) related to the development of a long-term strategy. Relatedly, the State failed to identify specific out-of-state Class I areas may be affected by emissions from California.

D. Calculations of Baseline, Current, and Natural Visibility Conditions; Progress to Date; and the Uniform Rate of Progress

Section 51.308(f)(1) requires states to determine the following for “each mandatory Class I Federal area located within the State”: baseline visibility conditions for the most impaired and clearest days, natural visibility conditions for the most impaired and clearest days, progress to date for the most impaired and clearest days, the differences between current visibility conditions and natural visibility conditions, and the URP. This section also provides the option for states to propose adjustments to the URP line for a Class I area to account for visibility impacts from anthropogenic sources outside the United States and/or the impacts from wildland prescribed fires that were conducted for certain, specified objectives.¹²⁵

In the 2022 California Regional Haze Plan, CARB used visibility data from IMPROVE monitoring sites for 2000–2004 for baseline visibility.¹²⁶ CARB also obtained visibility data from IMPROVE monitoring data for 2014–2018, which it used to represent current visibility conditions. CARB determined natural visibility by estimating the natural concentrations of visibility-impairing pollutants and then calculating total light extinction with the IMPROVE algorithm. Comparison of baseline conditions to natural visibility conditions shows the improvement necessary to attain natural visibility by 2064 measured in deciviews of improvement per year that represents the URP. The calculations of baseline, current, and natural visibility conditions, as well as the progress to date and differences between current visibility condition and natural visibility condition can be found in Chapter 2 of the 2022 California Regional Haze Plan and are summarized in tables 1 and 2 of this document.

¹¹⁶ 64 FR at 35721.

¹¹⁷ The EPA determined that “there is more than sufficient evidence to support our conclusion that emissions from each of the 48 contiguous states and the District of Columbia may reasonably be anticipated to cause or contribute to visibility impairment in a Class I area.” 64 FR at 35721. Hawaii, Alaska, and the U.S. Virgin Islands must also submit regional haze plans because they contain Class I areas.

¹¹⁸ *Id.*

¹¹⁹ *Id.* at 35722.

¹²⁰ *Id.* at 35721.

¹²¹ *Id.* at 35722.

¹²² 82 FR at 3094.

¹²³ 2022 California Regional Haze Plan, pp. 64–68.

¹²⁴ *Id.* at 64.

¹²⁵ 40 CFR 51.308(f)(1)(vi)(B).

¹²⁶ Plan, p. 22.

TABLE 1—VISIBILITY CONDITIONS FOR CLEAREST DAYS
[dv]

IMPROVE site	Class I areas	Baseline	Current	Progress to date	Natural	Difference
LABE1	Lava Beds National Monument	3.2	2.5	0.7	1.3	1.2
	South Warner Wilderness Area					
REDW1	Redwood National Park	6.1	5.3	0.8	3.5	1.8
TRIN1	Marble Mountain Wilderness	3.4	3.1	0.3	1.2	1.9
	Yolla Bolly-Middle Eel Wilderness Area					
LAVO1	Caribou Wilderness Area	2.7	2.2	0.5	1.0	1.2
	Lassen Volcanic National Park					
	Thousand Lakes Wilderness					
BLIS1	Desolation Wilderness Area	2.5	1.8	0.7	0.4	1.4
	Mokelumne Wilderness Area					
PORE1	Point Reyes National Seashore	10.5	8.2	2.3	4.8	3.4
YOSE1	Emigrant Wilderness Area	3.4	2.9	0.5	1.0	1.9
	Yosemite National Park					
HOOV1	Hoover Wilderness Area	1.4	1.0	0.4	0.1	0.9
KAIS1	Ansel Adams Wilderness Area	2.3	1.5	0.8	0.0	1.5
	John Muir Wilderness Area					
	Kaiser Wilderness Area					
PINN1	Pinnacles National Park	8.9	7.7	1.2	3.5	4.2
	Ventana Wilderness Area					
SEQU1	Kings Canyon National Park	8.8	7.0	1.8	2.3	4.7
	Sequoia National Park					
RAFA1	San Rafael Wilderness Area	6.5	4.9	1.6	1.8	3.1
DOME1	Domeland Wilderness Area	5.1	4.4	0.7	1.2	3.2
SAGA1	Cucamonga Wilderness Area	4.8	2.8	2.0	0.4	2.4
	San Gabriel Wilderness Area					
SAGO1	San Geronio Wilderness Area	5.4	3.3	2.1	1.2	2.1
	San Jacinto Wilderness Area					
JOSH1	Joshua Tree National Park	6.1	4.7	1.4	1.7	3.0
AGTI1	Agua Tibia Wilderness Area	9.6	7.0	2.6	2.9	4.1

Source: 2022 California Regional Haze Plan, 38, Tables 2–3, 2–4, 2–6, 2–7, 2–9 and 2–10. Baseline conditions are for 2000–2004. Current Conditions are for 2014–2018. Progress to date is Baseline Minus Current. Difference is Current minus Natural Conditions.

TABLE 2—VISIBILITY CONDITIONS FOR MOST-IMPAIRED DAYS
[dv]

IMPROVE site	Class I areas	Baseline	Current	Progress to date	Natural	Difference
LABE1	Lava Beds National Monument	11.3	9.7	1.6	6.2	3.5
	South Warner Wilderness Area					
REDW1	Redwood National Park	13.7	12.6	1.1	8.6	4.0
TRIN1	Marble Mountain Wilderness	11.9	10.4	1.5	6.5	3.9
	Yolla Bolly-Middle Eel Wild. Area					
LAVO1	Caribou Wilderness Area	11.5	10.2	1.3	6.1	4.1
	Lassen Volcanic National Park					
	Thousand Lakes Wilderness					
BLIS1	Desolation Wilderness Area	10.1	9.3	0.8	4.9	4.4
	Mokelumne Wilderness Area					
PORE1	Point Reyes National Seashore	19.4	15.3	4.1	9.7	5.6
YOSE1	Emigrant Wilderness Area	13.5	11.6	1.9	6.3	5.3
	Yosemite National Park					
HOOV1	Hoover Wilderness Area	8.9	7.8	1.1	4.9	2.9
KAIS1	Ansel Adams Wilderness Area	12.9	11.0	1.9	6.1	4.9
	John Muir Wilderness Area					
	Kaiser Wilderness Area					
PINN1	Pinnacles National Park	17.0	14.1	2.9	6.9	7.2
	Ventana Wilderness Area					
SEQU1	Kings Canyon National Park	23.2	18.4	4.8	6.3	12.1
	Sequoia National Park					
RAFA1	San Rafael Wilderness Area	17.3	14.1	3.2	6.8	7.3
DOME1	Domeland Wilderness Area	17.2	15.1	2.1	6.2	8.9
SAGA1	Cucamonga Wilderness Area	17.9	13.2	4.7	6.1	7.1
	San Gabriel Wilderness Area					
SAGO1	San Geronio Wilderness Area	20.4	14.4	6.0	6.2	8.2
	San Jacinto Wilderness Area					
JOSH1	Joshua Tree National Park	17.7	12.9	4.8	6.1	6.8

TABLE 2—VISIBILITY CONDITIONS FOR MOST-IMPAIRED DAYS—Continued
[dv]

IMPROVE site	Class I areas	Baseline	Current	Progress to date	Natural	Difference
AGTI1	Agua Tibia Wilderness Area	21.6	16.3	5.3	7.7	8.6

Source: 2022 California Regional Haze Plan, Tables 2–3, 2–5, 2–6, 2–8, 2–9 and 2–11. Baseline conditions are for 2000–2004. Current Conditions are for 2014–2018. Progress to date is Baseline Minus Current. Difference is Current minus Natural Conditions.

CARB chose to adjust its URP for international anthropogenic impacts and to account for the impacts of wildland prescribed fires using adjustments developed by the WRAP.¹²⁷ The WRAP/WAQS Regional Haze modeling platform used scaled 2014 NEI wildland prescribed fire data for purposes of calculating the URP adjustments. WRAP used the results from the CAMx 2028OTBa2 High-Level Source Apportionment run to obtain concentrations due to international emissions and to prescribed fire. These concentrations were then used in a

relative sense to estimate the contributions for use in adjusting the URP. That is, the modeled relative effect of removing their emissions (relative response factors) was applied to projections of 2028 concentrations. The resulting concentration decrease was taken as the contribution of these sources. The international and prescribed fire contributions were therefore calculated in a fashion consistent with each other and with the 2028 projections. This approach is consistent with the default method described in the EPA's September 2019

regional haze modeling Technical Support Document ("EPA 2019 Modeling TSD")¹²⁸ and with the source apportionment approach described in the EPA's 2018 Visibility Tracking Guidance.¹²⁹ Two different adjusted glidepath options, "International Emissions Only (A)" and "International Emissions + Wildland Rx Fire (B)", were made available on the WRAP Technical Support System (TSS)¹³⁰ to adjust the URP glidepath end points projections at 2064 for Class I Federal areas on the most impaired days.

TABLE 3—URP FOR MOST-IMPAIRED DAYS
[dv/year]

IMPROVE site	Class I area	Unadjusted URP	Adjusted URP
LABE1	Lava Beds National Monument	0.09	0.07
	South Warner Wilderness Area		
REDW1	Redwood National Park	0.09	0.07
TRIN1	Marble Mountain Wilderness Area	0.09	0.05
	Yolla Bolly-Middle Eel Wilderness Area		
LAVO1	Thousand Lakes Wilderness Area	0.09	0.06
	Lassen Volcanic National Park		
	Caribou Wilderness Area		
BLIS1	Desolation Wilderness Area	0.09	0.06
	Mokelumne Wilderness Area		
PORE1	Point Reyes National Seashore	0.16	0.14
YOSE1	Emigrant Wilderness Area	0.12	0.08
	Yosemite National Park		
HOOV1	Hoover Wilderness Area	0.07	0.03
KAIS1	Ansel Adams Wilderness Area	0.11	0.06
	John Muir Wilderness Area		
	Kaiser Wilderness Area		
PINN1	Pinnacles National Park	^a 0.11	0.13
	Ventana Wilderness Area		
SEQU1	Kings Canyon National Park	0.28	0.21
	Sequoia National Park		
RAFA1	San Rafael Wilderness Area	0.18	0.14
DOME1	Domeland Wilderness Area	0.18	0.13
SAGA1	San Gabriel Wilderness Area	0.20	0.17
	Cucamonga Wilderness Area		
SAGO1	San Geronio Wilderness Area	0.24	0.20
	San Jacinto Wilderness Area		
JOSH1	Joshua Tree National Park	0.19	0.15
AGTI1	Agua Tibia Wilderness Area	0.23	0.18

Source: 2022 California Regional Haze Plan, Tables 8–3, 8–4, 8–5.

¹²⁷ Plan, pp. 51, 135–136.

¹²⁸ Memorandum from Richard A. Wayland, Director, Air Quality Assessment Division, EPA, to Regional Air Division Directors, Subject: "Availability of Modeling Data and Associated Technical Support Document for the EPA's Updated 2028 Visibility Air Quality Modeling," September 19, 2019, available at <https://www.epa.gov/visibility/technical-support-document-epas-updated-2028-regional-haze-modeling>.

¹²⁹ Memorandum from Richard A. Wayland, Director, Air Quality Assessment Division, EPA, to Regional Air Division Directors, Subject: "Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze

Program," December 20, 2018, available at https://www.epa.gov/sites/default/files/2018-12/documents/technical_guidance_tracking_visibility_progress.pdf.

¹³⁰ WRAP Technical Support System, <http://views.cira.colostate.edu/tssv2/>.

^a The unadjusted URP for the PINN1 IMPROVE monitor reported in the Plan appears to have been incorrectly transcribed from its source. The reported value of 0.11 dv/year should actually be 0.17 dv/year, based on the 2004 and the 2024 natural conditions endpoint data reported in the WRAP TSS. This error does not affect other calculations or conclusions in the Plan.

We propose to find that the 2022 California Regional Haze Plan meets the requirements of 40 CFR 51.308(f)(1) related to the calculations of baseline, current, and natural visibility conditions; progress to date; differences between current visibility conditions and natural visibility conditions, and the uniform rate of progress for each of its Class I areas for the second implementation period. We also propose to find that CARB has estimated the impacts from anthropogenic sources outside the United States and wildland prescribed fires using scientifically valid data and methods.

E. Long-Term Strategy for Regional Haze

Each state having a Class I area within its borders or emissions that may affect visibility in a Class I area must develop a long-term strategy for making reasonable progress towards the national visibility goal.¹³¹ As explained in the Background section of this notice, reasonable progress is achieved when all states contributing to visibility impairment in a Class I area are implementing the measures determined—through application of the four statutory factors to sources of visibility impairing pollutants—to be necessary to make reasonable progress.¹³² Each state's long-term strategy must include the enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress.¹³³ All new (*i.e.*, additional) measures that are the outcome of four-factor analyses are necessary to make reasonable progress and must be in the long-term strategy. If the outcome of a four-factor analysis and other measures necessary to make reasonable progress is that no new measures are reasonable for a source, that source's existing measures are necessary to make reasonable progress, unless the state can demonstrate that the source will continue to implement those measures and will not increase its emission rate. Existing measures that are necessary to make reasonable progress must also be in the long-term strategy. In developing its long-term strategies, a state must also consider the five additional factors in section 51.308(f)(2)(iv). As part of its reasonable progress determinations, the state must describe the criteria used to determine which sources or group of

sources were evaluated (*i.e.*, subjected to four-factor analysis) for the second implementation period and how the four factors were taken into consideration in selecting the emission reduction measures for inclusion in the long-term strategy.¹³⁴

The consultation requirements of section 51.308(f)(2)(ii) provide that states must consult with other states that are reasonably anticipated to contribute to visibility impairment in a Class I area to develop coordinated emission management strategies containing the emission reductions measures that are necessary to make reasonable progress. Section 51.308(f)(2)(ii)(A) and (B) require states to consider the emission reduction measures identified by other states as necessary for reasonable progress and to include agreed upon measures in their SIPs, respectively. Section 51.308(f)(2)(ii)(C) speaks to what happens if states cannot agree on what measures are necessary to make reasonable progress.

Section 51.308(f)(2)(iii) requires that the emissions information considered to determine the measures that are necessary to make reasonable progress include information on emissions for the most recent year for which the state has submitted triennial emissions data to the EPA (or a more recent year), with a 12-month exemption period for newly submitted data.

The following sections summarize how the 2022 California Regional Haze SIP addressed the requirements of section 51.308(f)(2) and the EPA's evaluation with respect to these requirements.

1. Determination of Which Pollutants To Consider

To evaluate which pollutants had the largest impact at California's Class I areas, CARB considered light extinction budgets that showed the relative contribution from different pollutants measured during 2014–2018 at IMPROVE monitors in the State. Overall (including both U.S. and non-U.S. sources) CARB found that, on the most impaired days, ammonium nitrate and ammonium sulfate comprised the largest portion of the light extinction budgets at sites near urban areas, while ammonium sulfate and organic mass formed the largest portion of light extinction budgets at sites further from

urban areas.¹³⁵ When looking only at U.S. anthropogenic sources, CARB concluded that ammonium nitrate was generally the dominant visibility reducing PM species, comprising an average of 49 percent of light extinction at Class I areas in California during 2014–2018.¹³⁶ CARB also noted that, in prospective light extinction budgets developed for 2028, ammonium nitrate comprises an average of 38 percent of light extinction at Class I areas in California. Based on these considerations, CARB chose to focus its long-term strategy solely on NO_x, which is considered the limiting precursor for ammonium nitrate.

While we support CARB's focus on impacts from U.S. anthropogenic emissions, we find that its determination to focus its regional haze control strategy exclusively on NO_x during this planning period is not adequately supported. The conclusion that NO_x is the dominant visibility reducing PM species is not true for all of California's Class I areas, even when considering only U.S. anthropogenic sources. For example, prospective U.S. light extinction budgets for the most impaired days in 2028 indicate that at TRIN1 (representing Marble Mountain Wilderness and Yolla Bolly-Middle Eel Wilderness Area), BLIS1 (representing Desolation Wilderness Area and Mokelumne Wilderness Area), and JOSH1 (representing Joshua Tree National Park), the contribution from U.S. anthropogenic sources from organic mass will exceed the contribution from ammonium nitrate on the most impaired days.¹³⁷ And, even for the monitors where ammonium nitrate is projected to have the largest contribution in 2028, contributions from other species, such as organic matter and ammonium sulfate, may be significant as well. For example, in the prospective U.S. anthropogenic light extinction budgets for the most impaired days in 2028, the contribution from organic matter exceeds 20% of total impairment at nine monitors, and the contribution from ammonium sulfate exceeds 20% at one monitor.¹³⁸

In addition, CARB has not adequately considered whether anthropogenic emissions of other pollutants from

¹³¹ CAA 169A(b)(2)(B).

¹³² 40 CFR 51.308(f)(2)(i).

¹³³ 40 CFR 51.308(f)(2).

¹³⁴ 40 CFR 51.308(f)(2)(iii).

¹³⁵ 2022 California Regional Haze Plan, pp. 69–70.

¹³⁶ *Id.* at 72.

¹³⁷ 2022 California Regional Haze Plan, p. 73, Figure 5–5.

¹³⁸ *Id.*

California may contribute significantly to visibility impairment at out-of-state Class I areas.¹³⁹ For example, ammonium sulfate constitutes a greater share of the total extinction budget than ammonium nitrate at all of the Class I areas in neighboring states.¹⁴⁰ In addition, modeling results available from the WRAP TSS¹⁴¹ how that for ammonium sulfate from anthropogenic SO₂ emissions, California industrial point sources (nonEGUs) have the largest contribution to impairment of any state/source category combination for three Class I areas in other States: Zion, Bryce Canyon, and Grand Canyon National Parks. Further, the California nonEGU contribution is comparable to that from Arizona nonEGUs for the Mazatzal, Sierra Ancha, and Sycamore Wilderness Areas in Arizona, and comparable to the EGU contribution at Capitol Reef National Park.

For these reasons, it is not clear that ammonium nitrate is the dominant species resulting from U.S. anthropogenic emissions at all Class I areas affected by emissions from California and therefore, we determine that it was unreasonable for CARB not to conduct any evaluation of potential controls for the other pollutants.

2. Source Selection

In the Plan, CARB states that its source selection goal for this regional haze plan was to consider sources that accounted for at least 50 percent of the NO_x emissions in the inventory, considering both 2014 and 2017 emissions inventories. Noting the significant role of mobile source emissions in California and the State's authority to establish emissions standards for certain mobile sources, CARB chose to focus its source-selection

process on mobile sources, but also considered stationary sources.

a. Mobile Sources

CARB provided a summary of 2017 and projected 2028 NO_x emissions in tons per day (tpd) from various mobile source sectors in table 5–1 of the Plan, which is reproduced as table 4 of this document. Based on these data, CARB selected light and medium-duty vehicles, heavy-duty trucks, off-road equipment, trains, and ocean-going vessels for four-factor analysis, explaining that emissions from these five source groups account for 60 percent of NO_x emissions in the 2017 inventory and are projected to account for 50 percent of NO_x emissions in 2028.¹⁴² CARB also noted that it did not select aircraft for analysis because Federal action would be needed to address this source category.

TABLE 4—CARB MOBILE SOURCE SECTOR EMISSIONS

Sector description	2017 Emissions (tpd)	Projected 2028 emissions (tpd)
On-Road: Heavy-Duty Trucks	409	227
On-Road: Light & Medium-Duty Trucks	111	31
On-Road: Light-Duty Passenger	70	26
On-Road: Other (Buses, Motorcycles, Motorhomes)	29	18
Off-Road: Off-Road Equipment	222	132
Off-Road: Trains	78	37
Off-Road: Aircraft	46	59
Off-Road: Ocean-Going Vessels	28	37
Off-Road: Commercial Harbor Craft	19	18
Off-Road: Recreational Boats	16	13
Off-Road: Recreational Vehicles	1	1

With respect to NO_x emissions from mobile sources specifically, we find that CARB selected a reasonable set of source categories for four-factor analysis. However, as discussed in section IV.E.3.a of this document, we find that CARB did not adequately analyze and consider the four factors in relation to these source categories.

b. Stationary Sources

CARB conducted a four-step process to select sources for four-factor analysis:

- *Step 1:* Calculate NO_x emissions (Q) in tons divided by distance (d) in km

(Q/d) and screen in facilities with a NO_x Q/d greater than five for further consideration.

- *Step 2:* Review device level emissions inventories and screen out sources if actual emissions or emissions under State or local jurisdiction resulted in a Q/d less than five.

- *Step 3:* Review existing controls, planned controls, and proposed operational changes. Screen out sources if this information indicated that a full four factor analysis would likely result in the conclusion that reasonable controls are in place.

- *Step 4:* Proceed with consideration and evaluation of four statutory factors.

We evaluate steps 1–3 of CARB's analysis in this section and step 4 in section IV.E.3.b of this document.

In step 1 of its stationary source screening process, CARB calculated NO_x-only Q/d values using 2017 NEI NO_x emissions data and the distance between a stationary source and Class I areas and selected the sources with a Q/d value greater than 5. The results of this analysis are summarized in table G–1 of the Plan, which is reproduced as Table 5 of this document.

TABLE 5—STATIONARY SOURCES SELECTED AT STEP 1

Facility name	Location with maximum Q/d	Distance (km)	2017 NEI (tpy)	Q/d
Chevron Products Company	Point Reyes National Seashore	28	737	26.4
Lehigh Southwest Cement Company	Point Reyes National Seashore	86	1208	14.0
Oakland Metropolitan International Airport	Point Reyes National Seashore	50	1262	25.4

¹³⁹ See 40 CFR 51.308(f)(2).

¹⁴⁰ 2022 California Regional Haze Plan, pp. 65–67.

¹⁴¹ WRAP Technical Support System, Modeling Express Tools, “WRAP State Source Group Contributions—U.S. Anthro”, [http://](http://views.cira.colostate.edu/tssv2/Express/ModelingTools.aspx)

views.cira.colostate.edu/tssv2/Express/ModelingTools.aspx.

¹⁴² Id. at 75–76.

TABLE 5—STATIONARY SOURCES SELECTED AT STEP 1—Continued

Facility name	Location with maximum Q/d	Distance (km)	2017 NEI (tpy)	Q/d
Phillips 66 Carbon Plant	Point Reyes National Seashore	43	360	8.5
Phillips 66 Company—San Francisco Refinery ...	Point Reyes National Seashore	43	218	5.1
San Francisco International Airport	Point Reyes National Seashore	45	5105	113.4
San Jose Airport—Norman Y Mineta	Point Reyes National Seashore	92	884	9.6
Shell Martinez Refinery (now owned by PBF)	Point Reyes National Seashore	53	916	17.2
Tesoro Refining & Marketing Company Llc	Point Reyes National Seashore	57	360	6.3
Valero Refining Company	Point Reyes National Seashore	52	1013	19.3
CalPortland Cement—Mojave Plant	Domeland Wilderness Area	75	1531	20.5
Granite Construction—Lee Vining	Ansel Adams Wilderness Area	6	31	5.2
Kirkwood Powerhouse	Mokelumne Wilderness Area	1	10	16.6
Cal Portland Oro Grande (formerly Riverside)	Cucamonga Wilderness Area	41	1141	27.9
Cemex—Black Mountain Quarry	San Geronio Wilderness Area	53	5420	101.6
Mitsubishi Cement	San Geronio Wilderness Area	33	1944	59.7
Searles Valley Mineral	Domeland Wilderness Area	71	1517	21.3
Arcata	Redwood National Park	17	163	9.7
Collins Pine Co	Caribou Wilderness Area	12	129	10.4
Sierra Pacific Industries—Quincy	Caribou Wilderness Area	59	392	6.6
Sacramento International Airport	Desolation Wilderness Area	117	737	6.3
San Diego International-Lindberg	Agua Tibia Wilderness Area	74	1580	21.3
Burney Forest Products	Thousand Lakes Wilderness Area	17	190	11.2
Lehigh Southwest Cement Company	Thousand Lakes Wilderness Area	56	603	10.7
Sierra Pacific Industries—Burney	Thousand Lakes Wilderness Area	18	157	8.9
Wheelabrator Shasta E.C.I	Yolla Bolly-Middle Eel Wilderness Area	57	536	9.4
Bob Hope Airport	San Gabriel Wilderness Area	31	375	12.0
California Steel Industries Inc	Cucamonga Wilderness Area	16	125	7.8
Chevron Products Co	San Gabriel Wilderness Area	52	729	14.0
Desert View Power	Joshua Tree National Park	24	189	7.8
John Wayne Airport	Cucamonga Wilderness Area	62	698	11.3
Long Beach Daugherty Field Airport	San Gabriel Wilderness Area	49	308	6.3
Los Angeles International Airport	San Gabriel Wilderness Area	49	7836	159.0
New-Indy Ontario, Llc	Cucamonga Wilderness Area	18	137	7.5
Ontario International Airport	Cucamonga Wilderness Area	17	679	40.2
Palm Springs International Airport	San Jacinto Wilderness Area	10	159	16.4
Phillips 66 Co/La Refinery Wilmington Pl	San Gabriel Wilderness Area	58	471	8.1
Phillips 66 Company/Los Angeles Refinery	San Gabriel Wilderness Area	53	391	7.3
Tamco	Cucamonga Wilderness Area	13	108	8.3
Tesoro Refining & Marketing (Carson)	San Gabriel Wilderness Area	51	661	13.0
Tesoro Refining and Marketing (Wilmington)	San Gabriel Wilderness Area	54	749	13.8
Torrance Refining (formerly Exxon Mobil)	San Gabriel Wilderness Area	52	924	17.6

With respect to NO_x emissions from point sources specifically, we find that CARB's use of a Q/d threshold of 5 resulted in the selection of a reasonable set of sources. However, the Plan only included the emissions data and distance values for the sources that were

selected. Therefore, it was not possible for the EPA or the public to verify the emissions and distance values for sources that were not selected.

In Step 2 of its Stationary Source Screening process, CARB screened out 17 sources based on a “device-level

inventory,” where “actual emissions or emissions under State or local jurisdiction led to a Q/d less than five.”¹⁴³ The sources screened out at this stage are summarized in table 6 of this document.

TABLE 6—STATIONARY SOURCES SCREENED OUT AT STEP 2

Facility name	Rationale for screening out
Oakland Metropolitan International Airport	Vast majority of emissions are from aircraft, for which state and local agencies do not have authority to set emissions limits.
San Francisco International Airport	Vast majority of emissions are from aircraft, for which state and local agencies do not have authority to set emissions limits.
San Jose Airport—Norman Y Mineta	Vast majority of emissions are from aircraft, for which state and local agencies do not have authority to set emissions limits.
Tesoro Refining & Marketing Company Llc	The refinery has been idled since 2020 and owner is proposing to convert the refinery to a renewable fuels facility.
Granite Construction—Lee Vining	Per district staff, actual NO _x emissions from this source in 2017 were 0.5 tpy and were consistent with emissions from a typical operating year.
Kirkwood Powerhouse	In 2014, Kirkwood Meadows Public Utilities District transitioned to line power and all the generators were transitioned from prime to emergency back-up engines. Actual NO _x emissions since 2014 have been less than 0.1 tpy.

¹⁴³ Id. appendix G, p. 154.

TABLE 6—STATIONARY SOURCES SCREENED OUT AT STEP 2—Continued

Facility name	Rationale for screening out
Arcata	Vast majority of emissions are from aircraft, for which state and local agencies do not have authority to set emissions limits.
Sacramento International Airport	Vast majority of emissions are from aircraft, for which state and local agencies do not have authority to set emissions limits.
San Diego International-Lindberg	Vast majority of emissions are from aircraft, for which state and local agencies do not have authority to set emissions limits.
Bob Hope Airport	Vast majority of emissions are from aircraft, for which state and local agencies do not have authority to set emissions limits.
Desert View Power	Facility is located on Cabazon Indian Reservation land.
John Wayne Airport	Vast majority of emissions are from aircraft, for which state and local agencies do not have authority to set emissions limits.
Long Beach Daugherty Field Airport	Vast majority of emissions are from aircraft, for which state and local agencies do not have authority to set emissions limits.
Los Angeles International Airport	Vast majority of emissions are from aircraft, for which state and local agencies do not have authority to set emissions limits.
Ontario International Airport	Vast majority of emissions are from aircraft, for which state and local agencies do not have authority to set emissions limits.
Palm Springs International Airport	Vast majority of emissions are from aircraft, for which state and local agencies do not have authority to set emissions limits.
Tamco	Facility was permanently shut down in January 2021.

As with step 1, we find that CARB's determinations at step 2 were not adequately documented. In particular, CARB did not include in the Plan the device-level emissions inventory that it used to screen out sources. Thus, while we find that it was reasonable for the State to focus on emissions under State and/or local jurisdiction and to therefore screen out 12 airports and one source on tribal land, for the other screened-out sources, additional

documentation is needed to verify the basis upon which the sources were screened out.¹⁴⁴

In Step 3 of its screening process, CARB screened out 24 stationary sources based on its determination that “information about existing controls, planned controls, or planned operational changes indicated that a full four factor analysis would likely result in the conclusion that, for the purposes of the regional haze program, reasonable

controls are in place and no further reasonable controls are necessary at this time.”¹⁴⁵ The controls or measures cited by CARB in making this determination for the 24 sources include existing or anticipated controls required by currently applicable district rules, expected district rules, permit requirements, and/or consent decrees. The sources screened out at this step are shown in table 7.

TABLE 7—STATIONARY SOURCES SCREENED OUT AT STEP 3

Facility name	Rationale for screening out
Chevron Products Company	Multiple furnaces have selective catalytic reduction (SCR) units and permit limits of 40 ppm NO _x at 3% O ₂ (8-hour average). Cogeneration turbines have SCR units and emission limits of <10 ppm at 15% O ₂ (3-hour average) and 0.20 lb NO _x per million British thermal units (MMBtu) as a 30-day rolling average. Facility's operating permit includes the federal interim refinery-wide emissions limit (excluding CO boilers) of 0.20 lb NO _x /MMBtu as well as the more stringent refinery-wide emissions limit (excluding CO boilers) of 0.033 lb NO _x /MMBtu.
Lehigh Southwest Cement Company	Emission limit of 2.0 lb NO _x /ton of clinker under federal consent decree.
Phillips 66 Carbon Plant	Planned decommissioning of the plant.
Phillips 66 San Francisco Refinery	Planned conversion to facility that would process renewable feedstocks.
Shell Martinez Refinery	Turbine boiler is equipped with an SCR system and has NO _x emissions limits of less than or equal to 5 ppmv NO _x at 15% O ₂ . A 2001 EPA consent decree required optimization of NO _x emissions controls for other boilers. Boilers are also subject to Bay Area Air Quality Management District (BAAQMD) Regulation 9, Rule 10 which has been determined to meet Best Available Retrofit Control Technology (BARCT) stringency.
Valero Refining Company	NO _x emissions are controlled through SCR systems and low NO _x burners. BAAQMD Regulation 9, Rule 10 applies to heaters and boilers (except for CO boilers) at refineries and sets the refinery-wide NO _x emissions limit at 0.033 lb NO _x /MMBtu of heat input (daily average) and facility-wide federal limit of 0.20 lb NO _x /MMBtu of heat input.
Cal Portland Mojave Plant	EPA consent decree required installation of selective non-catalytic reduction (SNCR) and established an emissions limit of 2.5 lb NO _x /ton of clinker for kiln. Eastern Kern APCD Rule 425.3 found to be meet BARCT stringency.
Cemex—Black Mountain Quarry	Federal consent decree established a NO _x emission limit of 1.95 lb/ton of clinker. The kilns are also subject to Mojave Desert AQMD Rule 1161—Portland Cement Kilns, which was revised in 2018 to meet federal RACT stringency and California BARCT stringency.
Mitsubishi Cement (Cushenberry Plant)	The NO _x emissions limit for cement kiln in the Title V permit is 2.8 lb/ton of clinker.
Cal Portland Oro Grande	The NO _x emissions limit for cement kiln is 2.45 lb/ton of clinker.

¹⁴⁴ See 40 CFR 51.308(f)(2)(iii); Clarifications Memo, p. 5.

¹⁴⁵ Id. at 154.

TABLE 7—STATIONARY SOURCES SCREENED OUT AT STEP 3—Continued

Facility name	Rationale for screening out
Searles Valley Mineral	The smallest boiler complies with a best available control technology (BACT) emissions limit of 9 ppmv. All the boilers are subject to Rule 1157.1, which was adopted in 2019 to meet the AB 617 expedited BARCT requirements.
Sierra Pacific Industries—Quincy	NO _x emissions are controlled by ammonia injection.
Burney Forest Products	The boilers are equipped with an SNCR unit with anhydrous ammonia injection for NO _x control. Title V permit includes BACT emissions limits for NO _x .
Lehigh Southwest Cement Company	EPA Consent Decree limits NO _x emissions to 1.95 lb/ton clinker with combustion controls or SNCR.
Sierra Pacific Industries—Burney	NO _x emissions are controlled through ammonia injection, staged combustion controls, flue gas recirculation, and low NO _x burners when combusting natural gas at start-up/shutdown.
Wheelabrator Shasta E.C.I	NO _x emissions are controlled through ammonia injection, staged combustion controls, flue gas recirculation, and low NO _x burners when combusting natural gas at start-up/shutdown.
California Steel Industries	By January 2022, the facility is planning to replace two existing 33 MMBtu/hr boilers with two new 32.54 MMBtu/hr boilers to comply with a 5 ppm NO _x limit in South Coast AQMD Rule 1146.
Chevron Products Co	NO _x control equipment includes low NO _x burners in heaters/boilers, SCR units, and NO _x reducing catalyst in the fluid catalytic cracking unit (FCCU). Recently, the facility replaced five heater burners with low NO _x burners and the district recently received a proposal from the facility to install SCR on two large heaters. South Coast AQMD Rule 1109.1 is being developed for all NO _x emitting sources at the refineries.
New Indy Ontario LLC	New combined heat and power units placed in operation in the fall of 2019 with BACT limit of 2 ppm NO _x at 15% O ₂ . Boiler required to meet a 5 ppm NO _x and 5 ppm NH ₃ at 3% O ₂ under South Coast AQMD Rule 1146.
Phillips 66 Co/Los Angeles Refinery—Carson ...	In the last six years, equipment changes have included the installation of an SCR unit on boiler 11 and the reformer heater. South Coast AQMD Rule 1109.1 is being developed for all NO _x emitting sources at the refineries.
Phillips 66 Co/LA Refinery Wilmington	SCR was recently installed on the FCCU. Boilers and heaters are equipped with low NO _x burners. South Coast AQMD Rule 1109.1 is being developed for all NO _x emitting sources at the refineries.
Tesoro Refining and Marketing Co.—Carson and Wilmington.	FCCU shutdown at Wilmington completed in October 2018. South Coast AQMD Rule 1109.1 is being developed for all NO _x emitting sources at the refineries.
Torrance Refining (formerly ExxonMobil)	NO _x control equipment at the refinery includes low NO _x burners in heaters/boilers, SCR units, and NO _x reducing catalyst in the FCCU. South Coast AQMD Rule 1109.1 is being developed for all NO _x emitting sources at the refineries.

We find that step 3 of CARB's source selection process was flawed in several respects. First, as with steps 1 and 2, step 3 of CARB's source selection process was inadequately documented. In particular, the Plan did not include unit-specific emissions and control information for all of the sources that were screened out. In response to a request from NPS, CARB did post a device-level emissions inventory on its website.¹⁴⁶ However, this inventory provided only total annual 2017 NO_x emissions and did not include information about existing controls or emissions limitations. Without this information, it is not possible to evaluate whether all the units with significant NO_x emissions are effectively controlled. Moreover, the device-level inventory was not included in the SIP submittal.

Second, for those units where emissions limits were provided, CARB did not adequately explain why it was reasonable to assume, without conducting a four-factor analysis, that no additional controls or more stringent

emissions limitations would be reasonable. In particular, for most of the screened-out sources, CARB cited existing or expected determinations of best available retrofit control technology (BARCT) under California state law and/or determinations of reasonably available control technology (RACT) for purposes of Federal ozone requirements and/or determinations as part of the basis for screening sources out. However, while the 2019 Guidance lists more stringent controls requirements, such as BACT and lowest achievable emissions rate (LAER) determinations issued since 2013, as examples of effective controls,¹⁴⁷ it does not list RACT determinations as examples an effective control. RACT is a less stringent requirement than either BACT or LAER.¹⁴⁸ In addition, some elements

¹⁴⁷ 2019 Guidance, p. 23.

¹⁴⁸ See, e.g., Memorandum dated May 18, 2006 from William T. Harnett Director, Air Quality Policy Division, EPA, to Regional Air Division Directors, Subject: "Questions Related to RACT in 8-hour ozone implementation," answer A.1 ("BACT requires that new or modified sources adopt the best available controls and, as such, the analysis is a 'top-down' analysis that first looks at the most stringent level of control available for a source. . . . RACT requires that sources adopt controls that are reasonably available and thus they

of BARCT and RACT analyses differ from Regional Haze four-factor analyses and different cost effectiveness thresholds may apply for purposes of BARCT and RACT as compared with regional haze. For example, Eastern Kern APCD Rule 425.3 and Mojave Desert AQMD Rule 1161 establish NO_x emissions limits for RACT and BARCT that correspond to the use of combustion controls, which are generally less stringent than post-combustion controls, such as SNCR. The Staff Reports for these two rules indicate that the cost effectiveness of more stringent limits, such as limits corresponding to the use of SNCR, would range from approximately \$1,700/ton to \$4,100/ton of NO_x removed.¹⁴⁹ These \$/ton figures are within the range of what has been considered cost-effective for regional haze reasonable progress measures by many western states, including California's neighboring states of

may not be the most stringent controls that have been adopted for other similar sources.")

¹⁴⁹ Eastern Kern APCD, "Final Staff Report, Rule 425.3," March 8, 2018, p. D-2; Mojave Desert AQMD "Staff Report, Amendments to Rule 1161," January 22, 2018, appendix F.

¹⁴⁶ <https://ww2.arb.ca.gov/our-work/programs/california-state-implementation-plans/statewide-efforts/regional-haze>.

Arizona,¹⁵⁰ Nevada,¹⁵¹ and Oregon.¹⁵² Accordingly, it was not reasonable for CARB to assume that RACT and/or BARCT controls necessarily constitute effective controls for purposes of regional haze in all cases.

Instead, under these circumstances, CARB should have evaluated such controls on a case-by-case basis to determine whether it is reasonable to assume that a full four-factor analysis would likely result in the conclusion that no further controls are necessary.¹⁵³ CARB did not do so in the Plan. For example, for the Mitsubishi Cement Cushenbury Plant, the Cal Portland Mojave Plant, and the Cal Portland Oro Grande Cement Plant, CARB cited NO_x emissions limits of 2.8 lb/ton of clinker, 2.5 lb/ton of clinker, and 2.45 lb/ton of clinker, respectively.¹⁵⁴ These limits are significantly higher than the applicable limits at other cement kilns, such as National Cement Lebec Unit 042, which has a limit of 1.5 lb/ton of clinker (30-day) in its Title V Permit.¹⁵⁵ The Mitsubishi Cement kiln does not have SNCR installed.¹⁵⁶ Given that many other cement kilns have installed SNCR as a retrofit NO_x control,¹⁵⁷ we find that CARB did not adequately justify why a four-factor analysis would likely result in a determination that an emissions limit corresponding to SNCR is not necessary to make reasonable progress at this unit. The two kilns at Cal Portland Oro Grande Cement Plant have SNCR installed for “optional use,”¹⁵⁸ and the kiln at the Cal Portland Mojave Plant has SNCR installed under a Consent Decree.¹⁵⁹ However, other cement kilns in California with SNCR are subject to significantly more stringent NO_x emissions limits than the limits at these three kilns.¹⁶⁰ Accordingly, we find that CARB did not

adequately justify why four-factor analyses would likely result in a determination that no more stringent limits are necessary to make reasonable progress at these units. Similar considerations apply to other units that CARB screened out because they had installed controls constituting RACT and/or BARCT. Therefore, we find it was not reasonable for CARB to screen out units merely because they had installed controls constituting RACT and/or BARCT without further consideration of the stringency of these controls on a unit-specific basis.

Third, in some instances, CARB relied on rules that had not yet been adopted at the time of its analysis. For example, for the refineries in South Coast, CARB stated that “Rule 1109.1 is being developed for all NO_x emitting sources at the refineries.”¹⁶¹ We find it was not reasonable for CARB to screen out sources based on the expected future applicability of rules that have not yet been adopted.

Finally, for each source that was screened out based on existing effective measures, CARB should have determined whether those measures are necessary for reasonable progress. As noted in section III.C of this document and further explained in the Clarifications Memo, generally a source/category’s existing measures are needed to prevent future emissions increases and are thus needed to make reasonable progress.¹⁶² If CARB concludes that the existing controls at a particular source are necessary to make reasonable progress, CARB must adopt emissions limits based on those controls as part of its long-term strategy for the second planning period and include those limits in its SIP (to the extent they do not already exist in the SIP).¹⁶³ Alternatively, if CARB can demonstrate that the source/category will continue to implement its existing measures and will not increase its emissions rate, it may be reasonable for the State to conclude that the existing controls are not necessary to make reasonable progress. In this instance, the emissions limits may not need to be adopted into the long-term strategy and SIP.¹⁶⁴

In sum, due to a lack of documentation for steps 1–3 and inadequate justification for its determinations under step 3, we find that CARB’s source selection process for stationary sources did not adequately address the requirement of 40 CFR

51.308(f)(2)(i) to provide a description of the criteria used to select sources, or the requirement of 40 CFR 51.308(f)(2)(iii) to provide documentation of the technical basis used to determine emission reduction measures.

3. Four-Factor Analyses and Control Determinations

a. Mobile Sources

For each of the selected mobile source categories, CARB discussed control measures that had been identified in previous state plans and provided information related to the four reasonable progress factors in order “to highlight the consideration of the four reasonable progress factors embodied in CARB’s rule making process.”¹⁶⁵ CARB stated that, based on this information, it identified four control options as necessary to make reasonable progress: the Heavy-Duty Omnibus Regulation, the Heavy-Duty I/M Program Regulation, the Advanced Clean Trucks Regulation, and the Advanced Clean Cars II Regulation.¹⁶⁶

We commend CARB’s ambitious ongoing program of mobile source emissions control measures, which has been developed to meet California’s air quality, climate, and community health goals.¹⁶⁷ However, we find that, while CARB presented information about the four factors in relation to on-the-books/on-the-way mobile source requirements, CARB did not describe if or how it weighed the statutory factors to determine which controls are necessary for reasonable progress. For example, while most states have primarily considered the cost effectiveness of controls in determining which controls are necessary to make reasonable progress, CARB did not provide cost-effectiveness values for most of the control measures it considered,¹⁶⁸ nor did it indicate what level of cost effectiveness it considers to be reasonable. In the absence of such analysis and explanation, we propose find that CARB’s consideration of mobile source control measures does

¹⁶⁵ Plan, appendix H, p. 185. See also Plan pp. 83–105 and appendix H.

¹⁶⁶ Id. at 109.

¹⁶⁷ See, e.g., id. at 82 (“Integrated planning efforts focused on reducing emissions and improving air quality to meet California’s air quality, climate, and community health goals will yield meaningful progress in reducing visibility impairing PM.”)

¹⁶⁸ For the Heavy-Duty Omnibus Regulation, CARB estimated a total cost effectiveness of \$38,788/ton of NO_x in 2022–2032, and for the Heavy-Duty I/M program, CARB estimated the cost-effectiveness to be \$31,677/ton of NO_x in 2024, \$5,209/ton of NO_x in 2031, and \$4,428/ton of NO_x in 2037. CARB did not provide cost-effectiveness values for the other measures.

¹⁵⁰ 89 FR 47398, 47415 (May 31, 2024).

¹⁵¹ Nevada Division of Environmental Protection, Nevada Regional Haze State Implementation Plan for the Second Planning Period at 5–6 (August 2022), available at https://ndep.nv.gov/uploads/air-plan_mod-docs/All_SIP_Chapters.pdf (“NDEP is relying on a cost-effectiveness (\$/ton reduced) threshold of \$10,000.”)

¹⁵² 89 FR 13622, 13638 (February 23, 2024).

¹⁵³ 2019 Guidance pp. 22–23.

¹⁵⁴ Averaging times for these emissions limits were not provided.

¹⁵⁵ Permit 1128–V–2000 (Issued on 5/1/2024); Operational Condition 14.

¹⁵⁶ Permit 11800001 (Issued on 6/18/20), Condition IIA.33.

¹⁵⁷ See, e.g., EPA, Control Cost Manual, section 4, Chapter 1, Selective Noncatalytic Reduction, p. 1–5 (“SNCR was designated as BART for 11 cement kilns”).

¹⁵⁸ Permit 223900003 (Issued on 1/8/2021); (Significant Permit Modification on 6/23/2021).

¹⁵⁹ *United States of America v. CalPortland Company*, E.D. Cal. Case 1:11-at-00790, Document 2–1, filed 12/15/11.

¹⁶⁰ See table 7 of this document.

¹⁶¹ Plan appendix G, p. 180.

¹⁶² Clarifications Memo, pp. 8–10.

¹⁶³ CAA 169A(b)(2); 40 CFR 51.308(f)(2).

¹⁶⁴ 2019 Guidance p.43; Clarifications Memo, pp.8–9.

not meet the requirement of 40 CFR 52.308(2)(f)(i) to include a description of “how the four factors were taken into consideration in selecting the measures for inclusion” in the LTS or the requirement of 40 CFR 52.308(2)(f)(iii) to provide documentation of the technical basis used to determine emission reduction measures.

b. Stationary Sources

CARB provided a four-factor analysis for a single unit: a Keeler Cogeneration Boiler at the Collins Pine Company wood products and cogeneration facility in Chester. As part of this analysis, CARB considered several potential control options, but concluded that the only technically feasible options were (1) good combustion practices, which are already in effect, and (2) SNCR. After evaluating the four factors for the SNCR option, CARB determined that retrofit of the existing boiler system with an SNCR system was not reasonable because “[t]he existing boiler configuration does not provide for adequate residence time without injection of excess reagent, which is likely to lead to high levels of ammonia slip.”¹⁶⁹

CARB found that the use of good combustion practices is necessary to ensure control of NO_x emissions from the boiler at Collins Pine. CARB stated that good combustion practices are already in place at the facility and are enforceable as they are a condition of the facility’s Title V operating permit. However, CARB did not provide a demonstration that use of good combustion practices was *not* necessary to make reasonable progress. Therefore, as explained in section III.C of this document, CARB should have submitted this measure for SIP approval.

4. Conclusions

For the reasons described in the preceding sections, we propose to find that CARB failed to reasonably “evaluate and determine the emission reduction measures that are necessary to make reasonable progress” by considering the four statutory factors as required by 40 CFR 51.308(f)(2)(i) and CAA section 169A(g)(1). We also propose to find that CARB failed to

adequately document the technical basis that it relied upon to determine these emissions reduction measures, as required by 40 CFR 51.308(f)(2)(iii).

In addition, 51.308(f)(2) requires the long-term strategy to “include the enforceable emissions limitations, compliance schedules, and other measures that are necessary to make reasonable progress, as determined pursuant to (f)(2)(i) through (iv).” As described in the preceding sections, with the exception of the four mobile-source measures that CARB deemed to be necessary for reasonable progress, CARB did not clearly identify which measures it has determined were necessary to make reasonable progress. Accordingly, CARB failed to submit to the EPA a long-term strategy that includes “the enforceable emissions limitations, compliance schedules, and other measures that are necessary to make reasonable progress” as required by 40 CFR 51.308(f)(2).¹⁷⁰

Consequently, the EPA proposes to find that the 2022 California Regional Haze Plan does not satisfy the requirements of 40 CFR 51.308(f)(2).

F. Reasonable Progress Goals

Section 51.308(f)(3) contains the requirements pertaining to RPGs for each Class I area. Because California is host to multiple Class I areas, it is subject to both section 51.308(f)(3)(i) and, potentially, to (ii). Section 51.308(f)(3)(i) requires a state in which a Class I area is located to establish RPGs—one each for the most impaired and clearest days for each Class I area—reflecting the visibility conditions that will be achieved at the end of the implementation period as a result of the emissions limitations, compliance schedules, and other measures required under paragraph (f)(2) to be in states’ long-term strategies, as well as implementation of other CAA requirements. The long-term strategies as reflected by the RPGs must provide for an improvement in visibility on the

most impaired days relative to the baseline period and ensure no degradation on the clearest days relative to the baseline period. Section 51.308(f)(3)(ii) applies in circumstances in which a Class I area’s RPG for the most impaired days represents a slower rate of visibility improvement than the URP calculated under 40 CFR 51.308(f)(1)(vi). Under section 51.308(f)(3)(ii)(A), if the state in which a mandatory Class I area is located establishes an RPG for the most impaired days that provides for a slower rate of visibility improvement than the URP, the state must demonstrate that there are no additional emissions reduction measures for anthropogenic sources or groups of sources in the state that would be reasonable to include in its long-term strategy. Section 51.308(f)(3)(ii)(B) requires that if a state contains sources that are reasonably anticipated to contribute to visibility impairment in a Class I area in *another* state, and the RPG for the most impaired days in that Class I area is above the URP, the upwind state must provide the same demonstration.

CARB’s RPGs are set out in table 8–1 of the Plan, which is reproduced as table 8 of this document. In the Plan, CARB explains that the RPGs for the most impaired days are based on the emissions inputs that include implementation of control programs adopted at the time of the emissions inventory development and the additional aggregate emissions reduction commitment proposed in CARB’s long-term strategy,¹⁷¹ while the RPGs for the clearest days are equal to average visibility conditions on the clearest days during the 2000–2004 baseline period.

¹⁷¹ The last column of Plan table 7–5, p.131 is headed “2028 Visibility Projections (dv) with Potential Additional Controls (PAC2 Emissions).” While it is not explicitly stated in the Plan, that was the WRAP model scenario mainly relied upon in the Plan. Unless otherwise indicated, all of the Plan’s 2028 projections and RPGs are identical to results from WRAP modeling scenario PAC2 – EPAwoF “PAC2 EPA w/o Fire Projection,” available in WRAP TSS modeling tools 4 and 5. The PAC2 scenario reflected “Potential Additional Controls,” including California mobile source control measures; the “woF” means “without fire” in the calculation of Relative Response Factors to apply to monitored or other modeled concentrations.

¹⁶⁹ Plan, p. 108.

¹⁷⁰ See also CAA 169A(b)(2), 169(b)(2)(B) (the CAA requires that each implementation plan for a State in which the emissions from may reasonably be anticipated to cause or contribute to visibility impairment in a Class I area “contain such emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress toward meeting the national goal, . . . including . . . a long-term . . . strategy for making reasonable progress[.]”)

TABLE 8—BASELINE CONDITIONS AND RPGS FOR CLEAREST AND MOST IMPAIRED DAYS

IMPROVE site	Class I area	Clearest baseline (dv)	Clearest 2028 RPG (dv)	Most impaired baseline (dv)	Most impaired 2028 RPG (dv)
LABE1	Lava Beds National Monument	3.2	3.2	11.3	8.9
	South Warner Wilderness Area				
REDW1	Redwood National Park	6.1	6.1	13.7	11.9
TRIN1	Marble Mountain Wilderness Area	3.4	3.4	11.9	9.5
	Yolla Bolly-Middle Eel Wilderness Area				
LAVO1	Thousand Lakes Wilderness Area	2.7	2.7	11.5	9.4
	Lassen Volcanic National Park				
	Caribou Wilderness Area				
BLIS1	Desolation Wilderness Area	2.5	2.5	10.1	8.3
	Mokelumne Wilderness Area				
PORE1	Point Reyes National Seashore	10.5	10.5	19.4	14.4
YOSE1	Emigrant Wilderness Area	3.4	3.4	13.5	10.4
	Yosemite National Park				
HOOV1	Hoover Wilderness Area	1.4	1.4	8.9	7.1
KAIS1	Ansel Adams Wilderness Area	2.3	2.3	12.9	9.8
	John Muir Wilderness Area				
	Kaiser Wilderness Area				
PINN1	Pinnacles National Park	8.9	8.9	17.0	13.0
	Ventana Wilderness Area				
SEQU1	Kings Canyon National Park	8.8	8.8	23.2	16.1
	Sequoia National Park				
RAFA1	San Rafael Wilderness Area	6.5	6.5	17.3	13.0
DOME1	Domeland Wilderness Area	5.1	5.1	17.2	13.7
SAGA1	San Gabriel Wilderness Area	4.8	4.8	17.9	11.5
	Cucamonga Wilderness Area				
SAGO1	San Geronio Wilderness Area	5.4	5.4	20.4	12.0
	San Jacinto Wilderness Area				
JOSH1	Joshua Tree Wilderness Area	6.1	6.1	17.7	11.3
AGTI	Agua Tibia Wilderness Area	9.6	9.6	21.6	14.5

Source: 2022 California Regional Haze Plan Table 8–1: 2028 Reasonable Progress Goals for California Class I Areas.

In Plan appendix C, CARB also provided graphs of observed visibility, unadjusted and adjusted URP, and 2028

RPGs.¹⁷² From those CARB concluded that 2028 RPGs for all of California's

Class I areas are on or below the adjusted URP glidepath.

TABLE 9—CURRENT RATE OF PROGRESS AND URP

IMPROVE site	Class I area	Current rate of progress (dv/year)	Unadjusted URP (dv/year)	Adjusted URP (dv/year)
LABE1	Lava Beds National Monument	0.11	0.09	0.07
	South Warner Wilderness Area			
REDW1	Redwood National Park	0.08	0.09	0.07
TRIN1	Marble Mountain Wilderness Area	0.11	0.09	0.05
	Yolla Bolly-Middle Eel Wilderness Area			
LAVO1	Thousand Lakes Wilderness Area	0.09	0.09	0.06
	Lassen Volcanic National Park			
	Caribou Wilderness Area			
BLIS1	Desolation Wilderness Area	0.06	0.09	0.06
	Mokelumne Wilderness Area			
PORE1	Point Reyes National Seashore	0.29	0.16	0.14
YOSE1	Emigrant Wilderness Area	0.14	0.12	0.08
	Yosemite National Park			
HOOV1	Hoover Wilderness Area	0.08	0.07	0.03
KAIS1	Ansel Adams Wilderness Area	0.14	0.11	0.06
	John Muir Wilderness Area			
	Kaiser Wilderness Area			
PINN1	Pinnacles National Park	0.21	0.11	0.13
	Ventana Wilderness Area			

¹⁷² Those graphs have the unadjusted and adjusted URP glidepath lines crossing each other, instead of both starting at the 2004 baseline level and having just the 2064 end point adjusted. However, comparable graphs available from WRAP

TSS modeling tool 5 show the same placement of 2028 RPG with respect to the unadjusted and adjusted URP glidepath line as the Plan appendix C graphs do. All Class I areas are below the unadjusted URP glidepath, except that those

corresponding to IMPROVE sites REDW1, LAVO1, BLIS1, DOME1 are above the unadjusted URP glidepath but below the glidepath adjusted for international sources and the glidepath adjusted for international sources and prescribed fire.

TABLE 9—CURRENT RATE OF PROGRESS AND URP—Continued

IMPROVE site	Class I area	Current rate of progress (dv/year)	Unadjusted URP (dv/year)	Adjusted URP (dv/year)
SEQU1	Kings Canyon National Park	0.34	0.28	0.21
	Sequoia National Park			
RAFA1	San Rafael Wilderness Area	0.23	0.18	0.14
DOME1	Domeland Wilderness Area	0.15	0.18	0.13
SAGA1	San Gabriel Wilderness Area	0.34	0.20	0.17
	Cucamonga Wilderness Area			
SAGO1	San Geronio Wilderness Area	0.43	0.24	0.20
	San Jacinto Wilderness Area			
JOSH1	Joshua Tree National Park	0.34	0.19	0.15
AGT11	Agua Tibia Wilderness Area	0.38	0.23	0.18

Source: 2022 California Regional Haze Plan Tables 8–3, 8–4, and 8–5.

As noted above, we find that CARB's long-term strategy does not meet the requirements of section 51.308(f)(2). Section 51.308(f)(3)(i) specifies that RPGs must reflect "enforceable emissions limitations, compliance schedules, and other measures required under paragraph (f)(2) of this section." In the absence of an approved long-term strategy, we cannot approve the associated RPGs. In addition, CARB's RPGs for the clearest days are merely identical to baseline conditions, rather than estimated via a modeling-based analysis of the conditions that will be achieved at the end of the implementation period. We find that CARB's approach is inconsistent with the requirement 51.308(f)(3)(i) for RPGs to "reflect the visibility conditions that are *projected* to be achieved by the end of the applicable implementation period . . ." Finally, we also note that CARB does not appear to have considered whether sources in California are reasonably anticipated to contribute to visibility impairment in a Class I area in *another* state, whose RPG for the most impaired days in that Class I area is above the URP, as required under 40 CFR 51.308(f)(3)(ii)(B). Based on these findings, we propose to determine that CARB has not satisfied the applicable requirements of 40 CFR 51.308(f)(3) relating to RPGs and to disapprove Chapter 8 of the Plan.

G. Additional Monitoring To Assess Reasonably Attributable Visibility Impairment

Requirements under 40 CFR 51.308(f)(4) for additional monitoring to assess reasonably attributable visibility impairment are not applicable to California. The EPA and FLMs have not previously advised California that additional monitoring is needed to assess reasonably attributable visibility impairment. Therefore, the requirements under 40 CFR 51.308(f)(4)

are not applicable to California at this time.

H. Monitoring Strategy and Other Implementation Plan Requirements

Section 51.308(f)(6) specifies that each comprehensive revision of a state's regional haze plan must contain or provide for certain elements, including monitoring strategies, emissions inventories, and any reporting, recordkeeping and other measures needed to assess and report on visibility. A main requirement of this subsection is for states with Class I areas to submit monitoring strategies for measuring, characterizing, and reporting on visibility impairment. Compliance with this requirement may be met through participation in the IMPROVE network. In Chapter 2 of the Plan, CARB noted that it relies on data from 17 monitoring sites operated by the IMPROVE network to track visibility conditions in California's Class I areas.

Section 51.308(f)(6)(i) requires SIPs to provide for the establishment of any additional monitoring sites or equipment needed to assess whether RPGs to address regional haze for all mandatory Class I Federal areas within the state are being achieved. CARB stated that this requirement is "not applicable," suggesting that CARB believes the current IMPROVE network is sufficient for this purpose.

Section 51.308(f)(6)(ii) requires SIPs to provide for procedures by which monitoring data and other information are used in determining the contribution of emissions from within the state to regional haze visibility impairment at mandatory Class I Federal areas both within and outside the state. CARB relied on source-apportionment modeling performed by the WRAP to meet this requirement.¹⁷³ Specifically, CARB pointed to both high-level source apportionment modeling, which was

used to estimate how much of each haze pollutant was attributable to several broad source categories, and low-level source apportionment modeling, which was used to estimate how much ammonium nitrate and ammonium sulfate is attributable to regional human-made sources.

Section 51.308(f)(6)(iii) does not apply to California, as it has a Class I area. Section 51.308(f)(6)(iv) requires the SIP to provide for the reporting of all visibility monitoring data to the Administrator at least annually for each Class I area in the state. As noted above, CARB relies on data from 17 monitoring sites operated by the IMPROVE Network.

Section 51.308(f)(6)(v) requires the SIP to provide for a statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment, including emissions for the most recent year for which data are available and estimates of future projected emissions. It also requires a commitment to update the inventory periodically. California provides for emissions inventories and estimates of future projected emissions by participating in WRAP and by complying with the EPA's Air Emissions Reporting Rule (AERR). In 40 CFR part 51, subpart A, the AERR requires states to submit updated emissions inventories for criteria pollutants to the EPA's Emissions Inventory System (EIS) annually or triennially depending on the source type. The EPA uses the inventory data from the EIS to develop the NEI, which is a comprehensive estimate of air emissions of criteria pollutants, criteria precursors, and hazardous air pollutants from air emissions sources. The EPA releases an NEI every three years. In Chapter 3 and appendix E of the Plan, CARB provides high-level summaries of 2014 and 2028 emissions inventories. The EPA proposes to find that CARB meets the requirements of 40 CFR

¹⁷³ Plan Chapter 4.

51.308(f)(6)(v) through its ongoing compliance with the AERR, its compilation of a statewide emissions inventories, and its use of WRAP modeling.

Section 51.308(f)(6)(vi) requires the SIP to include other elements, including reporting, recordkeeping, and other measures, necessary to assess and report on visibility. The EPA proposes to find that CARB has met the requirements of 40 CFR 51.308(f)(6) as described above, including through its continued participation in the IMPROVE network and the WRAP, and that no further elements are necessary at this time for CARB to assess and report on visibility pursuant to 40 CFR 51.308(f)(6)(vi).

I. Requirements for Periodic Reports Describing Progress Towards the Reasonable Progress Goals

Section 51.308(f)(5) requires that periodic comprehensive revisions of states' regional haze plans also address the progress report requirements of 40 CFR 51.308(g)(1) through (5). The purpose of these requirements is to evaluate progress towards the applicable RPGs for each Class I area within the state and each Class I area outside the state that may be affected by emissions from within that state. Sections 51.308(g)(1) and (2) apply to all states and require a description of the status of implementation of all measures included in a state's first implementation period regional haze plan and a summary of the emission reductions achieved through implementation of those measures. Section 51.308(g)(3) applies only to states with Class I areas within their borders and requires such states to assess current visibility conditions, changes in visibility relative to baseline (2000–2004) visibility conditions, and changes in visibility conditions relative to the period addressed in the first implementation period progress report. Section 51.308(g)(4) applies to all states and requires an analysis tracking changes in emissions of pollutants contributing to visibility impairment from all sources and sectors since the period addressed by the first implementation period progress report. This provision further specifies the year or years through which the analysis must extend depending on the type of source and the platform through which its emissions information is reported. Finally, section 51.308(g)(5), which also applies to all states, requires an assessment of any significant changes in anthropogenic emissions within or outside the state have occurred since the period addressed by the first implementation period progress report,

including whether such changes were anticipated and whether they have limited or impeded expected progress towards reducing emissions and improving visibility.

CARB's most recent 5-year progress report was submitted to the EPA on June 16, 2014 and presented data analysis for the period 2007–2011.¹⁷⁴ Therefore, the current progress report is required to address the time period beginning in 2012.

CARB addressed the requirements of 40 CFR 51.308(g) in Chapter 10 of the Plan and provided additional supporting information in a technical supplement submitted on August 24, 2023 (“2023 California Regional Haze Technical Supplement”).¹⁷⁵ Specifically, to address 51.308(g)(1) and (2), CARB provided a summary of control measures it adopted between 2012 and 2018, and statewide emissions trends through 2018.¹⁷⁶

The EPA proposes to find that the Plan meets the requirements of 40 CFR 51.308(g)(1) and (2) because it describes the measures included in the long-term strategy from the first implementation period, as well as the status of their implementation and the emissions reductions achieved through such implementation.

The Plan also provides the 5-year baseline (2000–2004) visibility conditions, the conditions covered in the previous progress report (2007–2011) and current conditions (2014–2018) for the clearest and most impaired days.¹⁷⁷ The EPA therefore proposes to find that the Plan meets the requirements of 40 CFR 51.308(g)(3).

In the 2023 California Regional Haze Technical Supplement, CARB provided additional supporting information to address the requirements of 40 CFR 51.308(g)(4) and (5). Pursuant to section 51.308(g)(4), CARB provided a summary of emissions of NO_x, SO₂, PM₁₀, PM_{2.5}, VOCs, and NH₃ from all sources and activities, including from point, nonpoint, non-road mobile, and on-road mobile sources for the progress report period. CARB also provided 2012–2019 clean air markets program data for all sources with emissions of visibility impairing pollutants. The EPA is therefore proposing to find that the Plan satisfies the requirements of section 51.308(g)(4) by providing emissions information for NO_x, SO₂, PM₁₀, PM_{2.5},

VOCs, and NH₃ broken down by type of sources and activities within the state.

Pursuant to section 51.308(g)(5), CARB provided an assessment of any significant changes in anthropogenic emissions within or outside the state that have occurred since the period addressed in the most recent plan, including whether or not these changes in anthropogenic emissions were anticipated in that most recent plan, and whether they have limited or impeded progress in reducing pollutant emissions and improving visibility. CARB noted overall average emissions reductions of 36 percent for NO_x, 45 percent for SO₂, 20 percent for ROG, and 28 percent for PM_{2.5} between the 2007–2011 period and the 2014–2018 period. The EPA proposes to find the Plan meets the requirements of section 51.308(g)(5).

J. Requirements for State and Federal Land Manager Coordination

CAA section 169A(d) requires states to consult with FLMs before holding the public hearing on a proposed regional haze SIP, and to include a summary of the FLMs' conclusions and recommendations in the notice to the public. In addition, the FLM consultation provision in section 51.308(i)(2) requires a state to provide FLMs with an opportunity for consultation that is early enough in the state's policy analyses of its emissions reduction obligation so that information and recommendations provided by the FLMs can meaningfully inform the state's decisions on its long-term strategy. If the consultation has taken place at least 120 days before a public hearing or public comment period, the opportunity for consultation will be deemed early enough. Regardless, the opportunity for consultation must be provided at least sixty days before a public hearing or public comment period at the state level. Section 51.308(i)(2) also provides two substantive topics on which FLMs must be provided an opportunity to discuss with states: assessment of visibility impairment in any Class I area and recommendations on the development and implementation of strategies to address visibility impairment. Section 51.308(i)(3) requires states, in developing their implementation plans, to include a description of how they addressed FLM comments. Section 51.308(i)(4) requires regional haze plans to provide procedures for continuing consultation between the State and FLMs on the implementation of the regional haze program, including development and review of SIP revisions and progress reports, and on

¹⁷⁴ 79 FR 58302, 58304 (September 29, 2014).

¹⁷⁵ Letter dated August 23, 2023, from Michael Benjamin, Division Chief, Air Quality Planning and Science Division, to Matthew Lakin, Acting Director, Air and Radiation Division, Region 9 (submitted electronically August 24, 2023).

¹⁷⁶ Plan table 10–1 and Figure 10–1.

¹⁷⁷ Id. Tables 10–4 and 10–5.

the implementation of other programs having the potential to contribute to impairment of visibility in mandatory Class I Federal areas.

In Chapter 9 of the Plan, CARB indicates that it held multiple informal consultation teleconferences with staff from the NPS and the USFS during development of its plan.¹⁷⁸ CARB sent a draft of the Plan to the NPS, FWS, and the USFS on February 9, 2022. CARB requested that FLM agencies provide formal comments on the draft by April 11, 2022. The comments received from Federal land managers and CARB's responses to these comments are provided in appendix I of the Plan. Chapter 9 also includes a discussion of CARB's procedures for continuing consultation with stakeholders, including FLMs.

While CARB did take administrative steps to provide the FLMs the requisite opportunity to review and provide feedback on the state's initial draft plan, the EPA cannot approve the requirements under 51.308(f)(i) because CARB's consultation was based on a SIP revision that did not meet the required statutory and regulatory requirements of the CAA and the RHR, respectively. In addition, if the EPA finalizes the partial approval and partial disapproval of the Plan, as proposed in this document, in the process of correcting the deficiencies outlined above with respect to the RHR and statutory requirements, the State (or the EPA in the case of an eventual FIP) will be required to again satisfy the FLM consultation requirement under 51.308(i).

V. Proposed Action

For the reasons discussed in this notice, under CAA section 110(k)(3), the EPA is proposing to partially approve and partially disapprove the 2022 California Regional Haze Plan. The EPA is proposing to approve the elements of the Plan related to requirements contained in 40 CFR 51.308(f)(1), 40 CFR 51.308(f)(4)–(6), and 40 CFR 51.308(g)(1)–(5). The EPA is proposing to disapprove the elements of the Plan related to requirements contained in 40 CFR 51.308(f)(2), 40 CFR 51.308(f)(3), and 40 CFR 51.308(i)(2)–(4).

Under section 179(a) of the CAA, final disapproval of a submittal that addresses a requirement of part D, title I of the CAA or is required in response to a finding of substantial inadequacy as described in CAA section 110(k)(5) (SIP Call) starts a sanctions clock. The 2022 California Regional Haze Plan was not submitted to meet any of these requirements. Therefore, if finalized,

these disapprovals would not trigger any offset or highway sanctions clocks. Disapproving a SIP submission also establishes a two-year deadline for the EPA to promulgate a FIP to address the relevant requirements under CAA section 110(c), unless the EPA approves a subsequent SIP submission that meets these requirements.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations.¹⁷⁹ 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 rulemaking proposes to partially approve and partially disapprove state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law.

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

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to

state, local, or Tribal governments, or to the private sector, will result from this action.

E. Executive Order 13132: Federalism

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

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have Tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction, and will not impose substantial direct costs on Tribal governments or preempt Tribal law. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it merely proposes to partially approve and partially disapprove state law as meeting Federal requirements. Furthermore, the EPA's Policy on Children's Health does not apply to this action.

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

¹⁷⁸ Plan, p. 141.

¹⁷⁹ 42 U.S.C. 7410(k); 40 CFR 52.02(a).

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Population

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. 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.”

The State did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, if finalized, 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. 12898/14096 of achieving environmental justice for communities with EJ concerns.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

Dated: December 10, 2024.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2024-29595 Filed 12-18-24; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 29

[Docket No. FWS-HQ-NWRS-2022-0106; FXRS12610900000-256-FF09R20000]

RIN 1018-BG78

National Wildlife Refuge System; Biological Integrity, Diversity, and Environmental Health

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), withdraw the proposed rule (proposal) published on February 2, 2024, that proposed new regulations addressing the biological integrity, diversity, and environmental health (BIDEH) of the National Wildlife Refuge System (Refuge System) and updates to the existing BIDEH policy. The Service has determined that withdrawing the proposal is justified based on the significant number of public comments received, the complexity of the substantive comments received and the issues involved, as well as the requests from the public for further opportunities to review and engage with the Service on the substance of this proposal. With this action, the existing BIDEH policy remains in effect.

DATES: The proposed rule that published on February 2, 2024 (89 FR 7345), is withdrawn on December 19, 2024.

ADDRESSES: The February 2, 2024, proposed rule, proposed updates to the existing BIDEH policy, and the comments received are available at <https://www.regulations.gov> in Docket No. FWS-HQ-NWRS-2022-0106.

FOR FURTHER INFORMATION CONTACT: Katherine Harrigan, (703) 358-2440, katherine_harrigan@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background

On February 2, 2024, the Service published in the **Federal Register** (89 FR 7345) a proposed rule to adopt new

regulations to ensure that the biological integrity, diversity, and environmental health (BIDEH) of the Refuge System are maintained, and where appropriate, restored and enhanced, in accordance with the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act; Pub. L. 105-57). In addition, the Service proposed updates to the existing BIDEH policy, which was available for public comment in the proposed rule’s docket on <https://www.regulations.gov>. These proposed regulations and policy revisions were intended to support conservation throughout the Refuge System in response to both longstanding and contemporary conservation challenges, including the universal and profound effects of climate change on refuge species and ecosystems.

The National Wildlife Refuge System is the only network of Federal lands and waters in the United States dedicated to fish and wildlife conservation and, at more than 850 million acres, the largest system of its kind in the world. The National Wildlife Refuge System Administration Act of 1966 (Administration Act; 16 U.S.C. 668dd-668ee), as amended by the Improvement Act, is the primary statutory authority under which the Secretary of the Interior, acting through the Service, administers the Refuge System. The Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3111-3126), the Wilderness Act of 1964 (16 U.S.C. 1131-1136), and various other statutes also provide direction and authority for refuge management. The implementing regulations for the Administration Act are found in title 50 of the Code of Federal Regulations at subchapter C.

The Improvement Act established the mission of the Refuge System to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (16 U.S.C. 668dd(a)(2)). The Improvement Act sets forth policy direction, management standards, and stewardship requirements for administering the more than 570 national wildlife refuges in the Refuge System; prioritizing conservation while ensuring public access to compatible, wildlife-dependent recreational opportunities; and ensuring effective coordination with adjacent landowners and State fish and wildlife agencies. The Improvement Act states that each refuge must be managed to fulfill both the Refuge System mission and the specific

purposes for which that refuge was established (16 U.S.C. 668dd(a)(3)(A)). It additionally requires that, in administering the Refuge System, the Secretary shall ensure that the biological integrity, diversity, and environmental health of the Refuge System are maintained for the benefit of present and future generations of Americans (16 U.S.C. 668dd(a)(4)(B)).

The Improvement Act is recognized as a visionary legislative charter for managing a system of wildlife reserves in part due to its mandate to ensure BIDEH. The terms comprising the BIDEH mandate are grounded in conservation biology and demonstrate congressional intent to conserve Refuge System fish, wildlife, plants, and habitats in accordance with the latest scientific understanding. This directive for a comprehensive, science-based approach to refuge management is critical to ensuring that imperiled species and diverse wildlife populations in North America are secure and thriving and are sustained by a network of healthy lands and waters. Therefore, as the Refuge System becomes increasingly vital to addressing the dual threats of biodiversity loss and climate change, the Service recognized the need to codify, clarify, and update its interpretation of the BIDEH mandate to better equip refuges in responding to these and other anthropogenic stressors.

Reasons for Withdrawal of the Proposal

On February 2, 2024, the Service published in the **Federal Register** (89 FR 7345) proposed new regulations and proposed revisions to the policy to ensure that the BIDEH of the Refuge System are maintained, and where appropriate, restored and enhanced, in accordance with the Improvement Act. The public comment period on the proposed rule and proposed policy revisions was extended from 30 days to a total of 90 days (*see* 89 FR 7345, February 2, 2024; 89 FR 15806, March 5, 2024) due to significant public interest and requests for an extension to the original comment period.

More than 200,000 individuals commented on the BIDEH proposed rule and revised policy in a total of more than 50,500 public comment submissions. Of these comments, approximately 150 lengthy, substantive comment letters were received from State and Tribal partners, environmental organizations, sporting groups, agricultural and animal welfare interests, and other stakeholders. We received approximately 150,000 combined signatures from comment campaigns, many of which also included unique substantive comments,

organized by various organizations regarding specific topics in the proposed rule.

The substantive comments received addressed a broad scope of issues in the BIDEH proposal and demonstrated the complexity of the topics addressed in the proposal. The commenters highlighted a myriad of multifaceted subjects and suggested modifications to a variety of provisions. Based on the extensive public comments we received on the proposed rule, the complexity of the topics they covered, and new information not previously considered, it is the Service's sound professional judgment that any final rule would require revisions that go beyond the logical outgrowth of the original proposal. Therefore, the Service has determined that the best course of action is to withdraw the entirety of the February 2, 2024, proposed rule and policy revision as discussed further below.

While the majority of the comments were generally supportive of many fundamental concepts contained in the proposed BIDEH rule, they expressed various views on the proposal's framing and approach. For example, overall, the commenters conveyed an understanding and appreciation of the need to address climate change and use best available science, although they provided a variety of opinions on the specifics and how science should be applied. The concept of improving habitat connectivity also tended to garner support, along with suggestions for bolstering such provisions, although this concept generated some concerns from economic and industry interests. Other concepts, such as deference to natural processes, appeared to generate some confusion, indicating the need for additional explanation or revisions to the proposal for clarity.

Many of the comment letters contained complicated implementation questions or concerns with refuge management capacity and perceived administrative and financial burdens, which were raised across the spectrum of stakeholders. Some of these commenters interpreted the BIDEH proposal as requiring a separate BIDEH determination process for all refuge management decisions alongside existing processes. Many commenters expressed concerns that implementation of the BIDEH proposal would place unnecessary administrative burdens on managers of national wildlife refuges that would require time and resources the Service does not have, especially if the proposal required the completion of new documentation. The Service received requests from commenters for

further coordination with States, partners, and other stakeholders regarding the content and application of the proposal.

The intent of the BIDEH proposal has been to rely on the use of existing processes (comprehensive conservation planning, compatibility determinations, and actions to comply with the National Environmental Policy Act) to implement the proposed policy and regulations. In reviewing these comments, the Service understands the concern raised by commenters about a lack of clarity within the proposal regarding the specific implementation process for ensuring BIDEH. However, because refuge management decisions and actions are not one-size-fits-all, the Service did not intend to be overly prescriptive about implementation processes through the revised BIDEH policy or proposed regulations. Therefore, the Service acknowledges the need to provide guidance both internally and externally explaining how BIDEH will be considered through existing processes. While this level of detail regarding implementation would not be prudent to include in a final rule for this proposal, it warrants further consideration to ensure an appropriate approach that promotes public support and facilitates on-the-ground application.

The provisions of the proposal that garnered the most complex and disparate views from commenters were those addressing specific management activities (such as agricultural use and predator control) on refuge lands. The differing viewpoints included many calls either to further restrict or alternatively to liberalize the application of these management practices. The controversy raised by these comments stemmed primarily from differing views on how rigid or flexible refuge management tools ought to be: Some favor more flexibility, while others seek stricter control of actions on refuges. The range of comments the Service received on these topics relied on a variety of sources, including peer-reviewed science, best practices, industry standards, and field experience. These comments demonstrate some of the issues that require further communication and coordination with partners and stakeholders to ensure greater understanding of the Service's intent before the finalization of any BIDEH proposal.

For the reasons provided above, we are withdrawing the proposed rule that published on February 2, 2024 (89 FR 7345). The existing policy in part 601 of

the Service Manual at 601 FW 3 remains in effect.

Authority

The authority for this action is the National Wildlife Refuge System

Administration Act of 1966 (16 U.S.C. 668dd–668ee), as amended by the National Wildlife Refuge System

Improvement Act of 1997 (Pub. L. 105–57).

Shannon Estenoz,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2024–29236 Filed 12–18–24; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register

Vol. 89, No. 244

Thursday, December 19, 2024

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

USAID Injury/Illness Collection Form per the USAID Occupational Safety & Health (OHS) Program

AGENCY: Agency for International Development (USAID).

ACTION: Notice of information collection.

SUMMARY: In accordance with the Information Collection Review procedures of the Paperwork Reduction Act of 1995 (PRA), the United States Agency for International Development (USAID), is announcing that it has submitted a request to the Office of Management and Budget (OMB) for approval to collect information via Google Forms as per the USAID Occupational Safety & Health (OHS) program. This collection is mandated by the Occupational Safety and Health Administration under the OSH act of 1970 and Federal regulation.

DATES: 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.

ADDRESSES: Comments may be submitted by any of the following methods:

Mail, Hand Delivery, or Courier:
USAID, Bureau for Management, Office of Management Policy, Budget, and Performance (M/MPBP), 500 D St. SW, Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to John Scherer, jscherer@usaid.gov, +1 (202) 712 1256.

SUPPLEMENTARY INFORMATION: The OSH Act of 1970 requires the Secretary of

Labor to produce regulations that require employers to keep records of occupational deaths, injuries, and illnesses. Executive Order 12196 requires Federal establishments to, “Operate an occupational safety and health management information system, which shall include the maintenance of such records as the Secretary may require.”

The records are used for several purposes. Employers and employees use the records to implement safety and health programs at individual workplaces. Analysis of the data is a widely recognized method for discovering workplace safety and health problems and tracking progress in solving those problems. OSHA uses the injury and illness statistics to help direct its programs and measure its own performance. Also, individuals conducting safety and health evaluations and inspections use the data to help direct their efforts to the hazards that are hurting workers.

The rule, 29 CFR 1960.66, contains a “note” making it clear that recording or reporting a work-related injury, illness, or fatality does not constitute an admission that the Federal agency or an individual was at fault or otherwise responsible for purposes of liability. Such recording or reporting does not constitute an admission of the existence of an employer-employee relationship between the individual recording the injury and the injured individual. Recording or reporting any such injury, illness, or fatality does not mean that an OSHA rule has been violated or that the individual in question is eligible for workers’ compensation or any other benefits.

Anthony Bennett,

*Chief, Headquarters Management Division,
Office of Management Services (M/MS),
Bureau for Management, U.S. Agency for
International Development.*

[FR Doc. 2024–29614 Filed 12–18–24; 8:45 am]

BILLING CODE 6116–01–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: U.S. Agency for International Development (USAID).

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Information Collection Review procedures of the Paperwork Reduction Act of 1995 (PRA), the United States Agency for International Development (USAID), is seeking comment on the proposed Generic Clearance for the Collection of Qualitative Customer Feedback on Agency Service Delivery. The Agency will use surveys and forms for routine customer feedback to collect, analyze, and interpret information gathered through this generic clearance to identify strengths and weaknesses of the current services, information, and to make improvements in customer service.

DATES: All comments should be submitted within 30 calendar days from the date of this publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Kelly Hamilton at 202–921–5016, icrteam@usaid.gov.

SUPPLEMENTARY INFORMATION: Pursuant to the PRA, the Agency is publishing this Notice to inform the public that the Agency will submit this proposed collection to the Office of Management and Budget (OMB) for approval. The Agency previously published this proposed information collection in the **Federal Register** on October 31, 2023 (88 FR 74401) with a 60-day comment period. The proposed information collection activity provides a means to

garner qualitative customer and stakeholder feedback in an efficient, timely manner. By qualitative feedback we mean information that provides useful insights into 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 Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The Agency will collect, analyze, and interpret information gathered through this generic clearance to identify strengths and weaknesses of the current services, information, and make improvements in service delivery based on feedback. 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.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency (if released, procedures outlined in Question 16 will be followed);

- Information gathered will not be used for the purpose of substantially informing influential policy decisions;
- 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;

- 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 non-controversial 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; and

- With the exception of information needed to provide remunerations for participants of focus groups and cognitive laboratory studies, personally identifiable information (PII) is collected only to the extent necessary and is not retained.

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.

The projected average annual burden estimates for the next three years are listed below. The burdens have been increased from the 60-day notice amounts due to internal agency discussions on expected needs.

Estimated Annual Number of Respondents: 200,000.

Responses per Respondent: 1.

Annual Responses: 200,000.

Average Minutes per Response: 15 minutes.

Annual Burden Hours: 50,000 hours.

Frequency: On occasion.

Dated: December 16, 2024.

Taniesha D. Tolbert,

Supervisory Records Information Management Specialist, Bureau for Management, Office of Management Services, Information and Records Division.

[FR Doc. 2024–30258 Filed 12–18–24; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2024–0009]

International Sanitary and Phytosanitary Standard-Setting Activities

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with section 491 of the Trade Agreements Act of 1979, as amended, and legislation implementing the results of the Uruguay Round of negotiations under the General Agreement on Tariffs and Trade, we are informing the public of the international standard-setting activities of the World Organization for Animal Health, the

Secretariat of the International Plant Protection Convention, and the North American Plant Protection Organization, and we are soliciting public comment on these standard-setting activities.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov. Enter APHIS–2024–0009 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2024–0009, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at regulations.gov or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For general information on the topics covered in this notice, contact Mr. Eric Nichols, Director, Trade Support Team, APHIS–IS, Room 1627–S, USDA South Building, 14th Street and Independence Avenue SW, Washington, DC 20250; (202) 799–7122.

For specific information regarding standard-setting activities of the World Organization for Animal Health, contact Dr. Paul Gary Egrie, Office of International Affairs, Veterinary Services, APHIS, 4700 River Road, Unit 33, Riverdale, MD 20737; (227) 215–2876.

For specific information regarding the standard-setting activities of the International Plant Protection Convention (IPPC), contact Dr. Marina Zlotina, IPPC Technical Director, International Phytosanitary Standards, Plant Protection and Quarantine, APHIS, 4700 River Road, Riverdale, MD 20737; (301) 832–0611; marina.a.zlotina@usda.gov.

For specific information on the North American Plant Protection Organization (NAPPO), contact Stephanie Dubon, NAPPO Technical Director, International Phytosanitary Standards, Plant Protection and Quarantine, APHIS, 4700 River Road, Riverdale, MD 20737; (301) 332–9071; Stephanie.M.Dubon@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The World Trade Organization (WTO) was established as the common international institutional framework for governing trade relations among its members in matters related to the Uruguay Round Agreements. The WTO is the successor organization to the General Agreement on Tariffs and Trade. U.S. membership in the WTO was approved by Congress when it enacted the Uruguay Round Agreements Act (Pub. L. 103–465), which was signed into law on December 8, 1994. The WTO Agreements, which established the WTO, entered into force with respect to the United States on January 1, 1995. The Uruguay Round Agreements Act amended Title IV of the Trade Agreements Act of 1979 (19 U.S.C. 2531 *et seq.*). Section 491 of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2578), requires the President to designate an agency to be responsible for informing the public of the sanitary and phytosanitary standard-setting (SPS) activities of each international standard-setting organization. The designated agency must inform the public by publishing an annual notice in the **Federal Register** that provides the following information: (1) The SPS standards under consideration or planned for consideration by the SPS organization; and (2) for each SPS standard specified, a description of the consideration or planned consideration of that standard, a statement of whether the United States is participating or plans to participate in the consideration of that standard, the agenda for U.S. participation, if any, and the agency responsible for representing the United States with respect to that standard.

“International standard” is defined in 19 U.S.C. 2578b as any standard, guideline, or recommendation: (1) Adopted by the Codex Alimentarius Commission (Codex) regarding food safety; (2) developed under the auspices of the World Organization for Animal Health (WOAH)¹ regarding animal health; (3) developed under the auspices of the Secretariat of the International Plant Protection Convention (IPPC or the Convention) and the North American Plant Protection Organization (NAPPO) regarding plant health; or (4) established by or developed under any other international organization agreed to by the member countries of the

United States-Mexico-Canada Agreement (USMCA) or the member countries of the WTO.

The President, pursuant to Proclamation No. 6780 of March 23, 1995 (60 FR 15845), designated the Secretary of Agriculture as the official responsible for informing the public of the SPS activities of Codex, WOAH, IPPC, and NAPPO. The U.S. Codex Office (USCO), in the United States Department of Agriculture’s (USDA’s) Trade and Foreign Affairs mission area, informs the public of standard-setting activities of Codex, and the USDA Animal and Plant Health Inspection Service (APHIS) informs the public of WOAH, IPPC, and NAPPO standard-setting activities.

USCO publishes an annual notice in the **Federal Register** to inform the public of SPS activities for Codex (86 FR 29987). Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. It is the principle international organization for establishing food standards that protect consumer health and promote fair practices in food trade.

APHIS is responsible for publishing an annual notice of WOAH, IPPC, and NAPPO activities related to international standards for plant and animal health and representing the United States with respect to these standards. Following are descriptions of the WOAH, IPPC, and NAPPO organizations and the standard-setting agenda for each of these organizations. We have described the agenda that each of these organizations will address at their annual general sessions, including standards that may be presented for adoption or consideration, as well as other initiatives that may be underway at the WOAH, IPPC, and NAPPO.

The agendas for these meetings are subject to change, and the draft standards identified in this notice may not be sufficiently developed and ready for adoption as indicated. Also, while it is the intent of the United States to support adoption of international standards and to participate actively and fully in their development, it should be recognized that the U.S. position on a specific draft standard will depend on the acceptability of the final draft. Given the dynamic and interactive nature of the standard-setting process, we encourage any persons who are interested in the most current details about a specific draft standard or the U.S. position on a particular standard-setting issue, or in providing comments on a specific standard that may be under development, to contact APHIS. Contact information is provided at the beginning

of this notice under **FOR FURTHER INFORMATION CONTACT**.

WOAH Standard-Setting Activities

The WOAH was established in Paris, France, in 1924, with the signing of an international agreement by 28 countries. It is currently composed of 183 Members, each of which is represented by a delegate who, in most cases, is the chief veterinary officer of that country or territory. The Deputy Administrator of APHIS’ Veterinary Services program is the U.S. Chief Veterinary Officer and serves as the official U.S. Delegate to the WOAH. The WTO has recognized the WOAH as the international forum for setting animal health standards, reporting global animal disease events, and presenting guidelines and recommendations on sanitary measures relating to animal health.

The WOAH facilitates intergovernmental cooperation to prevent the spread of contagious diseases in animals by sharing scientific research among its Members. The major functions of the WOAH are to collect and disseminate information on the distribution and occurrence of animal diseases and to ensure that science-based standards govern animal disease control efforts and international trade in animals and animal products. The WOAH also aims to achieve these objectives through the development and revision of international standards for diagnostic tests and vaccines.

The WOAH provides annual reports on the global distribution of animal diseases, recognizes Members’ disease status for certain diseases, categorizes animal diseases with respect to their international significance, publishes bulletins on global disease status, and provides animal disease control guidelines to Members. Various WOAH commissions and working groups undertake the development and preparation of draft standards, which are then circulated to Members for consultation (review and comment). Draft standards are revised accordingly and are presented to WOAH’s World Assembly of Delegates (all the Members) for review and adoption during the General Session, which meets annually every spring. Adoption, as a general rule, is based on consensus of the WOAH membership.

The 90th WOAH General Session was held from May 21 to 25, 2023, in Paris, France. The following are some of the chapters adopted into code during the 90th Session; visit <https://www.woah.org/en/what-we-do/standards/codes-and-manuals/> for a full list of the current WOAH codes and manuals:

¹ The World Organization for Animal Health internationally follows a British English spelling of “organisation” in its name; it was formerly the Office International des Epizooties, or OIE, but on May 28, 2022, the organization announced that the acronym was changed from OIE to WOAH.

- User's Guide.
- Glossary.
- Chapter 1.3., Diseases, Infections, and Infestations Listed by WOAAH.
- Chapter 8.14., Infection with Rabies Virus.
- Chapter 8.15., Infection with Rift Valley Fever Virus.
- Chapter 10.9., Infection with Newcastle Disease Virus.
- Chapter 11.4., Bovine Spongiform Encephalopathy.
- Chapter 12.2., Contagious Equine Metritis.
- Chapter 12.2., Infection with *Taylorella equigenitalis* (Contagious Equine Metritis).
- Chapter 12.6., Infection with Equine Influenza Virus.
- Chapter 12.7., Infection with *Theileria equi* and *Babesia caballi* (Equine Piroplasmiasis).
- Chapter 14.X., Infection with *Theileria Lestoquardi*, *T. Luwenshuni* and *T. Uilenbergi*.
- Chapter 16.1., Infection with Middle East Respiratory Syndrome Coronavirus.
- Chapter 8.Y., Infection with *Leishmania Spp.* Leishmaniasis.

More information on the standards currently under consideration and how comments are solicited may be found at <https://www.aphis.usda.gov/international-standards/woah> or by contacting Dr. Paul Gary Egrie (see **FOR FURTHER INFORMATION CONTACT** above).

IPPC Standard-Setting Activities

The IPPC is a multilateral convention adopted in 1952 to prevent the spread and introduction of pests of plants and plant products and to promote appropriate measures for their control. The WTO recognizes the IPPC as the standard-setting body for plant health. Under the IPPC, the understanding of plant protection encompasses the protection of both cultivated and non-cultivated plants from direct or indirect injury by plant pests. The IPPC addresses the following activities: Developing, adopting, and implementing international standards for phytosanitary (plant health) measures (ISPMs); harmonizing phytosanitary activities through adopted standards; facilitating the exchange of official and scientific information among contracting parties; and providing technical assistance to developing countries that are contracting parties to the Convention.

The IPPC is deposited within the Food and Agriculture Organization of the United Nations and is an international agreement of 185 contracting parties. National plant protection organizations (NPPOs), in

cooperation with regional plant protection organizations, the Commission on Phytosanitary Measures (CPM), and the Secretariat of the IPPC, implement the Convention. The IPPC continues to be administered at the national level by plant quarantine officials, whose primary objective is to safeguard plant resources from injurious pests. In the United States, the NPPO is the APHIS Plant Protection and Quarantine (PPQ) program.

The 17th Session of the CPM was held in Rome, Italy, from March 27 to March 31, 2023.

The U.S. CPM adopted the following international phytosanitary standards in 2023. The United States develops its position on each of these draft standards prior to the CPM session based on APHIS' analyses and other relevant information from other U.S. Government agencies and interested stakeholders:

- ISPM 5: *Glossary of phytosanitary terms* (2021 revisions).
- Annex to ISPM 20 (*Guidelines for a phytosanitary import regulatory system*): Use of specific import authorizations.
- Revision of ISPM 18 (*Requirements for the use of irradiation as a phytosanitary measure*).

The following phytosanitary treatments were adopted as Annexes to ISPM 28:

- *Phytosanitary treatments for regulated pests*: PT 45: Irradiation treatment for *Pseudococcus jackbeardsleyi*.

IPPC Standard-Setting Initiatives, Including Those Under Development

A number of expert working group (EWG) meetings and technical consultations took place from October 2022 through September 2023 on the topics listed below. These IPPC projects are currently under development and intended for future adoption and publication. APHIS participated actively and fully in most of these drafting groups. APHIS developed its position on each of the topics prior to the working group meeting. The APHIS position was based on relevant scientific information and technical analyses, including information from other U.S. Government agencies and from interested stakeholders:

- EWG for revision of ISPMs on Pest Risk Analysis.
- EWG for revision of ISPM 26 (*Establishment of pest-free areas for fruit flies*).
- EWG for drafting Annex to ISPM 23 (*Guidelines for inspection*): Field inspection (including growing season inspection).

- Technical Panel on Commodity Standards (TPCS) drafted the first commodity standard as an Annex to ISPM 46 (*Commodity-specific standards for phytosanitary measures*): International movement of mango fresh fruit (*Mangifera indica*).

- Publishing of "IPPC Guide to support the implementation of ISPM 15."

- Technical Panel on Diagnostic Protocols.
- Technical Panel on Phytosanitary Treatments.

- Technical Panel for the Glossary.

The IPPC electronic certification system (ePhyto) solution also progressed in 2023. There are currently 98 trading partners that are connected and actively sharing ePhytos through the system; APHIS continues to make important contributions to advancing the development of an international ePhyto system, including: (1) Providing ongoing input and support at the IPPC through the Bureau, SPG, Commission, and other international fora; (2) generating regional support for this new electronic exchange system at the hemispheric level through NAPPO and the Inter-American Coordinating Group for Plant Protection (GICSV); and (3) actively working on a long-term funding solution that will be necessary to sustain ePhyto into the future. For more detailed information on the above, contact Dr. Marina Zlotina (see **FOR FURTHER INFORMATION CONTACT** above).

PPQ actively works to achieve broad participation by States, industry, and other stakeholders in the development and use of international and regional plant health standards, including through the use of APHIS Stakeholder Registry notices² and the APHIS public website. Plant health stakeholders are strongly encouraged to submit topics for new IPPC standards and comment on draft standards, documents, and specifications during the consultation periods.

In 2023, 12 draft documents were open for consultation, including specifications, a Commission on Phytosanitary Measures (CPM) recommendation, standards, diagnostic protocols, and phytosanitary treatments. APHIS posts links to draft standards on its website as they become available and provides information on the due dates for comments.³ Additional information

² To sign up for the Stakeholder Registry, go to: <https://public.govdelivery.com/accounts/USDAAPHIS/subscriber/new>.

³ For more information on the IPPC draft ISPM consultation, go to: <https://www.aphis.usda.gov/international-standards/plant-health-standards/draft>.

on IPPC standards (including the IPPC work program (list of topics,⁴) calls for new standards, experts to serve on technical panels and other working groups, proposed phytosanitary treatments, the standard-setting process, and adopted standards) is available on the IPPC website.⁵

For the most current information on official U.S. participation in IPPC activities, including U.S. positions on standards being considered, contact Dr. Marina Zlotina (see **FOR FURTHER INFORMATION CONTACT** above). Those wishing to provide comments on any of the areas of work being undertaken by the IPPC may do so at any time by responding to this notice (see **ADDRESSES** above) or by providing comments through Dr. Zlotina.

NAPPO Standard-Setting Activities

NAPPO, a regional plant protection organization created in 1976 under the IPPC, coordinates the efforts among the United States, Canada, and Mexico to protect their plant resources from the entry, establishment, and spread of harmful plant pests, while facilitating safe intra- and inter-regional trade. As the NPPO of the United States, APHIS PPQ is the organization officially identified to participate in NAPPO. Through NAPPO, APHIS works closely with its regional counterparts and industries to develop harmonized regional standards and approaches for managing pest threats.

This critical work facilitates the safe movement of plants and plant products into and within the region. NAPPO conducts its work through priority-driven projects approved by the NAPPO Executive Committee via an annual work program. These projects are completed by expert groups, including subject matter experts from each member country and regional industry representatives. Project results and updates are provided during the NAPPO annual meeting as well as NAPPO governance meetings. Projects can include the development of positions, policies, technical documents, or the development or revision of regional standards for phytosanitary measures (RSPMs). Projects can also include implementation of standards or other capacity development activities such as workshops.

The PPQ Associate Deputy Administrator, as the official U.S. delegate to NAPPO, intends to participate in the adoption of these

regional plant health standards and projects on the work program once they are completed and ready for consideration.

The 45th NAPPO annual meeting was held virtually from October 18 to 20, 2022, and hosted by Canada. The meeting featured several strategic topics related to NAPPO's work program (e.g., seeds, forest pests, lab accreditation, plants for planting, biological control, and risk-based sampling), as well as discussions on sea containers, invasive species, the International Year of Plant Health (IYPH), the USMCA, and a live ePhyto exchange demonstration between the United States and Jamaica. The meeting also featured a 1-day symposium on the decision-making procedures used by the three countries (Canada, Mexico, and the United States) when an exotic plant pest is confirmed in a NAPPO member country. The NAPPO Executive Committee meetings took place on the impacts of climate change on plant health.

NAPPO governance committees, including NAPPO's Executive Committee and the Advisory and Management Committee, as well as expert groups, continue to communicate and meet virtually on a regular basis to actively make progress on NAPPO strategic and work program initiatives. The PPQ Associate Deputy Administrator or PPQ designee is the U.S. member of the NAPPO Executive Committee. The NAPPO Executive Committee met November 9, 2022; March 8, 2023; and June 28, 2023. The NAPPO Executive Committee adopted one regional standard between October 1, 2022, and September 30, 2023: Revisions to RSPM 35: Guidelines for the movement of propagative plant material of stone fruit, pome fruit, and grapevine into a NAPPO member country.

NAPPO's Advisory and Management Committee (AMC) continues to regularly meet virtually and in person. The AMC selects and onboards experts to newly launched NAPPO expert groups; addresses pending work program initiatives; makes recommendations to the Executive Committee; provides day-to-day oversight of NAPPO; and provides expert input and direction on financial, programmatic, and operational issues at NAPPO.

The NAPPO expert groups, including member countries' subject matter experts, in collaboration with NAPPO's Secretariat, significantly made progress on or finalized the following regional standards from October 2022 through September 2023:

- *Completed the development or revision and consultation of the*

following regional standards: Revision of RSPM 35: Guidelines for the movement of propagative plant material of stone fruit, pome fruit, and grapevine into a NAPPO member country; Update to NAPPO Discussion Document 05: Management of Huanglongbing (HLB) and its vector, the Asian-Citrus Psyllid, *Diaphorina citri*; Guidance document on ISPM 25: Standardization of responsibilities and actions for safeguarding consignments that have transited one NAPPO country to enter another NAPPO country.

- *Issued via NAPPO's Phytosanitary Alert System:* 22 Official Pest Reports from October 1, 2022, to September 30, 2023.

New NAPPO Standard-Setting Initiatives, Including Those in Development

The 2023 work program⁶ includes topics being worked on by NAPPO expert groups and NAPPO's Advisory and Management Committee. APHIS actively and fully participates in the development and approval of the NAPPO work program. The APHIS position on each topic is guided and informed by the best technical and scientific information available, as well as on relevant input from stakeholders. For each of the following, where applicable, the United States will consider its position on any draft standard after it reviews a prepared draft. Information regarding the following NAPPO projects, assignments, activities, and updates on meeting times and locations may be obtained from the NAPPO website or by contacting Stephanie Dubon (see **FOR FURTHER INFORMATION CONTACT** above).

1. *Seed Diagnostics:* A pilot for the harmonization of diagnostic protocols for seed pests focused on Tomato brown rugose fruit virus (ToBRFV).

2. *Development of harmonized regional guidance for North America based on ISPM 25: Consignments in transit and the IPPC Transit Manual.*

The information in this notice contains all the information available to APHIS PPQ on NAPPO standards or projects under development or consideration. For updates on meeting times and for information on the expert groups that may become available following publication of this notice, visit the NAPPO website or contact Stephanie Dubon (see **FOR FURTHER INFORMATION CONTACT** above).

PPQ actively works to achieve broad participation by States, industry, and other stakeholders in the development

⁴ IPPC list of topics: <https://www.ippc.int/en/core-activities/standards-setting/list-topics-ippc-standards/>.

⁵ IPPC website: <https://www.ippc.int/>.

⁶ NAPPO work program: <https://nappo.org/english/governance/work-program/>.

and use of international and regional plant health standards, including through the use of APHIS Stakeholder Registry notices⁷ and the APHIS public website. Plant health stakeholders are strongly encouraged to comment on draft standards, documents, and specifications during consultation periods. APHIS posts links to draft standards on the website as they become available and provides information on the due dates for comments.⁸ Additional information on NAPPO standards (including the NAPPO work program, calls for projects, expert groups, the standard-setting process, and adopted standards) is available on the NAPPO website.⁹

For the most current information on official U.S. participation in NAPPO activities, including U.S. positions on standards being considered, contact Stephanie Dubon (see **FOR FURTHER INFORMATION CONTACT** above). Those wishing to provide comments on any of the areas of work being undertaken at NAPPO may do so at any time by responding to this notice (see **ADDRESSES** above) or by providing comments through Stephanie Dubon.

Done in Washington, DC, this 16th day of December 2024.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024–30318 Filed 12–18–24; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2022–0031]

Notice of Availability of a Final Supplemental Environmental Assessment and Finding of No Significant Impact for Emergency Response for Highly Pathogenic Avian Influenza Outbreaks in the United States Migratory Bird Flyways

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that we have prepared a final supplemental environmental assessment (EA) and finding of no significant impact (FONSI) relative to our

emergency response activities for highly pathogenic avian influenza outbreaks in commercial and backyard poultry operations located in the four migratory bird flyways in the United States. This final supplemental EA supplements the initial EA and FONSI we published in September 2022, which evaluated the environmental impacts associated with the first seven States where highly pathogenic avian influenza outbreaks occurred. Based on our FONSI, we have determined that an environmental impact statement need not be prepared for the proposed action as described in this final supplemental EA.

FOR FURTHER INFORMATION CONTACT: Ms. Chelsea Bare, Chief of Staff, Veterinary Services, APHIS, U.S. Department of Agriculture, 1400 Independence Avenue SW, Whitten Building Room 318–E, Washington, DC 20250; (515) 337–6128; chelsea.j.bare@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS), has been delegated the authority under the Animal Health Protection Act (7 U.S.C. 8301–8322) to protect the health of livestock, poultry, and aquaculture populations in the United States by preventing the introduction and interstate spread of serious diseases and pests of livestock, poultry, and aquaculture, and eradicating such diseases within the United States when feasible. Highly pathogenic avian influenza (HPAI) is an extremely infectious disease and often fatal to poultry.¹ Avian influenza (AI) viruses may circulate freely in wild bird populations without the birds appearing sick. As these birds migrate, they carry HPAI and other AI viruses with them and may subsequently transmit AI to domestic birds. HPAI can rapidly spread within and between domestic poultry flocks and wild bird (especially waterfowl) populations. It is APHIS' objective to stamp out HPAI as rapidly as possible at locations where it has been found. Preventing the entry of diseased birds and eggs into the United States, monitoring AI in migratory birds, identifying AI strains occurring primarily in migratory waterbird species, as well as backyard and commercial poultry flocks, and stamping out HPAI as it arises in

domestic poultry is important for the long-term maintenance of disease-free United States poultry stocks.

In response to outbreaks of the HPAI H5N1 (AI strain) virus subtype in commercial and backyard poultry flocks that began on February 8, 2022, we published a draft environmental assessment (EA) and draft finding of no significant impact (FONSI) in April 2022 to allow VS to carry out emergency response activities in seven States (Indiana, Kentucky, Virginia, New York, Maine, Delaware, and Michigan). A final EA titled “Emergency Response for HPAI Outbreaks in Seven States” and final FONSI were published in September 2022.²

Since the preparation and publication of the final EA and FONSI for the initial seven States, HPAI outbreaks have continued to occur across the United States. As of November 21, 2024, the virus was confirmed in 538 commercial, 661 backyard, and 32 other types (*e.g.*, live bird markets, rehabilitation facilities) of flocks, affecting approximately 110 million birds in 49 States.³ As HPAI outbreaks have been stamped out, new outbreaks emerge and are likely to continue with seasonal (*i.e.*, spring and fall) bird migrations. For this reason, we prepared a supplemental EA titled “Emergency Response for Highly Pathogenic Avian Influenza Outbreaks in the United States Migratory Bird Flyways” to cover HPAI emergency response activities in other impacted States in the four North American migratory bird flyways (*i.e.*, the Atlantic, Mississippi, Central, and Pacific Flyways).

On August 24, 2023, we published in the **Federal Register** (88 FR 57923–57924, Docket No. APHIS–2022–0031) a notice in which we announced the availability, for public review and comment, of a draft supplemental EA and draft FONSI that examined the potential environmental impacts associated with HPAI response activities for additional outbreaks in commercial and backyard poultry operations in other impacted States in the four North American migratory bird flyways.⁴

We solicited comments on the draft supplemental EA and FONSI for 30 days

² To view the draft EA, draft FONSI, the comments we received, the final EA, and the final FONSI, go to www.regulations.gov and enter APHIS–2022–0031 in the Search field.

³ Current HPAI outbreak data can be accessed at APHIS' website at <https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/avian/avian-influenza/2022-hpai> (last visited November 21, 2024).

⁴ To view the draft supplemental EA, draft FONSI, and the comment we received, go to www.regulations.gov and enter APHIS–2022–0031 in the Search field.

⁷ To sign up for the Stakeholder Registry, go to: <https://public.govdelivery.com/accounts/USDAAPHIS/subscriber/new>.

⁸ For more information on NAPPO consultation: <https://www.aphis.usda.gov/international-standards/plant-health-standards/draft>.

⁹ NAPPO website: <http://nappo.org>.

¹ Domestic poultry that can be affected include chickens; turkeys; ring-necked pheasants; ducks; geese; common, Japanese, or bobwhite quail; Indian peafowl; chukar or grey partridge; pigeons; ostrich; and guinea fowl.

ending September 25, 2023. We received one comment on the draft supplemental EA by that date. Besides commenting on specific outbreak information not included in the draft supplemental EA and the timeliness of publication, the commenter raised several concerns regarding the draft supplemental EA. These concerns included whether APHIS appropriately consulted with other Federal agencies as required by the Endangered Species Act; that APHIS has not considered the significant effects that outbreak response actions will cause to the natural environment, nearby communities, wildlife and ecological resources, particularly threatened and endangered wildlife populations; and that reasonable alternatives were not considered, especially restricting certain disposal options that the commenter felt would limit the potential exposure of threatened and endangered species to HPAI-infected domestic poultry.

We reviewed and considered the concerns raised by the commenter. We have both revised the draft supplemental EA where appropriate and provided responses to concerns expressed. Our full responses can be found in Appendix E of the final supplemental EA.

We are also advising the public of our final FONSI regarding the final supplemental EA for our emergency response activities for HPAI in the United States migratory bird flyways. The FONSI, which is based on the final supplemental EA, reflects our determination that the methods used as part of HPAI emergency outbreak response activities will not have a significant impact on the quality of the human environment.

The final supplemental EA and FONSI may be viewed on the [Regulations.gov](https://www.regulations.gov) website (see footnote 4). Copies of the final supplemental EA and FONSI are also available for public inspection in our reading room located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC 20250. 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. In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

The final supplemental EA and FONSI were prepared in accordance with: (1) the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), (2) the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR parts

1500 through 1508) in effect prior to July 1, 2024, (3) USDA's NEPA-implementing regulations (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 3rd day of December 2024.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024-30256 Filed 12-18-24; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2024-0048]

Notice of Request for Reinstatement of an Information Collection; National Animal Health Monitoring System; Poultry 2025 Small Enterprise Study

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Reinstatement of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request the reinstatement of an information collection associated with conducting the National Animal Health Monitoring System's small enterprise poultry study in 2025.

DATES: We will consider all comments that we receive on or before February 18, 2025.

ADDRESSES: You may submit comments by either of the following methods:

- **Federal eRulemaking Portal:** Go to www.regulations.gov. Enter APHIS-2024-0048 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- **Postal Mail/Commercial Delivery:** Send your comment to Docket No., APHIS-2024-0048, 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 [regulations.gov](https://www.regulations.gov) or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799-7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the Poultry 2025 Small Enterprise Study, contact Ms. Nia Washington-Plaskett, Program Analyst, Center for Epidemiology and Animal Health, VS, APHIS, 2150 Centre Ave., Bldg. B, Fort Collins, CO 80524; phone: (866) 907-8190; email: nia.washington-plaskett@usda.gov or vs.sp.ceah.pci@usda.gov. For more detailed information on the information collection process, contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851-2533, or email: joseph.moxey@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: National Animal Health Monitoring System; Poultry 2025 Small Enterprise Study.

OMB Control Number: 0579-0260.

Type of Request: Reinstatement of a previously approved information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Secretary of Agriculture is authorized to protect the health of the livestock, poultry, and aquaculture populations in the United States by preventing the introduction and interstate spread of serious diseases and pests of livestock, and for eradicating such diseases from the United States when feasible. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS).

In connection with this mission, APHIS operates the National Animal Health Monitoring System (NAHMS), which collects on a national basis statistically valid and scientifically sound data on the prevalence and economic importance of livestock, poultry, and aquaculture disease risk factors.

NAHMS' studies have evolved into a collaborative industry and government initiative to help determine the most effective means of preventing and controlling diseases of poultry. NAHMS is the only agency responsible for collecting data on poultry health. Participation in any NAHMS study is voluntary, and all data are confidential.

NAHMS plans to conduct the Poultry 2025 Small Enterprise Study as part of an ongoing series of NAHMS studies on the U.S. poultry population. This study will support the following objectives: (1) Establish baselines for animal health and management practices on U.S. poultry operations with 1,000 to 74,999 table egg layers inventory, 1,000 to 99,999 broilers sold or moved annually, and 1,000 to 29,999 meat turkeys sold or moved annually; (2) describe management and biosecurity practices of small enterprise operations with a

focus on operations in areas of high poultry density and, given the outcome of the sampling, operations in close proximity (less than 1-mile radius) to larger commercial operations; and (3) describe producer preparedness for animal health emergencies, including highly pathogenic avian influenza.

The study will consist of one phase in collaboration with the National Agricultural Statistics Service (NASS). A survey will be administered to small enterprise chicken table egg layers, broilers, and meat turkey operations in all States, with a focus on smaller poultry operations in close proximity to large commercial operations. The survey will be administered with three options for completion, which are mail, web (internet), or telephone call by NASS enumerators.

The information collected through the study will be analyzed and organized into a descriptive report. Several information sheets will be derived from these reports and disseminated by NAHMS to producers, stakeholders, academia, veterinarians, and other interested parties. The collected data will be used to: (1) Establish national and regional production measures for producer, veterinary, and industry references; (2) predict or detect national and regional trends in disease emergence and movement; (3) address emerging issues; (4) aid in disease preparedness; (5) evaluate biosecurity practices of small enterprise producers and determine what sort of informational resources may be most useful for this population; (6) provide estimates of both outcome (disease or other parameters) and exposure (risks and components) variables that can be used in analytic studies in the future by NAHMS; (7) provide input into the design of surveillance systems for specific diseases; and (8) provide parameters for animal disease spread models.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.*, permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.35 hours per response.

Respondents: Small enterprise chicken table-egg layer, chicken broiler, and turkey operations. This includes chicken table-egg layer operations with inventories of 1,000 to 74,999 head, chicken broiler operations that sold or moved 1,000 to 99,999 head in the last year, and turkey operations that sold or moved 1,000 to 29,999 head in the last year.

Estimated annual number of respondents: 5,525.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 5,525.

Estimated total annual burden on respondents: 1,947 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 3rd day of December 2024.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024–30251 Filed 12–18–24; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Economic Research Service

Agency Information Collection Activities; Comment Request

AGENCY: Economic Research Service (ERS), US Department of Agriculture (USDA).

ACTION: Notice of intent to request renewal of currently approved information collection; request to comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, (Pub. L. 104–12), this notice announces the intention of the Economic Research Service (ERS) to request extension of a

currently approved information collection, the Generic Clearance for Survey Research Studies, OMB Number 0536–0073.

DATES: Written comments on this notice must be received by February 18, 2025 to be assured of consideration. Comments received after that date will be considered to the extent practicable. Send comments to the address below.

ADDRESSES: Address all comments concerning this notice to *julie.parker3@usda.gov* and *ers.pra@usda.gov* identified by docket number 0536–0073.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Julie Parker at *julie.parker3@usda.gov* or 202–868–7945.

SUPPLEMENTARY INFORMATION:

Title of collection: Generic Clearance for Survey Research Studies.

OMB Control Number: 0536–0073.

Expiration Date of Approval: April 30, 2025.

Type of Request: Intent to Seek Approval to Extend an Information Collection for 3 Years.

Abstract: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and OMB regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the ERS' intention to request renewal of approval from the Office of Management and Budget (OMB) for a generic clearance that will allow ERS to rigorously develop, test, and evaluate its survey methodologies, instruments, and administration. The mission of ERS is to provide economic and other social science information and analysis for public and private decisions on agriculture, food, natural resources, and rural America. This request is part of an on-going initiative to improve ERS data product quality, as recommended by both its own guidelines and those of OMB. The purpose of this generic clearance is to allow ERS to evaluate, adopt, and use state-of-the-art and multi-disciplinary research to improve and enhance the quality of its current data collections. This clearance will also be used to aid in the development of new surveys. It will help to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. ERS envisions using a variety of survey improvement techniques, as appropriate to the individual project under investigation. These include focus groups, market

analysis, cognitive and usability laboratory and field techniques, exploratory interviews, behavior coding, and respondent debriefing. Following standard OMB requirements, ERS will inform OMB individually in writing of the purpose, scope, time frame, and number of burden hours used for each survey improvement or development project it undertakes under this generic clearance. ERS will also provide OMB with a copy of the data collection instrument (if applicable), and all other materials describing the project.

Authority: These data will be collected under the authority of US Code (U.S.C.) 7 U.S.C. 2204(a) General duties of Secretary, advisory functions, research and development and 7 U.S.C 6971, Under Secretary of Agriculture for Research, Education, and Economics, as implemented under the Code of Federal Regulations (CFR) 7 CFR 2.21 which delegates to the Under Secretary, as Chief Scientist, the responsibility for agricultural systems and technology, including emerging agricultural research, education, and extension needs. The data collected are for nonstatistical purposes and not for public dissemination. ERS intends to protect respondent information under the Privacy Act of 1974, Section 1770 of the Food Security Act of 1985, and 7 U.S.C. 2276.

Estimate of Burden: Public reporting burden for these collections of information is estimated to average from .5 to 2 hours per respondent, depending upon the information collection and the technique used to test for that particular collection.

Respondents: Individuals or households, farms, and businesses or other for-profits.

Estimated Number of Annual Respondents: 1,815.

Estimated Total Annual Burden on Respondents: 3,630 hours.

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of ERS, including whether the information will have practical utility; (b) the accuracy of ERS's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, use, and clarity of the information for respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology.

Spiro Stefanou,

*Administrator, Economic Research Service,
United States Department of Agriculture.*

[FR Doc. 2024–30217 Filed 12–18–24; 8:45 am]

BILLING CODE 3410–18–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Generic Clearance for the Fast Track Clearance for the Collection of Routine Customer Feedback

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is an extension, without change, of a currently approved collection to collect qualitative customer and stakeholder feedback in an efficient and timely manner.

DATES: Written comments must be received on or before February 18, 2025.

ADDRESSES: Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the Agency's functions, including whether the information will have practical utility; (2) the accuracy of the Agency's estimate of the proposed information collection 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 use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Jamia Franklin, Planning and Regulatory Affairs Office, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, 5th floor, Alexandria, VA 22314. Comments may also be sent via email to Jamia.Franklin@usda.gov and. Comments will also be accepted through the Federal eRulemaking Portal. Go to <https://www.regulations.gov> and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of this information collection should be directed to Jamia Franklin at (703) 305–2403 or via email at Jamia.Franklin@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: FNS Generic Clearance for the FNS Fast Track Clearance for the Collection of Routine Customer Feedback.

OMB Number: 0584–0611.

Expiration Date: November 30, 2025.

Type of Request: Extension, without change, of a currently approved information collection request.

Abstract: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient and timely manner. By “qualitative feedback,” we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys yielding quantitative results that can be generalized to the population. This feedback will continue to: (1) provide insights into customer or stakeholder perceptions, experiences and expectations, (2) provide an early warning of issues with service and, (3) focus attention on areas where communication, training or changes in operations might improve delivery of products or services. This collection allows for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It also allows feedback to contribute directly to the improvement of program management.

The solicitation of feedback targets areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses are 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.

The Agency will continue to 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 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 will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- 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 usage require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and 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 do not result in any new system of records containing privacy information and does not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

A variety of instruments and platforms are used to collect information from respondents. This includes but is not limited to customer feedback surveys, comment cards, and focus groups obtaining customer feedback on a variety of Food and Nutrition Service (FNS) programs or portions thereof including the Child Nutrition (CN) program, the Supplemental Nutrition Assistance Program (SNAP), Food Distribution Programs, nutrition policy and promotion, and the Special Supplemental Nutrition Program for Women, Infants and Children and any associated challenges in implementing programs or subsets of programs. The annual burden hours requested (85,000) are based on the number of collections we expect to conduct over the requested period for this clearance.

ESTIMATED ANNUAL REPORTING BURDEN

Type of collection	Number of respondents	Annual frequency per response	Responses	Hours per response	Total hours
Customer Feedback Surveys	25,000	2	50,000	1	50,000
Comment Cards	7,500	2	15,000	1	15,000
Focus Groups	10,000	2	20,000	1	20,000
Total	42,500	2	85,000	1	85,000

Annual Reporting Burden Estimates

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Estimated Number of Respondents: 42,500.

Estimated Number of Responses per Respondent: 2.

Estimated Annual Responses: 85,000.

Estimated Time per Response: 1.

Burden Hours: 85,000.

Tameka Owens,

Acting Administrator and Assistant Administrator, Food and Nutrition Service.

[FR Doc. 2024–30232 Filed 12–18–24; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Qualified Products List for Wildland Fire Chemicals

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is requesting comment on reapproval or reinstatement without revision of an approved Information Collection Request (ICR), 0596–0182, Qualified Products List for Wildland Fire Chemicals.

DATES: Comments on reapproval or reinstatement of the ICR must be received in writing by February 18, 2025.

ADDRESSES: Comments may be sent to Michael McFarlane, Fire Chemicals Branch Chief, USDA Forest Service,

National Interagency Fire Center, 3833 South Development Avenue, Mail Stop 1100, Boise, ID 83705, or by email at michael.mcfarlane@usda.gov. Comments submitted in response to this notice will be available to the public through the relevant website and upon request. Therefore, do not include confidential information, such as sensitive personal or proprietary information. Email addresses associated with comments will be included as part of the comment that is made publicly available online.

The public may inspect the supporting documents for the ICR and comments received at the National Interagency Fire Center, located in the Jack Wilson Building, 3833 South Development Avenue, Boise, Idaho, on business days between 8:30 a.m. and 4 p.m. Visitors are encouraged to call ahead at (208) 387–5512 to facilitate entry into the building. The public may request an electronic copy of the supporting documents via email.

Requests should be emailed to michael.mcfarlane@usda.gov.

FOR FURTHER INFORMATION CONTACT:

Bryon Lake, National Technology and Development Program, (406) 829-6814 or by email at bryon.lake@usda.gov, or Michael McFarlane, National Interagency Fire Center, (208) 860-7334 or by email at michael.mcfarlane@usda.gov. Individuals who use telecommunication devices for the deaf and hard of hearing may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Qualified Products List for Wildland Fire Chemicals.

OMB Number: 0596-0182.

Expiration Date of Approval: January 31, 2025.

Type of Request: Reapproval or reinstatement without revision of an approved ICR.

Abstract: The Forest Service and cooperating wildland firefighting agencies need adequate types and quantities of qualified fire chemical products to accomplish fire management activities as safely and effectively as possible. To accomplish this objective, the Agency evaluates and prequalifies commercial wildland firefighting chemical products. The Agency is required to submit the formulations to the U.S. Fish and Wildlife Service and National Marine Fisheries Service during the evaluation process. All commercial wildland firefighting chemical products must meet the qualification requirements identified in the specifications maintained by the Wildland Fire Chemical Systems staff for the National Technology and Development Program. After a determination has been made that a chemical product meets the qualification requirements, the chemical product is added to the qualified products list for the appropriate product type. All federal procurements of wildland fire chemical products are made from these qualified product lists.

To initiate an evaluation, chemical product manufacturers or authorized suppliers enter into an agreement with the Forest Service and pay all costs associated with the submission and evaluation of the chemical product. Once the agreement is in place and funds are deposited to cover the associated costs, the manufacturer or supplier submits the following information to Wildland Fire Chemical Systems staff:

1. A list of the specific ingredients and quantity used to prepare the chemical product;

2. Identification of a specific company as the source of supply for each ingredient;

3. Copies of the safety data sheet for the chemical product and for each ingredient used to prepare the chemical product from the company that supplies that chemical; and

4. Specific mixing requirements and performance information.

Review of the submitted information assures that the chemical product does not contain ingredients meeting the criteria for chemicals of concern.

Chemicals of concern are defined as chemicals appearing on one or more of the following lists:

- Agency list of unacceptable ingredients.
- National Toxicology Program Annual Report on Carcinogens.
- International Agency for Research on Cancer Monographs for Potential Carcinogens.
- Comprehensive Environmental Response, Compensation, and Liability Act List of Extremely Hazardous Substances and Their Threshold Planning Quantities.
- Resources Conservation and Recovery Act, Acutely Hazardous and Toxic Wastes.
- Emergency Planning and Community Right to Know Toxic Release Inventory.

A risk assessment is required and is performed at the manufacturer's expense by a third party selected by the Forest Service. The risk assessment assesses the chemical product and levels of ingredients found in typical applications of the chemical product relative to human and environmental impact.

Each chemical product submitted is tested to determine its mammalian and aquatic toxicity. Each chemical product must meet specific levels of performance to minimize potential risk during firefighting operations and cannot exceed established thresholds. Additional tests are performed to determine the effectiveness of the chemical product to reduce a fire's rate of spread, flame length, and intensity by application of the chemical product directly on or near the fire. Several characteristics of the chemical product are measured over its operational range to ensure that the chemical product meets the needs of firefighters in the field.

The information collection request for each chemical product is necessary due to the length of time (16 to 18 months) needed to test the chemical product and the need to ensure that it does not pose a hazard for laboratory personnel during the evaluation process or for field

personnel who mix and load the chemical product prior to its purchase and use. The information collection request and the chemical product evaluation must be conducted on an ongoing basis to ensure the Forest Service can solicit and award contracts in a timely manner to provide firefighters with safe and effective wildland fire chemical products.

Estimated Annual Burden: 4.5 hours per response.

Type of Respondents: Manufacturers and suppliers of fire chemical products for wildland fire management.

Estimated Annual Number of Respondents: 5.

Estimated Annual Number of Responses per Respondent: 3.

Estimated Total Annual Burden on Respondents: 69 hours.

Comment is requested on:

1. Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Forest Service, including whether the information will have practical or scientific utility;

2. The accuracy of the Agency's estimate of the burden 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 to be collected; and

4. Ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the package submitted to the Office of Management and Budget for reapproval or reinstatement of the ICR.

JoLynn Anderson,

Branch Lead, Directives, Clearances, and Information Collection Requests.

[FR Doc. 2024-30207 Filed 12-18-24; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[Docket #: RBS-24-CO-OP-0018]

60-Day Notice of Proposed Information Collection: Rural Development Cooperative Agreements (RDCA) Program; OMB Control No.: 0570-0074

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 the Rural Business-Cooperative Service (RBCS or Agency), an agency within the United States Department of Agriculture (USDA), Rural Development (RD), announces its intention to request a revision to a currently approved information collection package for Rural Development Cooperative Agreements (RDCA) Program. The Agency invites comments on this information collection for which it intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by February 18, 2025 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically through the Federal eRulemaking Portal, *regulations.gov*. In the “Search for dockets and documents on agency actions” box, enter the docket number “RBS–24–CO–OP–0018,” and click the “Search” button. From the search results: click on or locate the document title: “60-Day Notice of Proposed Information Collection: “Rural Development Cooperative Agreements (RDCA) Program” and select the “Comment” button. Before inputting comments, commenters may review the “Commenter’s Checklist” (optional). To submit a comment: Insert comments under the “Comment” title, click “Browse” to attach files (if available), input email address, select box to opt to receive email confirmation of submission and tracking (optional), select the box “I’m not a robot,” and then select “Submit Comment.” Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site’s “FAQ” link.

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

FOR FURTHER INFORMATION CONTACT: MaryPat Daskal, Rural Development Innovation Center-Regulations Management Division, USDA, 1400 Independence Avenue SW, Room 4227, South Building, Washington, DC 20250–1522. Telephone: (202) 720–7853. Email: MaryPat.Daskal@usda.gov.

SUPPLEMENTARY INFORMATION: The OMB regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected

agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that the Agency is submitting to OMB for a revision.

Title: Rural Development Cooperative Agreements (RDCA) Program.

OMB Control Number: 0570–0074.

Expiration Date of Approval: May 31, 2025.

Type of Request: Revision of a currently approved collection.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.65 hours per response.

Respondents: Regional consortia of higher education, academic health and research institutes, or economic development entities.

Estimated Number of Respondents: 64.

Estimated Number of Responses per Respondent: 1.

Estimated Total Number of Responses: 640.

Estimated Total Annual Burden on Respondents: 1,056 hours.

Abstract: Pursuant to the Federal Agricultural Improvement Act of 1996 (Pub. L. 104–127), the U.S. Department of Agriculture (USDA) received authorization from Congress under 7 U.S.C. 2204b(b)(4) to enter into cooperative agreements for the purpose of improving the coordination and effectiveness of programs that benefit rural areas. This authority is referred to as the Rural Development Cooperative Agreement (RDCA) program. There are three agencies within USDA that administer programs that specifically target rural areas: The Rural Business-Cooperative Service (RB–CS), the Rural Housing Service (RHS), and the Rural Utilities Service (RUS).

Each year, USDA receives proposals from the public that are not in response to a specific program announcement. These proposals are called unsolicited proposals. If a proposal is related to one or more programs, it will be routed to the appropriated RD agency for review and possible consideration for a cooperative agreement using the RDCA authority. If the proposal is unique or innovative, then RD has authority to enter into a cooperative agreement without competition (see 2 CFR 415.1(d)(6)). Alternatively, USDA may issue an invitation to submit applications for a cooperative agreement using the RDCA authority. These proposals are called solicited proposals. Solicited proposals would typically be announced via a **Federal Register** Notice.

Information will be collected by the field offices from applicants. The collection of information is considered the minimum necessary to effectively evaluate the overall scope of the project.

Failure to collect information could have an adverse impact on effectively carrying out the mission, administration, processing, and program requirements.

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

(b) The accuracy of the Agency’s estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used.

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on respondents, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Copies of this information collection can be obtained from Lisa Day, Innovation Center—Regulations Management Division, at (971) 313.4750. Email: Lisa.Day@USDA.GOV.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Jacqueline Ponti-Lazaruk,

Chief Innovation Officer, Innovation Center, USDA Rural Development.

[FR Doc. 2024–30210 Filed 12–18–24; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[Docket #: RBS–24–Business–0019]

Notice of Revision of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 the Rural Business-Cooperative Service (RBCS or Agency), an agency within the United States Department of Agriculture

(USDA), Rural Development (RD), announces its intention to request a revision to a currently approved information collection package for Rural Innovation Stronger Economy (RISE) program. The Agency invites comments on this information collection for which it intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by February 18, 2025 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT:

Katherine Anne Mathis, RD Innovation Center—Regulations Management Division, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250, Telephone: 202-713-7565, email: Katherine.mathis@usda.gov.

SUPPLEMENTARY INFORMATION: The OMB regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that the Agency is submitting to OMB for extension.

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

Comments may be submitted electronically by the Federal eRulemaking Portal, [regulations.gov/](https://www.regulations.gov/). In the "Search for dockets and documents on agency actions" box enter the Docket No. RBS-24-BUSINESS-0019 and click the "Search" button. From the search results, click on or locate the document title: "Notice of Revision of a Currently Approved Information Collection" and select the "Comment" button. Before inputting comments, commenters may review the "Commenter's Checklist" (optional). To submit a comment: Insert comments under the "Comment" title,

click "Browse" to attach files (if available), input email address, select box to opt to receive email confirmation of submission and tracking (optional), select the box "I'm not a robot," and then select "Submit Comment." Information on using [Regulations.gov](https://www.regulations.gov/), including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "FAQ" link. All comments will be available for public inspection online at the Federal eRulemaking Portal ([regulations.gov](https://www.regulations.gov/)).

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. Data furnished by the applicants will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, failure to provide data could result in program benefits being withheld or denied.

Title: Rural Innovation Stronger Economy (RISE) program.

OMB Control Number: 0570-0075.

Type of Request: Revision of a currently approved information collection under 7 CFR part 4284, subpart L.

Abstract: The primary purpose of RISE is to create and enhance jobs and support industry clusters in low-income rural areas. This is achieved through grants awarded to a rural jobs accelerator partnerships consisting of non-profit entities, Tribal entities, institutions of higher education and public bodies with expertise in delivering economic and job training programs. RISE grant funds can be used to build or support a business incubator facility, provide worker training to assist in either the creation of new jobs, upskilling the present work force to a high-wage job, or developing a base of skilled workers that will enhance the opportunities to enter a high-wage job within existing industry segments in the region.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2.155 hours per response.

Respondents: Nonprofit corporations and institutions of higher education.

Estimated Number of Respondents: 60.

Estimated Number of Responses per Respondent: 14.22.

Estimated Number of Responses: 853.

Estimated Total Annual Burden on Respondents: 1,839 hours.

Copies of this information collection can be obtained from Katherine Anne Mathis, RD Innovation Center—Regulations Management Division, Telephone: 202-713-7565, email: Katherine.mathis@usda.gov.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Kathryn E. Dirksen Londrigan,

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

[FR Doc. 2024-30281 Filed 12-18-24; 8:45 am]

BILLING CODE 3410-XY-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Florida Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Florida Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom at 2 p.m. ET on Wednesday, January 15, 2025. The purpose of the meeting is to discuss the Committee's project, *Voting Rights in Florida*.

DATES: Wednesday, January 15, 2025, from 2 p.m.–3 p.m. eastern time.

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_0P76qyFRluhrtZvFBhOMA.

Join by Phone (Audio Only): (833) 435-1820 USA Toll-Free; Meeting ID: 161 244 9568.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, Designated Federal Officer, at mwojnaroski@usccr.gov or (202) 618-4158.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can

expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Liliana Schiller, Support Services Specialist, at lschiller@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Melissa Wojnaroski at mwojnaroski@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 618-4158.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the file sharing website, www.box.com. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at the above phone number.

Agenda

- I. Welcome & Roll Call
- II. Committee Discussion
- III. Public Comment
- IV. Next Steps
- V. Adjournment

Dated: December 16, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024-30243 Filed 12-18-24; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nebraska Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Nebraska Advisory Committee

(Committee) to the U.S. Commission on Civil Rights will hold a series of business meetings via web conference. The purpose of the meetings will be to discuss their draft report on the effects of the Covid-19 pandemic on education in the state.

DATES:

- Thursday, February 6, 2025 from 4 p.m.–5 p.m. central time.
- Tuesday, March 4, 2025 from 4 p.m.–5 p.m. central time
- Thursday, April 3, 2025 from 4 p.m.–5 p.m. central time

ADDRESSES: The meetings will be held via Zoom.

February 6th Meeting

- **Registration Link (Audio Visual):** https://www.zoomgov.com/webinar/register/WN_ePD_8E-bSZSbv6RG7RsNew
- **Join by Phone (Audio Only):** 1-833-435-1820 USA Toll Free; Meeting ID: 160 114 7853

March 4th Meeting

- **Registration Link (Audio/Visual):** https://www.zoomgov.com/webinar/register/WN_a0Co6z3US3iWJ1qcj2QvsA
- **Join by Phone (Audio Only):** 1-833-435-1820 USA Toll Free; Meeting ID: 160 672 3280

April 3rd Meeting:

- **Registration Link (Audio/Visual):** https://www.zoomgov.com/webinar/register/WN_oBCDpo3dQNC-F9GT1BKlhW
- **Join by Phone (Audio Only):** 1-833-435-1820 USA Toll Free; Meeting ID: 161 670 2601

FOR FURTHER INFORMATION CONTACT:

Victoria Moreno, DFO, at vmoreno@usccr.gov or by phone at 434-515-0204.

SUPPLEMENTARY INFORMATION:

Members of the public may listen to the discussions through the above call-in numbers (audio only) or online registration links (audio/visual). An open comment period at each meeting will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Individuals who are deaf, deafblind, and/or hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and meeting ID number.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meetings. Written comments may be emailed to Victoria at vmoreno@usccr.gov.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meetings. Records of the meetings will be available via www.facadatabase.gov under the Commission on Civil Rights, Nebraska Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

Agenda

- I. Welcome and Roll Call
- II. Chair's Comments
- III. Committee Business
- IV. Public Comment
- V. Adjournment

Dated: December 16, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024-30291 Filed 12-18-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

Limitation of Duty-Free Imports of Apparel Articles Assembled in Haiti Under the Caribbean Basin Economic Recovery Act (CBERA), as Amended by the Haitian Hemispheric Opportunity Through Partnership Encouragement Act (HOPE)

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notification of Annual Quantitative Limit on Imports of Certain Apparel from Haiti.

SUMMARY: CBERA, as amended, provides duty-free treatment for certain apparel articles imported directly from Haiti. One of the preferences is known as the "value-added" provision, which requires that apparel meet a minimum threshold percentage of value added in Haiti, the United States, and/or certain beneficiary countries. The provision is subject to a quantitative limitation, which is calculated as a percentage of total apparel imports into the United States for each 12-month period. For the period from December 20, 2024 through December 19, 2025, the quantity of

imports eligible for preferential treatment under the value-added provision is 322,927,229 square meters equivalent.

DATES: The new limitations become applicable December 20, 2024.

FOR FURTHER INFORMATION CONTACT: Kayla Johnson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–2532.

SUPPLEMENTARY INFORMATION:

Authority: Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a) (“CBERA”), as amended; and as implemented by Presidential Proc. No. 8114, 72 FR 13655 (March 22, 2007), and No. 8596, 75 FR 68153 (November 4, 2010).

Background: Section 213A(b)(1)(B) of CBERA, as amended (19 U.S.C. 2703a(b)(1)(B)), outlines the requirements for certain apparel articles imported directly from Haiti to qualify for duty-free treatment under a “value-added” provision. In order to qualify for duty-free treatment, apparel articles must be wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, and yarns, as long as the sum of the cost or value of materials produced in Haiti or one or more beneficiary countries, as described in CBERA, as amended, or any combination thereof, plus the direct costs of processing operations performed in Haiti or one or more beneficiary countries, as described in CBERA, as amended, or any combination thereof, is not less than an applicable percentage of the declared customs value of such apparel articles. Pursuant to CBERA, as amended, the applicable percentage for the period December 20, 2024 through December 19, 2025, is 60 percent.

For every twelve-month period following the effective date of CBERA, as amended, duty-free treatment under the value-added provision is subject to a quantitative limitation. CBERA, as amended, provides that the quantitative limitation will be recalculated for each subsequent 12-month period. Section 213A(b)(1)(C) of CBERA, as amended (19 U.S.C. 2703a(b)(1)(C)), requires that, for the twelve-month period beginning on December 20, 2024, the quantitative limitation for qualifying apparel imported from Haiti under the value-added provision will be an amount equivalent to 1.25 percent of the aggregate square meter equivalent of all apparel articles imported into the United States in the most recent 12-month period for which data are available. The aggregate square meters

equivalent of all apparel articles imported into the United States is derived from the set of Harmonized System lines listed in the Annex to the World Trade Organization Agreement on Textiles and Clothing (“ATC”), and the conversion factors for units of measure into square meter equivalents used by the United States in implementing the ATC. For purposes of this notice, the most recent 12-month period for which data are available as of December 20, 2024 is the 12-month period ending on October 31, 2024.

Therefore, for the one-year period beginning on December 20, 2024 and extending through December 19, 2025, the quantity of imports eligible for preferential treatment under the value-added provision is 322,927,229 square meters equivalent. Apparel articles entered in excess of these quantities will be subject to otherwise applicable tariffs.

Tyler Beckelman,

Deputy Assistant Secretary for Textiles, Consumer Goods, Materials Industries, Critical Minerals and Metals.

[FR Doc. 2024–30072 Filed 12–18–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–183, C–552–846]

Thermoformed Molded Fiber Products From the People’s Republic of China and the Socialist Republic of Vietnam: Postponement of Preliminary Determination in the Countervailing Duty Investigations

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

DATES: Applicable December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Ashley Cossaart (the People’s Republic of China) and Thomas Martin (Socialist Republic of Vietnam), AD/CVD Operations, OIV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–0462 and at (202) 482–3936, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 28, 2024, the U.S. Department of Commerce (Commerce) initiated a countervailing duty (CVD) investigation of imports of thermoformed molded fiber products (molded fiber products) from the

People’s Republic of China (China) and the Socialist Republic of Vietnam (Vietnam).¹ Currently, the preliminary determinations are due no later than January 2, 2025.

Postponement of Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if: (A) the petitioner² makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On December 6, 2024, the petitioners submitted a timely request that Commerce postpone the preliminary determination in these investigations.³ The petitioners stated that they request postponement to extend the deadline for the preliminary determinations in order to have an adequate opportunity to review the questionnaire responses of respondents and submit rebuttal factual information, and give Commerce adequate time to review the data provided in the questionnaire responses and issue supplemental questionnaires prior to its issuance of the preliminary determinations.⁴

In accordance with 19 CFR 351.205(e), the petitioners submitted their request for postponement of the preliminary determinations in these investigations 25 days or more before

¹ See *Thermoformed Molded Fiber Products from the People’s Republic of China and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations*, 89 FR 87556 (November 4, 2024) (*Initiation Notice*).

² The petitioners are Genera, Tellus Products, LLC, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO.

³ See Petitioners’ Letters, “Request to Extend the Deadline for the Preliminary Determination,” dated December 6, 2024.

⁴ *Id.*

the scheduled date of the preliminary determinations and stated the reasons for their request. For the reasons stated above, and because there are no compelling reasons to deny the request, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for these preliminary determinations to no later than 130 days after the date on which these investigations were initiated, *i.e.*, March 7, 2025. Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of these preliminary determinations.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: December 12, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2024–30306 Filed 12–18–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–045, C–570–046]

1-Hydroxyethylidene-1, 1-Diphosphonic Acid From the People's Republic of China: Initiation of Circumvention Inquiry of the Antidumping and Countervailing Duty Orders

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

SUMMARY: In response to a request from Compass Chemical International LLC (Compass, a domestic interested party), the U.S. Department of Commerce (Commerce) is initiating a country-wide circumvention inquiry to determine whether imports of 1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP) from the People's Republic of China (China), which has been altered in form or appearance in minor respects, are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders.

DATES: Applicable December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Charles Vannatta or Tyler O'Daniel; Office of Policy, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4036 or (202)–482–6030, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 4, 2024, pursuant to section 781(c) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.226(j), Compass filed a circumvention inquiry request alleging that solid or powdered acidic HEDP produced in China and exported to the United States constitutes merchandise altered in form or appearance in minor respects that is circumventing the *Orders*,¹ and, accordingly, should be included within the scope of the *Orders*.² On October 30, 2024, we issued a request for additional information to Compass,³ because we had found that Compass' request to conduct a circumvention inquiry was insufficient for purposes of initiation, in accordance with 19 CFR 351.226(d)(1). Additionally, we stated that 30-day period for Commerce to consider whether to initiate on Compass' circumvention inquiry request would begin with Compass' response to the request for information.⁴ Subsequently, on November 13, 2024, Compass filed its response to our request for information.⁵ Thus, we consider the circumvention inquiry request to have been filed on November 13, 2024.

Scope of the Orders

The merchandise covered by the *Orders* includes all grades of aqueous acidic (non-neutralized) concentrations of 1-hydroxyethylidene-1, 1-diphosphonic acid (HEDP), also referred to as hydroxyethylidenediphosphonic acid, hydroxyethanediphosphonic acid, acetodiphosphonic acid, and etidronic acid. The Chemical Abstract Service (CAS) registry number for HEDP is 2809–21–4.

The merchandise subject to the *Orders* is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2931.90.9043. It may also enter under HTSUS subheadings 2811.19.6090, 2931.90.9041, 2931.90.9051,

2811.19.6190, 2931.39.0018 and 2931.49.0050. While HTSUS subheadings and the CAS registry number are provided for convenience and customs purposes only, the written description of the scope of the *Orders* is dispositive.

Merchandise Subject to the Circumvention Inquiry

The merchandise covered by this circumvention inquiry includes all grades of acidic (non-neutralized) concentrations of 1-hydroxyethylidene-1, 1-diphosphonic acid (HEDP), also referred to as hydroxyethylidenediphosphonic acid, hydroxyethanediphosphonic acid, acetodiphosphonic acid, and etidronic acid, in solid or powder form, produced in China and exported to the United States. The CAS registry number for solid acidic HEDP is 2809–21–4. The solid or powder form of acidic HEDP subject to this request is typically entered into the United States under HTSUS subheadings 2931.49.0080, 2931.90.9052 and 2811.19.6190.

Statutory and Regulatory Framework for Initiation of Circumvention Inquiry

Section 351.226(d)(1)(ii) of Commerce's regulations states that if Commerce determines that a request for a circumvention inquiry satisfies the requirements of 19 CFR 351.226(c), then Commerce "will accept the request and initiate a circumvention inquiry." Section 351.226(c)(1) of Commerce's regulations, in turn, requires that each request for a circumvention inquiry allege "that the elements necessary for a circumvention determination under section 781 of the Act exist" and be "accompanied by information reasonably available to the interested party supporting these allegations." Compass alleges circumvention pursuant to section 781(c) of the Act (*i.e.*, merchandise altered in form or appearance in minor respects).

Section 781(c)(1) of the Act provides that the class or kind of merchandise subject to an AD or CVD order shall include articles that have been "altered in form or appearance in minor respects . . . whether or not included in the same tariff classification." Section 781(c)(2) of the Act provides an exception that section 781(c)(1) of the Act "shall not apply with respect to altered merchandise if the administering authority determines that it would be unnecessary to consider the altered merchandise within the scope of the {order}." Concerning the allegation of minor alterations under section 781(c) of the Act and 19 CFR 351.226(j), Commerce may consider criteria

¹ See *1-Hydroxyethylidene-1, 1-Diphosphonic Acid From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 82 FR 22807 (May 18, 2017); see also *1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Countervailing Duty Order*, 82 FR 22809 (May 18, 2017) (collectively, *Orders*).

² See Compass's Letter, "Request for an Anticircumvention Inquiry Pursuant to Section 781(c) of the Act," dated October 4, 2024.

³ See Commerce's Letter, "Supplemental Questionnaire," dated October 30, 2024.

⁴ *Id.*

⁵ See Compass's Letter, "Request for an Anticircumvention Inquiry Pursuant to Section 781(c) of the Act; Response to Supplemental Questionnaire," dated November 13, 2024.

including, but not limited to: (1) Overall physical characteristics of the merchandise; (2) expectations of ultimate users; (3) use of the merchandise; (4) channels of marketing; and (5) cost of any modification relative to the value of the imported products.

In accordance with 19 CFR 351.226(m)(2), for companion AD and CVD proceedings, “the Secretary will initiate and conduct a single inquiry with respect to the product at issue for both orders only on the record of the antidumping proceeding.” Further, once “the Secretary issues a final circumvention determination on the record of the AD proceeding, the Secretary will include a copy of that determination on the record of the CVD.” Accordingly, once Commerce concludes this circumvention inquiry, Commerce intends to place its final circumvention determination on the record of the companion CVD proceeding.

Analysis

After analyzing the record evidence and Compass’ allegation, we determine that the circumvention request satisfies the requirements of 19 CFR 351.226(c) and that there is sufficient information to warrant initiation of a circumvention inquiry based on minor alterations, pursuant to section 781(c) of the Act and 19 CFR 351.226(j). For a full discussion of the basis for our decision to initiate a circumvention inquiry, see the Initiation Checklist.⁶

As explained in the Initiation Checklist, the information provided by Compass also warrants initiating this circumvention inquiry on a country-wide basis. Commerce has taken this approach in prior circumvention inquiries, where the facts warranted initiation on a country-wide basis.⁷

Respondent Selection

Commerce intends to base respondent selection on U.S. Customs and Border Protection (CBP) data. Commerce

intends to place the CBP data on the record within five days of the publication of this initiation notice. Comments regarding the CBP data and respondent selection should be submitted within seven days after placement of the CBP data on the record of the inquiry.

Commerce intends to establish a schedule for questionnaire responses after respondent selection. A company’s failure to completely respond to Commerce’s requests for information may result in the application of facts available, pursuant to section 776(a) of the Act, which may include adverse inferences, pursuant to section 776(b) of the Act.

Suspension of Liquidation

Pursuant to 19 CFR 351.226(l)(1), Commerce intends to notify CBP of this initiation and direct CBP to continue the suspension of liquidation of entries of products subject to this circumvention inquiry that are already subject to the suspension of liquidation under the *Orders* and to apply the cash deposit rates that would be applicable if the products were determined to be covered by the scope of the *Orders*. Should Commerce issue affirmative preliminary or final circumvention determinations, Commerce will follow the suspension of liquidation rules under 19 CFR 351.226(l)(2)–(4).

Notification to Interested Parties

In accordance with 19 CFR 351.226(d) and section 781(c) of the Act, Commerce determines that Compass’ request for a circumvention inquiry satisfies the requirements of 19 CFR 351.226(c). Accordingly, Commerce is notifying all interested parties of the initiation of this circumvention inquiry to determine whether solid or powdered acidic HEDP produced in, and exported from, China are circumventing the *Orders*. We have included a description of the products that are the subject to this inquiry and an explanation of Commerce’s decision to initiate this inquiry as provided in the accompanying Initiation Checklist.⁸ In accordance with 19 CFR 351.226(e)(1), Commerce intends to issue its preliminary circumvention determination no later than 150 days from the date of publication of the notice of initiation of this circumvention inquiry in the **Federal Register**.

This notice is published in accordance with section 781(c) of the Act and 19 CFR 351.226(d)(1)(ii).

⁸ See Initiation Checklist.

Dated: December 13, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2024–30303 Filed 12–18–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–428–848]

Forged Steel Fluid End Blocks From Germany: Preliminary Results and Rescission, In Part of Countervailing Duty Administrative Review; 2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies were provided to BGH Edelstahl Siegen GmbH (BGH), a producer and exporter of forged steel fluid end blocks (fluid end blocks) from Germany. The period of review (POR) is January 1, 2023, through December 31, 2023. In addition, Commerce is rescinding this review, in part, with respect to one company. Interested parties are invited to comment on these preliminary results.

DATES: Applicable December 19, 2024.

FOR FURTHER INFORMATION CONTACT:

Rachel Accorsi or Shane Subler, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3149 or (202) 482–6241, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 5, 2024, based on timely requests for review, Commerce initiated this administrative review of the countervailing duty order on fluid end blocks from Germany.¹ On April 10, 2024, Commerce selected BGH and Schmiedewerke Gr ditz GmbH (SWG) as the mandatory respondents in this review.² On July 22, 2024, Commerce

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 15827 (March 5, 2024) (*Initiation Notice*); see also *Forged Steel Fluid End Blocks from the People’s Republic of China, the Federal Republic of Germany, India, and Italy: Countervailing Duty Orders, and Amended Final Affirmative Countervailing Duty Determination for the People’s Republic of China*, 86 FR 7535 (January 29, 2021) (*Order*).

² See Commerce’s Letter, “Countervailing Duty Questionnaire,” dated April 10, 2024.

⁶ See Initiation Checklist, “Initiation of the Circumvention Inquiry on the Antidumping and Countervailing Duty Orders,” dated concurrently with, and hereby adopted by, this notice (Initiation Checklist).

⁷ See, e.g., *Aluminum Extrusions from the People’s Republic of China: Affirmative Final Determination of Circumvention of the Antidumping and Countervailing Duty Orders and Rescission of Minor Alterations Anti-Circumvention Inquiry*, 82 FR 34630 (July 26, 2017), and accompanying Issues and Decision Memorandum at Comment 4; see also *Hydrofluorocarbon Blends from the People’s Republic of China: Initiation of Circumvention Inquiry on the Antidumping Duty Order*, 88 FR 74150 (October 30, 2023); *Hydrofluorocarbon Blends from the People’s Republic of China: Initiation of Circumvention Inquiries on the Antidumping Duty Order*, 88 FR 43275 (July 7, 2023).

tolled certain deadlines in this administrative proceeding by seven days.³ On September 25, 2024, Commerce extended the deadline for the preliminary results of this review until December 10, 2024.⁴ Additionally, on December 9, 2024, Commerce tolled the deadline to issue the preliminary results in this administrative review by 90 days.⁵ The deadline for the preliminary results is now March 10, 2025.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.⁶ A list of topics included in the Preliminary Decision Memorandum is provided as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The products covered by the *Order* are fluid end blocks from Germany. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

Rescission of Administrative Review, In Part

Pursuant to 19 CFR 351.213(d)(3), Commerce will rescind an administrative review when there are no reviewable suspended entries of subject merchandise. Based on our analysis of U.S. Customs and Border Protection (CBP) information, SWG had no entries of subject merchandise during the POR. On August 14, 2024, we notified parties that we intend to rescind this administrative review with respect to the one company which has no reviewable suspended entries.⁷ No parties commented on the notification

of intent to rescind the review, in part. We are, therefore, rescinding the administrative review of SWG. For further information, *see* the Preliminary Decision Memorandum at the "Partial Rescission of Administrative Review" section.

Methodology

Commerce is conducting this administrative review in accordance with 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.⁸ For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following net countervailable subsidy rate for the POR, January 1, 2023, through December 31, 2023:

Company	Subsidy rate (percent <i>ad valorem</i>)
BGH Edelstahl Siegen GmbH ⁹	3.51

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Public Comment

Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹⁰ Interested parties who

submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹¹ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their briefs that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹² Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹³

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.¹⁴

Assessment Rates

Consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate

88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

¹¹ See 19 CFR 351.309(c)(2) and (d)(2).

¹² We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹³ See *APO and Service Procedures*.

¹⁴ See 19 CFR 351.310(d).

³ See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated July 22, 2024.

⁴ See Memorandum, "Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review," dated September 25, 2024.

⁵ See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated December 9, 2024.

⁶ See Memorandum, "Decision Memorandum for the Preliminary Results and Partial Rescission of the Countervailing Duty Administrative Review; 2023: Forged Steel Fluid End Blocks from Germany," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁷ See Memorandum, "Notice of Intent to Rescind Review, in Part," dated August 14, 2024.

⁸ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

⁹ As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with BGH Edelstahl Siegen GmbH: Boschgotthardshütte O. Breyer GmbH, BGH Edelstahlwerke GmbH, RPS Rohstoff-, Press- und Schneidbetrieb Siegen GmbH, and SRG Schrott und Recycling GmbH.

¹⁰ See 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*,

entries covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

For the company listed above for which the review is being rescinded, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2023, through December 31, 2023, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue rescission instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Commerce intends to issue assessment instructions to CBP regarding BGH 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

Pursuant to section 751(a)(2)(C) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount indicated above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate (*i.e.*, 6.29 percent),¹⁵ applicable to the company. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: December 12, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Partial Rescission of Review
- IV. Scope of the Order
- V. Subsidies Valuation Information
- VI. Economic Diversification
- VII. Interest Rate Benchmarks
- VIII. Analysis of Programs
- IX. Recommendation

[FR Doc. 2024–30065 Filed 12–18–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; National Institute for Standards and Technology NIST Center for Neutron Research (NCNR) Information Management System (IMS) and Summer School Application

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on September 9, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comment.

Agency: National Institute of Standards and Technology (NIST), Commerce.

Title: National Institute for Standards and Technology NIST Center for Neutron Research (NCNR) Information Management System (IMS) and Summer School Application.

OMB Control Number 0693–0081.

Form Number(s): none.

Type of Request: Regular, extension of a current information collection.

Number of Respondents: 2,000.

Average Hours per Response: 1 hour.

Burden Hours: 2,000.

Needs and Uses: Registration of NCNR users; Collection of scientific experiment proposals; Regularly scheduled peer review of said proposals; Merit-based award of available experimental resources; Experiment date scheduling for selected projects (instrument scheduling); Collection and management of data required by the NCNR site access protocol; Managing the Health Physics training of arriving scientists; Coordination of administrative data; Collection of data in support of related activities such as NCNR Summer School for facility users; Management of the research results such as collected data, and subsequent publications; Numerous reporting functions used to evaluate and manage the NCNR activities.

Affected Public: Scientific personnel using NCNR facility.

Frequency: On occasion.

Respondent's Obligation: Required to obtain benefits.

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

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0693–0081.

Sheleen Dumas,

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

[FR Doc. 2024–30226 Filed 12–18–24; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Manufacturing Extension Partnership, Management Information Reporting

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance

¹⁵ See *Order*, 86 FR at 7536.

with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on September 9, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Institute of Standards and Technology (NIST), Commerce.

Title: Manufacturing Extension Partnership Management Information Reporting.

OMB Control Number 0693–0032.

Form Number(s): None.

Type of Request: Regular, extension of a current information collection.

Number of Respondents: 51.

Average Hours per Response: 22 Hours for Quarterly Review, 6 Hours for Semi-Annual Review, 30 hours for the Annual Review; 80 hours for Panel Review.

Burden Hours: 6,630 hours for quarterly, semi-annual and annual review; and 1,360 hours for Panel Review.

Needs and Uses: NIST MEP offers technical and business solutions to small- and medium-sized manufacturers to improve their productivity, improve profitability, and enhance their economic competitiveness. This is a major program which links all 50 states and Puerto Rico and the manufacturers through more than 425 affiliated MEP Centers and Field Offices. NIST MEP has many legislative and contractual requirements for collecting data and information from the MEP Centers. This information is used for the following purposes: (1) Program Accountability, (2) Reports to Stakeholders, (3) Continuous Improvement; and (4) Identification of Distinctive Practices.

Affected Public: Private sector.

Frequency: Quarterly, Semi-Annually, and Annually.

Respondent's Obligation: Required to obtain benefits.

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

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this

particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0693–0032.

Sheleen Dumas,

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

[FR Doc. 2024–30225 Filed 12–18–24; 8:45 am]

BILLING CODE 3510–13–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 January 28, 2025, from 2:00 p.m.–5:00 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 Tuesday, January 28, 2025, from 2:00 p.m.–5:00 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. 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 “January 28, 2024, NAIAC Public Meeting” to naiac@nist.gov by 5:00 p.m. Eastern Time, January 27, 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. 2024–30263 Filed 12–18–24; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: National Institute of Standards and Technology (NIST) Visiting Committee on Advanced Technology (VCAT or Committee) will meet on Wednesday, February 12, 2025, from 9 a.m. to 5:30 p.m. eastern time, and Thursday, February 13, 2025, from 9 a.m. to 1 p.m. eastern time.

DATES: The VCAT will meet on Wednesday, February 12, 2025, from 9 a.m. to 5:30 p.m. eastern time, and Thursday, February 13, 2025, from 9 a.m. to 1 p.m. eastern time.

ADDRESSES: The meeting will be held at the National Cybersecurity Center of Excellence, 9700 Great Seneca Highway, Rockville, Maryland, 20850 with an option to participate via Zoom. If there is inclement weather, all registered participants will receive the Zoom link to participate. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Stephanie Shaw, VCAT, NIST, 100 Bureau Drive, Mail Stop 1060, Gaithersburg, Maryland 20899–1060, telephone number 240–446–6000. Ms. Shaw's email address is stephanie.shaw@nist.gov.

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 278 and the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq.*

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq.*, notice is hereby given that the VCAT will meet on the dates and at the times

given in the **DATES** section. The meeting will be open to the public. The VCAT is composed of not fewer than nine members appointed by the NIST Director, eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. The primary purpose of this meeting is for the VCAT to review and make recommendations regarding general policy for NIST, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include an update on major programs at NIST, a safety update, and a strategy planning session. The Committee also will work and deliberate on its initial observations, findings, and recommendations for the 2024 VCAT Annual Report. The agenda is subject to change if needed to accommodate Committee business. The final agenda will be posted on the NIST website at <https://www.nist.gov/director/vcat/agenda.cfm>.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's business are invited to request a place on the agenda by no later than 5 p.m. eastern time, Wednesday, January 29, 2025, by contacting Stephanie Shaw at stephanie.shaw@nist.gov. Approximately one-half hour will be reserved for public comments, and speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received but is likely to be about 3 minutes each. The exact time and date for public comments will be included in the final agenda that will be posted on the NIST website at <http://www.nist.gov/director/vcat/agenda.cfm>. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person or via webinar are invited to submit written statements to Stephanie Shaw at stephanie.shaw@nist.gov.

For participants desiring to attend via Zoom, please contact Ms. Shaw at stephanie.shaw@nist.gov by 5 p.m. eastern time, Wednesday, January 29, 2025, for detailed instructions on how to join the webinar. All visitors to the NIST site are required to pre-register to be admitted. Please submit your name, time of arrival, email address, and phone number to Stephanie Shaw,

stephanie.shaw@nist.gov by 5:00 p.m. Eastern Time, Wednesday, January 29, 2025. Non-U.S. citizens must submit additional information; please contact Ms. Shaw at stephanie.shaw@nist.gov. For participants attending in person, please note that federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109–13), or by a state that has an extension for REAL ID compliance. NIST currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. For detailed information please visit: https://nist.gov/public_affairs/visitor/.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2024–30264 Filed 12–18–24; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

U.S. Integrated Ocean Observing System (IOOS®) Advisory Committee Public Meeting

AGENCY: U.S. Integrated Ocean Observing System (IOOS®), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: Notice is hereby given of a hybrid meeting of the U.S. Integrated Ocean Observing System (IOOS®) Advisory Committee (Committee). The meeting is open to the public and an opportunity for oral and written comments will be provided.

DATES: The meeting will be held both virtually and in person from January 21, 2025 to January 23, 2025. Sessions will occur from 1 p.m. to 5 p.m. central standard time (CST) on January 21, 2025 and from 9 a.m. to 5 p.m. (CST) on January 22, 2025 and January 23, 2025.

ADDRESSES: The meeting will be held at LUMCON Blue Works, 335 Dickson Rd., Houma, LA 70363. To register for the meeting and/or submit public comments, use this link <https://forms.gle/cMxN1cG4tp7DL11c6> or email Laura.Gewain@noaa.gov. Registration is required. See **SUPPLEMENTARY INFORMATION** for instructions and other information about public participation.

FOR FURTHER INFORMATION CONTACT: Krisa Arzayus, Designated Federal

Official, U.S. IOOS Advisory Committee, U.S. IOOS Program, Phone 240-533-9455; Email krisa.arzayus@noaa.gov or visit the U.S. IOOS Advisory Committee website at <https://ioos.noaa.gov/community/u-s-ioos-advisory-committee/>.

SUPPLEMENTARY INFORMATION: The Committee was established by the NOAA Administrator as directed by section 12304(d) of the Integrated Coastal and Ocean Observation System Act (the Act) as amended by section 103 of the Coordinated Ocean Observations and Research Act of 2020 (COORA) (Pub. L. 116-271, title I). 33 U.S.C. 3603(d). The Committee advises the NOAA Administrator and the Interagency Ocean Observation Committee (IOOC) on matters related to the responsibilities and authorities set forth in the Act and other appropriate matters as the Administrator, the Ocean Policy Committee described at 33 U.S.C. 3603(c)(1), and IOOC may refer to the Committee for review and advice. The charter and summaries of prior meetings can be found online at <https://ioos.noaa.gov/community/u-s-ioos-advisory-committee/>.

Matters To Be Considered

The meeting will focus on: (1) onboarding new members, (2) developing a new work plan, including topics on IOOS Inflation Reduction Act projects, (3) updates on Committee governance, and (4) updates from NOAA and key partners. The latest version of the agenda will be posted at <https://ioos.noaa.gov/community/u-s-ioos-advisory-committee/>. The times and the agenda topics described here are subject to change.

Public Comment Instructions

The meeting will be open to public participation (check agenda on website to confirm time). The Committee expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three (3) minutes. Written comments should be received by the Designated Federal Official by January 13, 2025, to provide sufficient time for Committee review. Written comments received after January 13, 2025, will be distributed to the Committee, but may not be reviewed prior to the meeting date. To submit written comments, please fill out the brief form at <https://forms.gle/cMxN1cG4tp7DL11c6> or email your comments and the organization/company affiliation you represent to Laura Gewain, Laura.Gewain@noaa.gov.

All comments received are a part of the public record. All personally identifiable information (name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the commenter will be publicly accessible. The written comment is considered the official comment and should include discussion of all points you wish to make. The Federal agencies 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). Comments that are not responsive or contain profanity, vulgarity, threats, or other inappropriate language will not be considered. This NOAA public meeting will be recorded for use in preparation of minutes. If you have a public comment, you acknowledge that you will be recorded and are aware you can opt out of the meeting. Participation in the meeting constitutes consent to the recording.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Krisa Arzayus, Designated Federal Official by phone (240-533-9455) or email (Krisa.Arzayus@noaa.gov) or to Laura Gewain (Laura.Gewain@noaa.gov) by January 7, 2025.

Carl C. Gouldman,

Director, U.S. Integrated Ocean Observing System Office, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2024-30204 Filed 12-18-24; 8:45 am]

BILLING CODE 3510-NE-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE535]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its On-Demand Fishing Gear Conflict Working Group via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Wednesday, January 8, 2025 at 9 a.m.

ADDRESSES: Webinar registration URL information: <https://nefmc-org.zoom.us/j/9qzwvG9OrjYCYDsKILZtezi59UUj>.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Agenda

The On-Demand Fishing Gear Conflict Working Group (ODWG) will meet to review the status of Council action to revise gear marking regulations; receive updates from NOAA GARFO, NEFSC Gear Research Team, NOAA Office of Law Enforcement, and MA Division of Marine Fisheries on various on-demand gear related activities and other relevant topics; receive feedback from the Council's Enforcement Committee. They also plan to discuss the ODWG work plan for 2025. Other business will be discussed if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: December 16, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024-30286 Filed 12-18-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[RTID 0648–XE530]****New England Fishery Management Council; Public Meeting**

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a webinar of its Risk Policy Working Group to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Wednesday, January 8, 2025, at 9 a.m.

ADDRESSES: Webinar registration URL information: <https://nefmc-org.zoom.us/j/0vc-CpqjMrG93qZkPHEZmuzOJQuouXhHMe>.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O’Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:**Agenda**

The Risk Policy Working Group will meet to consider revisions to the Risk Policy Matrix, data being used to score factors including socio-economic factors. Explore and discuss opportunities for the 2025 State of the Ecosystem report to support the Risk Policy process. Discuss implementation of the Risk Policy in 2025, including updates on plans for simulation testing and coordination with other ongoing Council efforts. They will also begin planning for a Council run-through of the Risk Policy weightings process at the April Council meeting. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council’s intent to

take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O’Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: December 16, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–30285 Filed 12–18–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[RTID 0648–XE541]****Marine Mammals; File No. 27539**

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the Waikiki Aquarium, 2777 Kalakaua Avenue, Honolulu, HI 96815 (Responsible Party: Andrew Rossiter, Ph.D.), has applied in due form for an enhancement permit for captive Hawaiian monk seals (*Neomonachus schauinslandi*).

DATES: Written comments must be received on or before February 3, 2025.

ADDRESSES: The application and related documents are available for review by selecting “Records Open for Public Comment” from the “Features” box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 27539 from the list of available applications. These documents are also available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please include File No. 27539 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth

the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT:

Jennifer Skidmore or Courtney Smith, Ph.D., (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222 through 226).

The Waikiki Aquarium requests a permit for enhancement activities of non-releasable Hawaiian monk seals. Up to two non-releasable Hawaiian monk seals may be maintained at Waikiki Aquarium at any given time. One seal, Ho’ailona (KP2; NOA0006753) currently at Long Marine Laboratory (Santa Cruz, California) for research proposes, will be transported to Waikiki Aquarium for continued permanent care. The seals would be provided with daily husbandry, care and treatment of medical conditions, routine veterinary care, and would be made available for opportunistic research. The Waikiki Aquarium will continue public awareness of monks seals through educational programs. The permit would be valid for 5 years from the date of issuance.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: December 16, 2024.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–30304 Filed 12–18–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XE528]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of meeting open to the public.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold its second Recreational Initiative Working Group meeting in New Orleans, LA.

DATES: The meeting will convene Wednesday, January 8, 2025, from 9 a.m. to 4:30 p.m. and Thursday, January 9, 2025, from 9 a.m. to 4 p.m., CST.

ADDRESSES: The meeting will take place at the Hyatt Centric New Orleans French Quarter, located at 800 Iberville Street, New Orleans, LA 70112. You may “listen in” by accessing the log-on information by visiting our website at www.gulfcouncil.org.

Council address: Gulf of Mexico Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Dr. Carrie Simmons, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to ensure collective understanding of stock status and management measures/history for each of the Recreational Initiative’s five focal species:

Review the status of federally managed species in the Gulf of Mexico that are highly sought after by recreational anglers, including recreational sources of directed and bycatch mortality, review and assess recreational management measures, including how management measures have changed over time and assess the performance and efficacy of recreational accountability measures and recommended improvements.

The meeting agenda is as follows:

Wednesday, January 8, 2025; 9 a.m.–4:30 p.m., CST

The meeting will begin with welcome and recap of Working Group Meeting 1 and review Working Group Meeting 2 purpose and agenda. The committee will give an overview of Public Engagement since Working Group

Meeting 1 and Recreational Data in the Gulf of Mexico, review Federal Management Process and its role in Gulf Council Management, Accountability Measures Requirements and Application, and Management Outcomes: Changes in Landings and Discards over time and Management Review.

The Group will then hear a presentation on the management history for red snapper and engage in a breakout session. The meeting will adjourn after the group hears a summary of work completed during breakouts.

Thursday, January 9, 2025; 9 a.m.–4 p.m., CST

The Working Group will begin with review of agenda for Day 2, Management will give an overview of Gag and Red Grouper followed by the workgroup breaking in two breakout sessions for Gag and Red Grouper to engage in facilitated questions and discussion, followed by a Report-Out of each breakout.

Following the lunch, Management will give an overview for Greater Amberjack and Gray Triggerfish. The workgroup will break out in two breakout sessions, Greater Amberjack and Gray Triggerfish, to engage in facilitated questions and discussion, followed by a Report-Out of each breakout. The consultants will give a presentation to put it all together with a synthesis of messages heard during Working Group meetings 1 and 2 and Working Group discussion.

Lastly, Council staff will offer closing remarks and logistics.

—Meeting Adjourns

The full agenda and additional information will be posted on <https://gulfcouncil.org/recreational-initiative/>. You may register for the webinar to listen-in only by visiting www.gulfcouncil.org and click on the meeting on the calendar.

The timing and order in which agenda items are addressed may change as required to effectively address the issue, and the latest version along with other meeting materials will be posted on the website as they become available.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid or accommodations should be directed to Kathy Pereira, (813) 348–1630, at least 15 days prior to the meeting date.

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

Dated: December 16, 2024.

Key Israel Marquez,

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

[FR Doc. 2024–30284 Filed 12–18–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XE539]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic and New England Fishery Management Councils (Councils) will hold a public meeting of their joint Northeast Trawl Advisory Panel.

DATES: The meeting will be held on Thursday, January 9, 2025 from 9 a.m. to 5 p.m. For agenda details, see

SUPPLEMENTARY INFORMATION.

ADDRESSES: This meeting will be conducted in person with a virtual option available. The meeting will be held at the Embassy Suites, 9000 Bartram Avenue, Philadelphia, PA 19153; telephone: (215) 365–4500. Webinar registration details will be posted to the calendar at www.mafmc.org prior to the meeting.

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; www.mafmc.org.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Councils’ Northeast Trawl Advisory Panel will meet to review recent developments and updates related to federal and state fishery surveys, the Research to Rule infographic, and a broader discussion related to fishy independent bottom trawl surveys. The Northeast Trawl Advisory Panel will also receive an update on the contingency plan for the NOAA Henry B. Bigelow vessel as well as discuss current and the ongoing efforts to design an Industry Based Multispecies Bottom Trawl Survey pilot project.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden, (302) 526–5251 at least 5 days prior to the meeting date.

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

Dated: December 16, 2024.

Key Israel Marquez,

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

[FR Doc. 2024–30287 Filed 12–18–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Regional Roundtables on Broadband Program Sustainability

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of regional roundtables on broadband program sustainability.

SUMMARY: The National Telecommunications and Information Administration's (NTIA) Office of Internet Connectivity and Growth (OICG) administers the following grant programs: the Broadband, Equity, Access, and Deployment (BEAD) Program, the Digital Equity (DE) Grant Programs, the Broadband Infrastructure Program (BIP), the Connecting Minority Communities (CMC) Pilot Program, the Enabling Middle Mile Broadband Infrastructure (MM) Program, and the Tribal Broadband Connectivity Program (TBCP). NTIA will host seven (7) regional meetings for grantees of these programs between February and May 2025. These events will provide technical assistance and oversight and conclude with a regional roundtable that enables the public to engage with grantees, local experts, and other stakeholders working to address digital inequities. During these regional roundtables, attendees will participate in critical discussions on how the internet for All programs are impacting communities and strategies for making those investments and initiatives last. Each regional roundtable program will feature experts from local and State governments, public interest groups, academia, and industry. They will also provide platforms for public and private stakeholders to align on shared goals for every resident to experience the benefits of technology.

DATES: NTIA will hold the regional roundtables based on the following

schedule. Participants can attend more than one meeting, but NTIA encourages everyone to attend the regional roundtables closest to their community:

1. Regional Roundtable on Broadband Program Sustainability #1—Southeast: ATLANTA, GA—February 14, 2025, 1 p.m.–4 p.m.

2. Regional Roundtable on Broadband Program Sustainability #2—Northern Plains: BOULDER, CO—March 11, 2025, 1 p.m.–4 p.m.

3. Regional Roundtable on Broadband Program Sustainability #3—West: SAN DIEGO, CA—March 19, 2025, 1 p.m.–4 p.m.

4. Regional Roundtable on Broadband Program Sustainability #4—Southwest: AUSTIN, TX—April 9, 2025, 1 p.m.–4 p.m.

5. Regional Roundtable on Broadband Program Sustainability #5—Alaska and Territories: ANCHORAGE, AK—April 23, 2025, 1 p.m.–4 p.m.

6. Regional Roundtable on Broadband Program Sustainability #6—Northeast: BOSTON, MA—May 14, 2025, 1 p.m.–4 p.m.

7. Regional Roundtable on Broadband Program Sustainability #7—Midwest: CHICAGO, IL—May 22, 2025, 1 p.m.–4 p.m.

ADDRESSES: These regional roundtables will be held in-person. All general sessions will be streamed for virtual participants. Virtual participants will receive the streaming link upon registration. NTIA will post the registration information on its BroadbandUSA website at <https://broadbandusa.ntia.doc.gov/events/latest-events>. On-site registration will also be available, but pre-registration is encouraged to receive important logistical information prior to the event.

FOR FURTHER INFORMATION CONTACT: Maci Morin, National Telecommunications and Information Administration, U.S. Department of Commerce, Room 4843, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 578–6304; email: internetForAll@ntia.gov. Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002; email press@ntia.gov.

SUPPLEMENTARY INFORMATION: The Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117–58) authorized and funded five new broadband grant programs to be administered by NTIA: the Broadband Equity, Access, and Deployment Program; the Enabling Middle Mile Broadband Infrastructure Program; and the Digital Equity Act Programs, which include the State Digital Equity Planning Grant Program, State Digital Equity Capacity Grant

Program, and Digital Equity Competitive Grant Program. The Broadband Equity, Access, and Deployment Program is a \$42.45 billion formula-based program to States, territories, and the District of Columbia for qualifying broadband deployment, mapping, and adoption projects. The Enabling Middle Mile Broadband Infrastructure Program is a competitive \$1 billion grant program for the construction, improvement or acquisition of middle-mile infrastructure. The Digital Equity Act Programs—which includes the State Digital Equity Planning Grant Program, State Digital Equity Capacity Grant Program, and the Digital Equity Competitive Grant Program—allocate \$2.75 billion to promote digital inclusion and equity for communities that lack the skills, technologies, and support needed to take advantage of broadband connections.

Additionally, the Consolidated Appropriations Act (CAA), 2021 (Pub. L. 116–260) authorized three new broadband grant programs to be administered by NTIA: the Broadband Infrastructure Program (BIP), the Tribal Broadband Connectivity Program (TBCP), and the Connecting Minority Communities Pilot Program (CMC). The Broadband Infrastructure Program is a \$288 million broadband deployment program directed to partnerships between a State, or one or more political subdivisions of a State, and providers of fixed broadband service to support broadband infrastructure deployment to areas lacking broadband, especially rural areas. The Tribal Broadband Connectivity Program—created under the CAA and receiving additional funding under IIJA—is now a \$3 billion program directed to tribal governments to be used for broadband deployment on tribal lands, as well as for telehealth, distance learning, broadband affordability, and digital inclusion. The Connecting Minority Communities Pilot Program is a \$268 million grant program to Historically Black Colleges and Universities, Tribal Colleges and Universities, and Minority-Serving Institutions for the purchase of broadband internet access service and eligible equipment or to hire and train information technology personnel.

These regional roundtables are subject to change. Session time changes will be posted on the BroadbandUSA website at <https://broadbandusa.ntia.doc.gov/events/latest-events>. Any event cancellations will also be posted on the same website. Any date change to a scheduled regional roundtable will be provided in a notice in the **Federal Register**.

Recordings and transcripts of all previously streamed sessions will be posted on the BroadbandUSA website at <https://broadbandusa.ntia.doc.gov> and NTIA's YouTube channel at: <https://www.youtube.com/ntiagov> within fourteen (14) days following the live session.

All members of the public are invited to participate in these regional roundtables. All attendees will be provided a "Know Before You Go" guide at least seven (7) days prior to the regional roundtables. Grantees are asked to register for the events on the BroadbandUSA website at <https://broadbandusa.ntia.doc.gov/events/latest-events>. Each registrant to provide their first and last name, city, state, zip code, job title, organization and email address for registration purposes.

Individuals requiring accommodations such as sign language interpretation or other ancillary aids, are

asked to notify the NTIA contact listed above at least fourteen (14) business days before the event. General questions and comments are welcome via email to internetForAll@ntia.gov.

Dated: December 11, 2024.

Stephanie Weiner,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2024-30271 Filed 12-18-24; 8:45 am]

BILLING CODE 3510-60-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23-85]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Pamela Young at (703) 953-6092, pamela.a.young14.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION:

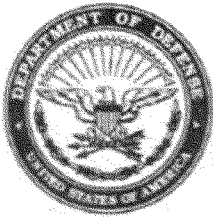
This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23-85, Policy Justification, and Sensitivity of Technology.

Dated: December 16, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

December 15, 2023

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-85, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Greece for defense articles and services estimated to cost \$1.95 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Section 620C(d) Certification

BILLING CODE 6001-FR-C

Transmittal No. 23-85

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Greece

(ii) *Total Estimated Value:*

Major Defense Equipment * \$.85 billion

Other \$1.10 billion

TOTAL \$1.95 billion

Funding Source: National Funds
(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
Thirty-five (35) UH-60M Black Hawk helicopters

Eighty (80) T700-GE 701D Engines (70 installed, 10 spares)

Forty-four (44) AN/AAR-57 Common Missile Warning Systems (CMWS) (35 installed, 9 spares)

Eighty-five (85) H-764U Embedded

Global Position Systems with Inertial Navigation (EGI) and country unique selective availability anti-spoofing module (SAASM) (or future replacement) (70 installed, 15 spares)
Eighty-five (85) AN/ARC-231A VHF/UHF/LOS SATCOM Radio Systems

Non-MDE:

Also included are AN/ARC-231 Receivers/Transmitters RT-1808A (or future replacement); VHF/UHF/LOS SATCOM radios; APR-

39C(V)1/4 Radar Warning Receivers; AVR-2B Laser Detecting Sets; APX-123A Identification Friend or Foe (IFF) Transponders; ARC-220 High Frequency (HF) radios with KY-100M; VRC-100 Ground Stations; AN/PYQ-10 Simple Key Loaders (SKLs); KIV-77 Common IFF Applique Crypto Computers; COMSEC Encryption devices; AN/ARN-147(V) Very High Frequency Omni-Directional Range (VOR)/Instrument Landing System (ILS) Receiver Radios; AN/ARN-149(V) Low Frequency (LF)/Automatic Direction Finder (ADF) Radio Receivers; AN/ARN-153 Tactical Air Navigation System (TACAN) Receiver Transmitters; AN/APN-209 Radar Altimeters; AN/ARC-210 radios; EBC-406HM Emergency Locator Transmitters (ELTs); Encrypted Aircraft Wireless Intercommunications Systems (EAWIS); Improved Heads Up Displays (IHUD); Signal Data Converters for IHUD; Color Weather Radars; MX-10D E.O./IR with Laser Designators; E.O./IR Cabin Monitoring Systems; E.O./IR Digital Video Recorders; AN/ARC-201D RT-1478D radios; Engine Inlet Barrier Filters (EIBF); Ballistic Armor Protection Systems (BAPS); Internal Auxiliary Fuel Tank Systems (IAFTS); Fast Rope Insertion Extraction Systems (FRIES); External Rescue Hoists (ERH); Rescue Hoist Equipment Sets; Dual Patient Litter System (DPLS) Sets; Martin Baker Palletized Crew Chief/Gunner Seats with crashworthy floor structural modifications; External Stores Support System (ESSS); Integrated Tow Plates Production Assets; Universal Software Loading Kits; 60kVA Generator Kits; Instrument Panels; DF-500 Personal Location Systems; Trakkabeam Searchlights; External Gun Mount Systems; M-134 Mini Gun Systems; M-240 machine guns; 7.62mm Cartridges; 2.75" Rockets; Flare IR Countermeasure M206; Decoy Flare CM M211; CTG Impulse BBU-35/B; CTG, 25.4mm, Decoy, Chaff, M839/RR170/Series; M255A2 MK-66 Night Reliability Indicator (NRI); Cartridge, Aircraft Fire Extinguisher; Cartridge, Impulse; Thruster Control Unit (TCU) -3/A; Cartridge, Aircraft; Black Hawk Aircrew Trainer (BAT); Black Hawk Maintenance Trainer (BHMT-M); Black Hawk Avionics Trainer; Maintenance Blended Reconfigurable Avionics Trainer

(MBRAT); CAPT-E-Visual & Control System (CAPT-E VCS); training devices; helmets; transportation; organizational equipment; spare and repair parts; support equipment; tools and test equipment; technical data and publications; personnel training and training equipment; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department: Army (GR-B-XOZ)*

(v) *Prior Related Cases, if any: None*

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None*

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex*

(viii) *Date Report Delivered to Congress: December 15, 2023*

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Greece—UH-60M Black Hawk Helicopters

The Government of Greece has requested to buy thirty-five (35) UH-60M Black Hawk helicopters; eighty (80) T700-GE 701D engines (70 installed, 10 spares); forty-four (44) AN/AAR-57 Common Missile Warning Systems (CMWS) (35 installed, 9 spares); eighty-five (85) H-764U Embedded Global Position Systems with Inertial Navigation (EGI) and country unique selective availability anti-spoofing module (SAASM) (or future replacement) (70 installed, 15 spares); and eighty-five (85) AN/ARC-231A VHF/UHF/LOS SATCOM radio systems. Also included are AN/ARC-231 Receivers/Transmitters RT-1808A (or future replacement); VHF/UHF/LOS SATCOM radios; APR-39C(V)1/4 Radar Warning Receivers; AVR-2B Laser Detecting Sets; APX-123A Identification Friend or Foe (IFF) Transponders; ARC-220 High Frequency (HF) radios with KY-100M; VRC-100 Ground Stations; AN/PYQ-10 Simple Key Loaders (SKLs); KIV-77 Common IFF Applique Crypto Computers; COMSEC Encryption devices; AN/ARN-147(V) Very High Frequency Omni-Directional Range (VOR)/Instrument Landing System (ILS) Receiver Radios; AN/ARN-149(V) Low Frequency (LF)/Automatic Direction Finder (ADF) Radio Receivers; AN/ARN-153 Tactical Air Navigation System (TACAN) Receiver Transmitters; AN/APN-209 Radar Altimeters; AN/ARC-210 radios; EBC-406HM

Emergency Locator Transmitters (ELTs); Encrypted Aircraft Wireless Intercommunications Systems (EAWIS); Improved Heads Up Displays (IHUD); Signal Data Converters for IHUD; Color Weather Radars; MX-10D E.O./IR with Laser Designators; E.O./IR Cabin Monitoring Systems; E.O./IR Digital Video Recorders; AN/ARC-201D RT-1478D radios; Engine Inlet Barrier Filters (EIBF); Ballistic Armor Protection Systems (BAPS); Internal Auxiliary Fuel Tank Systems (IAFTS); Fast Rope Insertion Extraction Systems (FRIES); External Rescue Hoists (ERH); Rescue Hoist Equipment Sets; Dual Patient Litter System (DPLS) Sets; Martin Baker Palletized Crew Chief/Gunner Seats with crashworthy floor structural modifications; External Stores Support System (ESSS); Integrated Tow Plates Production Assets; Universal Software Loading Kits; 60kVA Generator Kits; Instrument Panels; DF-500 Personal Location Systems; Trakkabeam Searchlights; External Gun Mount Systems; M-134 Mini Gun Systems; M-240 machine guns; 7.62mm Cartridges; 2.75" Rockets; Flare IR Countermeasure M206; Decoy Flare CM M211; CTG Impulse BBU-35/B; CTG, 25.4mm, Decoy, Chaff, M839/RR170/Series; M255A2 MK-66 Night Reliability Indicator (NRI); Cartridge, Aircraft Fire Extinguisher; Cartridge, Impulse; Thruster Control Unit (TCU) -3/A; Cartridge, Aircraft; Black Hawk Aircrew Trainer (BAT); Black Hawk Maintenance Trainer (BHMT-M); Black Hawk Avionics Trainer; Maintenance Blended Reconfigurable Avionics Trainer (MBRAT); CAPT-E-Visual & Control System (CAPT-E VCS); training devices; helmets; transportation; organizational equipment; spare and repair parts; support equipment; tools and test equipment; technical data and publications; personnel training and training equipment; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is \$1.95 billion.

This proposed sale will support the foreign policy and national security objectives of the U.S by helping to improve the security of a NATO Ally, which is an important partner for political stability and economic progress in Europe.

The proposed sale will replace Greece's current multi-role helicopter fleet with a more reliable and proven system that will allow Greece to maintain the appropriate level of readiness to conduct combined operations. The UH-60M Black Hawk helicopter will improve the Hellenic

Army's ability to deploy combat power to secure Greece's borders, deter actions against its interests, and, when required, respond with credible force. Greece will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Sikorsky, a Lockheed Martin Company, Stratford, CT. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require approximately fifteen (15) U.S. Government and/or fifteen (15) contractor representatives to travel to Greece for an extended period for equipment de-processing/fielding, system checkout, training, and technical and logistics support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 23-85

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The UH-60M aircraft is a medium lift four bladed aircraft which includes two (2) T-701D Engines. The aircraft has four (4) Multifunction Displays (MFD), which provides aircraft system, flight, mission, and communication management systems. The instrumentation panel includes four (4) Multifunction Displays (MFDs), two (2) Pilot and Co-Pilot Flight Director Panels, and two (2) Data Concentrator Units (DCUs). The Navigation System will have Embedded GPS/INS (EGIs), and two (2) Advanced Flight Control Computer Systems (AFCC), which provide 4 axis aircraft control:

a. The AN/ARC-201 Very High Frequency-Frequency Modulation (VHF-FM) Single Channel Ground and Airborne Radio System (SINCGARS) airborne radio is a reliable, field-proven voice and data communication system used with the UH-60. A country unique non-COMSEC export variant of this radio will be provided that meets Greece's requirements.

b. AN/ARC-231 RT-1808A VHF/UHF/LOS SATCOM Radios. The AN/ARC-231 is a software-definable radio for military aircraft that provides two-way, multi-mode voice and data communications over a 30 Hz to 512 MHz frequency range. It covers both line-of-sight Ultra High Frequency (UHF) and Very High Frequency (VHF)

bands with AM, FM and SATCOM capabilities.

c. The AN/ARC-231A is a software-definable radio for military aircraft that provides two-way, multi-mode voice and data communications over a 30 Hz to 512 MHz frequency range. No designated exportable/non-COMSEC capable version planned. It supports both line-of-sight Ultra High Frequency (UHF) and Very High Frequency (VHF) bands with AM, FM and SATCOM capabilities and includes embedded frequency agile modes, Electronic Counter-Countermeasures (ECCM) anti-jam waveforms including Have quick and SINCGARS, Demand Assigned Multiple Access (DAMA), Integrated Waveform (IW). It provides simultaneous, real-time participation in tactical voice and data communications networks.

d. The AN/ARC-210 is a family of radios for military aircraft that provides two-way, multi-mode voice and data communications over a 30 to 512-MHz frequency range. It covers both Ultra High Frequency (UHF) and Very High Frequency (VHF) bands with AM, FM and SATCOM capabilities. The ARC-210 radio also includes embedded anti-jam waveforms, including have-quick and SINCGARS and other data link and secure communications features, providing total battlefield interoperability and high-performance capabilities in the transfer of data, voice and imagery.

e. The AN/ARC-220 High Frequency (HF) Airborne Communication System provides rotary-wing aircraft, with advanced voice and data capabilities for short-and long-distance communications. The system is software programmable and provides for embedded automatic Link establishment (ALE), serial tone data modem, text messaging, GPS position reporting and anti-jam (ECCM) functions.

f. The AN/APX-123A, Identification Friend or Foe (IFF) Transponder, is a space diversity transponder and is installed on various military platforms. When installed in conjunction with platform antennas and the Remote Control Unit (or other appropriate control unit), the transponder provides identification, altitude and surveillance reporting in response to interrogations from airborne, ground-based and/or surface interrogators.

g. The VRC-100 High Frequency (HF) Communication System is the ground station version of the AN/ARC-220 for use in Aviation Operation Centers. It provides for advanced voice and data capabilities for short-and long-distance communications. The system is software programmable and provides for

embedded automatic Link establishment (ALE), serial tone data modem, text messaging, GPS position reporting and anti-jam (ECCM) functions. System purchased with all required mounts, amplifiers, antennas, power supplies, and accessories.

h. The AN/PYQ-10 Simple Key Loader (SKL) is a ruggedized, portable, hand-held fill device, for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

i. The KIV-77 Identification Friend or Foe (IFF) Crypto Appliqué provides cryptographic and time-of-day services for a Combined Interrogator/Transponder (CIT) or individual interrogator or transponder Mark XIIA (Mode 4 and Mode 5) IFF system deployed to identify cooperative, friendly systems.

j. The KY-100M is a self-contained terminal including COMSEC that provides for secure voice and data communications in tactical airborne/ground environments. It is an integral part of the U.S Joint Services and Federal Law Enforcement Agency networks, and provides half-duplex, narrowband and wideband communications. Flexible interfaces ensure compatibility with a wide range of voice, data, radio and satellite equipment.

k. The AN/APR-39C(V)1/4 Radar Warning System detects radar-based rangefinders, target designators and beam rider systems targeting an aircraft or vehicle. The APR-39 is a detection component of the suite of countermeasures designed to increase survivability of current generation combat aircraft and specialized special operations aircraft against the threat posed by laser designated or guided weapons.

l. The AN/AVR-2B Laser Warning Receiver detects laser rangefinders, target designators and beam rider laser-aided systems targeting an aircraft or vehicle. The AVR-2B is a detection component of the suite of countermeasures designed to increase survivability of current generation combat aircraft and specialized special operations aircraft against the threat posed by laser designated or guided weapons.

m. The AAR-57 Common Missile Warning System (CMWS) is an integrated infrared (IR) countermeasures suite utilizing ultraviolet (UV) sensors to display accurate threat location and dispense decoys/countermeasures either automatically or under pilot/crew control to defeat incoming missile threats.

n. Embedded Global Positioning System (GPS)/Inertial Navigation System (INS) (EGI) provides GPS and INS capabilities to the aircraft. The EGI will include Selective Availability anti-spoofing Module (SAASM) security modules to be used for secure GPS PPS, if required.

o. Cartridge, 25.4mm, Decoy M839. The M1 (Z133) is a 25.4mm Decoy Chaff Cartridge. Z133 is a component in A965.

p. Flare Countermeasure M211 can defeat certain shoulder launched missiles.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Greece can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Greece.

[FR Doc. 2024-30309 Filed 12-18-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-02]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Pamela Young at (703) 953-6092, pamela.a.young14.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

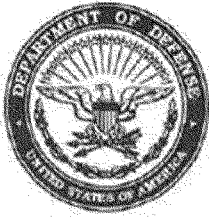
SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-02, Policy Justification, and Sensitivity of Technology.

Dated: December 16, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
 2800 Defense Pentagon
 Washington, DC 20301-2800

December 15, 2023

The Honorable Mike Johnson
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-02, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Japan for defense articles and services estimated to cost \$59.03 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 24-02

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Japan

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$38.78 million
Other	\$20.25 million
TOTAL	\$59.03 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Forty-four (44) AIM-9X Sidewinder Block II Tactical Missiles
 Twenty-nine (29) AIM-9X Sidewinder Captive Air Training Missiles (CATM)

Non-MDE:

Also included are missile containers; spare and repair parts; repair of repairables; support and test

equipment; publications and technical documentation; personnel training and training equipment; technical assistance, engineering, and logistics support services; transportation and program support; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (JA-P-AVA)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid*: None known

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold*: See Attached Annex

(viii) *Date Report Delivered to Congress*: December 15, 2023

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Government of Japan—AIM-9X Block II Sidewinder Missiles

The Government of Japan has requested to buy forty-four (44) AIM-9X Sidewinder Block II Tactical Missiles; and twenty-nine (29) AIM-9X Sidewinder Captive Air Training Missiles (CATM). Also included are missile containers; spare and repair parts; repair of repairables; support and test equipment; publications and technical documentation; personnel training and training equipment; technical assistance, engineering, and logistics support services; transportation and program support; and other related elements of logistics and program support. The estimated total program cost is \$59.03 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States (U.S.) by improving the security of a major ally that is a force for political stability and economic progress in the Indo-Pacific region.

The proposed sale will improve Japan's capability to meet current and future threats in the region. Providing this missile would complement U.S. capabilities, increase capacity in a high-threat region, and support U.S. and Japanese goals to promote regional stability and the strength of the alliance. Japan will have no difficulty absorbing these articles into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be RTX Corporation, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Japan.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-02

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology*:

1. The AIM-9X Block II SIDEWINDER Missile represents a substantial increase in missile acquisition and kinematics performance over the AIM-9M and replaces the AIM-9X Block I Missile configuration. The missile includes a high off-boresight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe and the ability to integrate the Helmet Mounted Cueing System. The most current AIM-9X Block II Operational Flight Software developed for all International Partner countries, which is authorized by USG Export Policy, provides fifth-generation Infra-Red Missile capabilities such as Lock-On-After-Launch, Weapons Data Link, Surface Attack, and Surface Launch. No software source code or algorithms will be released.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Japan can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to Japan.

[FR Doc. 2024-30316 Filed 12-18-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23-82]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Pamela Young at (703) 953-6092, pamela.a.young14.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23-82 and Policy Justification.

Dated: December 16, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
 2800 Defense Pentagon
 Washington, DC 20301-2800

December 15, 2023

The Honorable Mike Johnson
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-82, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost \$300 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
 Director

Enclosures:

1. Transmittal
2. Policy Justification

BILLING CODE 6001-FR-C

Transmittal No. 23-82

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office in the United States (TECRO)

(ii) *Total Estimated Value:*

Major Defense Equipment ..	\$ 0
Other	\$300 million
TOTAL	\$300 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

None

Non-MDE:

Included is follow-on life cycle support to maintain Command, Control, Communications, and Computers (C4) capabilities managed under the Syun An program. The C4 capabilities consisting of previously procured Multifunctional Information

Distribution Systems-Low Volume Terminals (MIDS-LVT) and Joint Tactical Information Distribution System (JTIDS) equipment, as well as procurement of spare and repair parts; repair and return of equipment; technical documentation; personnel training; software and hardware; software development; maintenance of Continental United States (CONUS) technical laboratories; U.S. Government and contract engineering and technical support;

logistics; and other related elements of logistics and program support.

(iv) *Military Department: Navy (TW-P-GPU)*

(v) *Prior Related Cases, if any: TW-P-GOS, TW-P-GNU, TW-P-GMK*

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None known*

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None*

(viii) *Date Report Delivered to Congress: December 15, 2023*

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States—Command, Control, Communications, and Computers (C4) Life Cycle Support

The Taipei Economic and Cultural Representative Office in the United States (U.S.) (TECRO) has requested to buy follow-on life cycle support to maintain Command, Control, Communications, and Computers (C4) capabilities managed under the Syun An program. The C4 capabilities consisting of previously procured Multifunctional Information Distribution Systems-Low Volume Terminals (MIDS-LVT) and Joint Tactical Information Distribution System (JTIDS) equipment, as well as procurement of spare and repair parts; repair and return of equipment; technical documentation; personnel training; software and hardware; software development; maintenance of Continental United States (CONUS)

technical laboratories; U.S. Government and contract engineering and technical support; logistics; and other related elements of logistics and program support. The estimated total cost is \$300 million.

This proposed sale is consistent with U.S. law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and to maintain a credible defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The proposed sale will improve the recipient's capability to meet current and future threats by enhancing operational readiness and maintenance of its existing C4 capabilities and sustaining capabilities that provide secure flow of tactical information required for the development of a Joint Common Operation Picture. The recipient will have no difficulty absorbing this support and equipment into its inventory.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor(s) will be determined through U.S. Government competitive processes. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require an estimated twenty-six (26) U.S. Government personnel and eighty-three (83) U.S. contractor representatives to travel to the recipient, as required, to provide engineering and

technical support services as well as program and technical reviews.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2024–30308 Filed 12–18–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–03]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Pamela Young at (703) 953–6092, pamela.a.young14.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–03, Policy Justification, and Sensitivity of Technology.

Dated: December 16, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P



DEFENSE SECURITY COOPERATION AGENCY
 2800 Defense Pentagon
 Washington, DC 20301-2800

December 15, 2023

The Honorable Mike Johnson
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-03, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Japan for defense articles and services estimated to cost \$224 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 24-03

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Japan

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$213 million
Other	\$ 11 million
TOTAL	\$224 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
 One hundred twenty (120) AIM-120C-8 Advanced Medium Range Air-to-Air Missiles (AMRAAM)
 Three (3) AIM-120C-8 Guidance Sections

Non-MDE:
 Also included are AIM-120 Captive Air Training Missiles (CATM), missile containers, and control

section spares; Common Munitions Built-in-Test Reprogramming Equipment (CMBRE); ADU-891 Adapter Group Test Sets; munitions support and support equipment; spare and repair parts, consumables, and accessories, and repair and return support; contract logistics support (CLS); classified software delivery and support; classified/unclassified publications and technical documentation; studies and surveys; United States

(U.S.) Government and contractor engineering, technical and logistical support services; and other related elements of logistics and program support.

(iv) *Military Department: Air Force* (JA–D–YBI)

(v) *Prior Related Cases, if any:* JA–D–YAI, JA–D–YAK, JA–D–YAO, JA–D–YCM, JA–D–YAU, JA–D–YAX, JA–D–YBD

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* December 15, 2023

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Japan—AIM–120C–8 Advanced Medium-Range Air-to-Air Missiles (AMRAAM)

The Government of Japan has requested to buy one hundred twenty (120) AIM–120C–8 Advanced Medium-Range Air-to-Air Missiles (AMRAAM); and three (3) AIM–120C–8 guidance sections. Also included are AIM–120 Captive Air Training Missiles (CATM), missile containers, and control section spares; Common Munitions Built-in-Test Reprogramming Equipment (CMBRE); ADU–891 Adapter Group Test Sets; munitions support and support equipment; spare and repair parts, consumables, and accessories, and repair and return support; contract logistics support (CLS); classified software delivery and support; classified/unclassified publications and technical documentation; studies and surveys; U.S. Government and contractor engineering, technical and logistical support services; and other related elements of logistics and program support. The estimated total cost is \$224 million.

This proposed sale will support the foreign policy goals and national security objectives of the U.S. by improving the security of a major ally that is a force for political stability and economic progress in the Indo-Pacific region.

The proposed sale will improve Japan's capability to meet current and future threats by defending its

homeland and U.S. personnel stationed there. The proposed sale is Japan's Calendar Year 2023 annual purchase of AMRAAMs. Japan will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be RTX Corporation, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Japan.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–03

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AIM–120C–8 Advanced Medium Range Air-to-Air Missile (AMRAAM) is a supersonic, air-launched, aerial intercept, guided missile featuring digital technology and micro-miniature, solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high- and low-flying and maneuvering targets.

2. The Common Munitions Built-In-Test (BIT)/Reprogramming Equipment (CMBRE) is support equipment used to interface with weapon systems to initiate and report BIT results, and upload/download flight software. CMBRE supports multiple munitions platforms with a range of applications that perform preflight checks, periodic maintenance checks, loading of Operational Flight Program (OFP) data, loading of munitions mission planning data, loading of Global Positioning System (GPS) cryptographic keys, and declassification of munitions memory.

3. The ADU–891 Adapter Group Test Set provides the physical and electrical interface between the Common Munitions Built-in-Test Reprogramming Equipment (CMBRE) and the missile.

4. The highest level of classification of defense articles, components, and

services included in this potential sale is SECRET.

5. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

6. A determination has been made that Japan can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

7. All defense articles and services listed in this transmittal have been authorized for release and export to Japan.

[FR Doc. 2024–30323 Filed 12–18–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–05]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953–6092, pamela.a.young14.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–05, Policy Justification, and Sensitivity of Technology.

Dated: December 16, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P



DEFENSE SECURITY COOPERATION AGENCY

2800 Defense Pentagon
Washington, DC 20301-2800

December 15, 2023

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-05, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Italy for defense services estimated to cost \$400 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 24-05

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Italy

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$345 million
Other	\$ 55 million

TOTAL	\$400 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Twenty-one (21) M142 High Mobility Artillery Rocket Systems (HIMARS)
One (1) M31A2 Guided Multiple Launch Rocket System Unitary (GMLRS-U) High Explosive (HE) Pods with Insensitive Munitions Propulsion System (IMPS)

Non-MDE:

Also included are Universal Fielding Modules; towbar toolkits and sets;

crypto-fill cable; AN/PRC-158 Multi-Channel Tactical Radio installation kits; Multi-Channel AN/PRC-158 radios; RF-7800i-CU100 radio router; HARRIS installation kits for 160W high frequency (HF) radio system; HF AN/PRC-160W-HF radios; Simple Key Loader (SKL) AN/PYQ-10 (C); RF-7800i Tactical Intercom System installation kit; RF7800i Tactical Intercom System; Fire Control Panel Trainer (FCPT) hardware and software; Missile Common Test

Device Trainer (MCTD-T), slim; Panasonic Toughbook ruggedized laptop with 30ft cables and power adapters and internal CD ROM drive; RF-7800i Tactical Intercom System training hardware; RF-7800i and CU100 training rigs, test equipment, and Golden System for operator and maintenance training; Launcher Adapter Group (LAG) and Sling; Launcher Control Unit (LCU); Weapons Control Unit (WCU); MCTD V.4 hardware and spares; MCTD V.4 software and publications; spare parts; Maintenance Support Device (MSD) V.4; Wireless AT-Platform Test Set (WATS); guided missile organizational tool kit; Hydraulic Servicing Unit (HSU); Interactive Electronic Technical Manual (IETM) development; Direct Support (DS)/General Support (GS) tool kits; Gas Particulate Filter Unit (GPFU); Forward Repair System (FRS); Positioning Navigation Assembly (PNA) with Selective Availability Anti-Spoofing Module (SAASM) Global Positioning System/Precise Positioning Service (GPS/PPS); Common MLRS SPORT Test Program Set (CMST) hardware and software development; mobile Standard Automotive Tool Set (SATS); RF7800i Tactical Intercom System spare package; Technical Manual Unit organizational Repair Parts and Special Tools List (RPSTL); Technical Manual operator's manual; Launch POD/container (LP/C) trainer M68A2; GMLRS-U flight surveillance kit; and other related elements of program and logistic support.

(iv) *Military Department*: Army (IT-B-YDQ)

(v) *Prior Related Cases, if any*: IT-B-PSX

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid*: None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold*: See Attached Annex

(viii) *Date Report Delivered to Congress*: December 15, 2023

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Italy—M142 High Mobility Artillery Rocket Systems (HIMARS)

The Government of Italy has requested to buy twenty-one (21) M142 High Mobility Artillery Rocket Systems (HIMARS); and one (1) M31A2 Guided Multiple Launch Rocket System Unitary (GMLRS-U) High Explosive (HE) Pods

with Insensitive Munitions Propulsion System (IMPS). Also included are Universal Fielding Modules; towbar toolkits and sets; crypto-fill cable; AN/PRC-158 Multi-Channel Tactical Radio installation kits; Multi-Channel AN/PRC-158 radios; RF-7800i-CU100 radio router; HARRIS installation kits for 160W high frequency (HF) radio system; HF AN/PRC-160W-HF radios; Simple Key Loader (SKL) AN/PYQ-10 (C); RF-7800i Tactical Intercom System installation kit; RF7800i Tactical Intercom System; Fire Control Panel Trainer (FCPT) hardware and software; Missile Common Test Device Trainer (MCTD-T), slim; Panasonic Toughbook ruggedized laptop with 30ft cables and power adapters and internal CD ROM drive; RF-7800i Tactical Intercom System training hardware; RF-7800i and CU100 training rigs, test equipment, and Golden System for operator and maintenance training; Launcher Adapter Group (LAG) and Sling; Launcher Control Unit (LCU); Weapons Control Unit (WCU); MCTD V.4 hardware and spares; MCTD V.4 software and publications; spare parts; Maintenance Support Device (MSD) V.4; Wireless AT-Platform Test Set (WATS); guided missile organizational tool kit; Hydraulic Servicing Unit (HSU); Interactive Electronic Technical Manual (IETM) development; Direct Support (DS)/General Support (GS) tool kits; Gas Particulate Filter Unit (GPFU); Forward Repair System (FRS); Positioning Navigation Assembly (PNA) with Selective Availability Anti-Spoofing Module (SAASM) Global Positioning System/Precise Positioning Service (GPS/PPS); Common MLRS SPORT Test Program Set (CMST) hardware and software development; mobile Standard Automotive Tool Set (SATS); RF7800i Tactical Intercom System spare package; Technical Manual Unit organizational Repair Parts and Special Tools List (RPSTL); Technical Manual operator's manual; Launch POD/container (LP/C) trainer M68A2; GMLRS-U flight surveillance kit; and other related elements of program and logistic support. The estimated total program cost is \$400 million.

This proposed sale will support United States (U.S.) foreign policy and national security by helping to improve the security of a North Atlantic Treaty Organization Ally which is an important partner for political stability and economic progress in Europe. Italy requests these capabilities to provide for the defense of deployed troops, regional security, and interoperability with the U.S.

The proposed sale will improve Italy's capability to meet current and future

threats and enhance its interoperability with U.S. and other allied forces. Italy will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin, Grand Prairie, TX. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will require the assignment of 10 U.S. Government and 10 contractor representatives annually to Italy for a period of one week. U.S. Government or contractor representatives travel to Italy will be required for program management reviews and New Equipment Training.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-05

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology*:

1. The M142 High Mobility Artillery Rocket System (HIMARS) is a C-130-transportable wheeled launcher mounted on a 5-ton Family of Medium Tactical Vehicles truck chassis. HIMARS is the modern Army-fielded version of the Multiple Launch Rocket System (MLRS) M270 launcher and can fire all the MLRS Family of Munitions (FOM) including Guided Multiple Launch Rocket System (GMLRS) variants and the Army Tactical Missile System (ATACMS). Utilizing the MLRS FOM, the HIMARS can engage targets between 15 and 300 kilometers with GPS-aided precision accuracy.

2. The Guided Multiple Launch Rocket System (GMLRS) M31A2 Unitary is the Army's primary munition for units fielding the M142 HIMARS and M270A1 Multiple Launcher Rocket System (MLRS) launchers. The M31 Unitary is a solid propellant artillery rocket that uses Global Positioning System/Precise Positioning Service (GPS/PPS)-aided inertial guidance to accurately and quickly deliver a single high-explosive blast fragmentation warhead to targets at ranges from 15-70 kilometers. The rockets are fired from a launch pod container that also serves as the storage and transportation container for the rockets. Each rocket pod holds six (6) total rockets.

3. The highest level of classification of defense articles, components, and

services included in this potential sale is SECRET.

4. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

5. A determination has been made that Italy can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

6. All defense articles and services listed in this transmittal are authorized for release and export to Italy.

[FR Doc. 2024-30322 Filed 12-18-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2024-SCC-0145]

Agency Information Collection Activities; Comment Request; High School Longitudinal Study of 2009 (HSLs:09)—Third Follow-Up

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before February 18, 2025.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <https://www.regulations.gov> by searching the Docket ID number ED-2024-SCC-0145. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <https://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](https://www.regulations.gov) site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be

accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Manager of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 4C210, Washington, DC 20202-1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carrie Clarady, (202) 245-6347.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: High School Longitudinal Study of 2009 (HSLs:09)—Third Follow-Up.

OMB Control Number: 1850-0852.

Type of Review: Reinstatement with change of a previously approved ICR.

Respondents/Affected Public: Individuals or Households. *Total Estimated Number of Annual Responses:* 11,600.

Total Estimated Number of Annual Burden Hours: 1,933.

Abstract: The High School Longitudinal Study of 2009 (HSLs:09) is conducted by the National Center for Education Statistics (NCES), part of the Institute of Education Sciences (IES) within the U.S. Department of Education. The HSLs:09 base-year data collection took place in the 2009-10

school year, with a randomly selected sample of fall-term 9th-graders in more than 900 public and private high schools with both 9th and 11th grades. This fall 2009 cohort of 9th graders has been followed over time, with follow-up interviews in spring 2012 and summer-fall 2013 and a collection of administrative records (such as high school transcripts). HSLs:09 data allows researchers, educators, and policymakers to examine motivation, achievement, and persistence in STEM (as well as non-STEM) coursetaking and careers. More generally, HSLs:09 data will allow researchers from a variety of disciplines to examine issues of college entry, persistence and success, and how changes in young people's lives and their connections with communities, schools, teachers, families, parents, and friends affect these decisions.

This request is to conduct the third follow-up of the High School Longitudinal Study of 2009 (HSLs:09). This submission includes materials and justification for the HSLs:09 third follow-up and includes approximately 23,000 sample members who were in 9th grade in 2009 during the base-year data collection. Most of the data for the third follow-up will be obtained by administrative data matching. Sample members will also be invited to complete a brief web survey. In addition to supporting statements, this submission includes: a membership list of the Technical Review Panel (TRP) (appendix A); a description of the confidentiality procedures in place for the administrative record matching (appendix B); study communication materials (appendix C); and the survey instrument (appendix D).

This submission covers HSLs:09 third follow-up materials and procedures required for administering a brief survey for sample members and administrative records matching. This submission is designed to adequately justify the need for and overall practical utility of the third follow-up study, presenting the plan for the data collection and providing as much detail about the measures to be used as is available at the time of this submission. For this full-scale study NCES will publish a notice in the **Federal Register** allowing for an initial 60-day public comment period and then an additional 30-day public comment period.

Dated: December 16, 2024.

Juliana Pearson,

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

[FR Doc. 2024–30262 Filed 12–18–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[GDO Docket No. EA–520]

Application for Authorization To Export Electric Energy; XTS LLC

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: XTS LLC (the Applicant or XTS) has applied for authorization to transmit electric energy from the United States to Mexico pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before January 21, 2025.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to Electricity.Exports@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Janessa Zucchetto, (240) 474–8226, Electricity.Exports@hq.doe.gov.

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE's Grid Deployment Office (GDO) under Redesignation Order No. S3–DEL–GD1–2023.

On November 19, 2024, XTS filed an application for authorization to transmit electric energy from the United States to Mexico for a term of five years. App. at 1.

According to the Application, XTS is a power marketer “authorized to do business in the State of Texas as a

limited liability company that participates in the Electric Reliability Council of Texas[.]” *Id.* XTS states that it purchases and sells electricity and ancillary services to customers. *Id.* The Applicant has applied for Federal Energy Regulatory Commission (FERC) market-based rate authority and “will obtain any and all other regulatory approvals required in order to carry out any electricity exports.” *Id.* at 4 & Attachment 2.

The Applicant states it “does not currently own or control electric generation or transmission facilities and does not have a power supply of its own in the United States that would cause its electricity exports to have a reliability, fuel use, or system stability impact.” App. at 3. XTS represents that it “will purchase the electricity that it may export, on either a firm or an interruptible basis, from wholesale generators, electric utilities, federal power marketing agencies, and affiliates through negotiated agreements that have been voluntarily executed by the selling parties after considering their own need for any such electricity.” *Id.* at 3. XTS asserts its transactions will comply with all North American Reliability Corporation requirements and the export limits imposed by DOE. *See id.* at 4. For these reasons, XTS states that its “proposed electricity exports will not impair or tend to impede the sufficiency of electric power supplies in the United States or the regional coordination of electric utility planning or operations.” *Id.*

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See* App. at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at Electricity.Exports@hq.doe.gov. Protests should be filed in accordance with Rule 211 of FERC's Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at Electricity.Exports@hq.doe.gov in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning XTS's Application should be clearly marked with GDO Docket No. EA–520. Additional copies are to be provided directly to Pedro Escudero y Ramirez de Arellano, XTS LLC, Javier Barros Sierra, 540 Park Plaza I Piso 1, Alvaro Obregon, CDMX, Mexico 01210,

escuderop@xiix.mx, and Frederick Jauss IV, Husch Blackwell LLP, 1801 Pennsylvania Avenue NW, Suite 1000, Washington, DC 20006, fred.jauss@huschblackwell.com.

A final decision will be made on the requested authorization after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at <https://www.energy.gov/gdo/pending-applications-0> or by emailing Electricity.Exports@hq.doe.gov.

Signing Authority: This document of the Department of Energy was signed on December 13, 2024, by Maria Robinson, Director, Grid Deployment Office, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on December 16, 2024.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2024–30219 Filed 12–18–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[GDO Docket No. EA–171–F]

Application for Renewal of Authorization To Export Electric Energy; Powerex Corp.

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: Powerex Corp. (the Applicant or Powerex) has applied for renewal of authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before January 21, 2025.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to Electricity.Exports@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Janessa Zucchetto, (240) 474-8226, Electricity.Exports@hq.doe.gov.

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE's Grid Deployment Office (GDO) under Redelegation Order No. S3-DEL-GD1-2023.

On November 18, 2024, Powerex filed an application for the renewal of authorization to transmit electric energy from the United States to Canada for a term of five years. App. at 1.

According to the Application, Powerex is a power marketer "organized under the Business Corporations Act of British Columbia, with its principal place of business at 666 Burrard Street, Suite 1300, Vancouver, British Columbia, Canada V6C 2X8." *Id.* at 2, 4. Powerex represents that it is "the wholly owned marketing subsidiary of the British Columbia Hydro and Power Authority[.]" *Id.* at 2. The Applicant "sells power at wholesale from a portfolio" of various resources acquired from sellers within both the U.S. and Canada. *Id.* Further, Powerex states that it has market-based rate authority granted by the Federal Energy Regulatory Commission (FERC). *Id.* at 2 n.3.

The Applicant states it "neither owns generation resources nor has a franchised service area or native load obligation[.]" nor does it have a "transmission 'system' of its own, such that Powerex's exports of power could have no impact on broader system reliability or resilience." App. at 4. The Applicant states that "[t]he electric energy Powerex will export, either on a firm or interruptible basis, will be surplus to the system of the third-party generator from whom such power will

be purchased." *Id.* at 5. Thus, the Applicant asserts that "[b]ecause Powerex is a power marketer with no native load obligations, and because the power it purchases will be surplus to the needs of its third-party suppliers, Powerex's exports meet the first statutory criterion of FPA section 202(e)." *Id.*

Further, Powerex states it "will schedule its exports from the U.S. in compliance with all applicable reliability criteria, standards, and other guidance from the North American Electricity Reliability Corporation ("NERC") (or any successor organization) and regional reliability councils, as applied by domestic transmission providers." App. at 4. The Applicant further affirms that it "will also separately obtain all necessary authorization, both regulatory and contractual" for the proposed electricity exports. *Id.* at 6. Therefore, the Applicant states that "the requested exports will not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of FERC." *Id.*

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See* App. at Attachment 1.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at Electricity.Exports@hq.doe.gov. Protests should be filed in accordance with Rule 211 of FERC's Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at Electricity.Exports@hq.doe.gov in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning Powerex's Application should be clearly marked with GDO Docket No. EA-171-F. Additional copies are to be provided directly to Connor Curson, Powerex Corp., 666 Burrard Street, Suite 1300, Vancouver, British Columbia, Canada V6C 2X8, connor.curson@powerex.com; Tyler S. Johnson, Bracewell LLP, 701 Fifth Avenue, Suite 3420, Seattle, WA 98104, tyler.johnson@bracewell.com; Joshua Robichaud, Bracewell LLP, 701 Fifth Avenue, Suite 3420, Seattle, WA 98104, josh.robichaud@bracewell.com; and Gary Bridgens, Bracewell LLP, 701 Fifth Avenue, Suite 3420, Seattle, WA 98104, gary.bridgens@bracewell.com.

A final decision will be made on the requested authorization after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at <https://www.energy.gov/gdo/pending-applications-0> or by emailing Electricity.Exports@hq.doe.gov.

Signing Authority: This document of the Department of Energy was signed on December 13, 2024, by Maria Robinson, Director, Grid Deployment Office, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on December 16, 2024.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2024-30222 Filed 12-18-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

[GDO Docket No. EA-519]

Application for Authorization To Export Electric Energy; OIKO Energy Inc.

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: OIKO Energy Inc. (OIKO or the Applicant) has applied for authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before January 21, 2025.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed

by electronic mail to
Electricity.Exports@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT:

Janessa Zucchetto, (240) 474-8226,
Electricity.Exports@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE's Grid Deployment Office (GDO) under Redelegation Order No. S3-DEL-GD1-2023.

On October 31, 2024, OIKO filed an application for authorization to transmit electric energy from the United States to Canada for a term of five years. App. at 1.

According to the Application, the "Applicant is a corporation organized under the Canada Business Corporation Act, with its principal place of business in Lac Brome, Quebec, Canada." *Id.* The Applicant represents that it is "expecting to become a power marketer engaging in the purchase and sale of physical and/or virtual energy in the Day-ahead and Real-time Markets of various Independent System Operators and Regional Transmission Organizations." *Id.* OIKO states it does not own, operate, or control "any electric generation, transmission or distribution facilities. *Id.* Further, OIKO represents that it "has no obligation to serve native load usually associated with a franchised service area, and, thus . . . will not impair any current supplier's ability to meet current and prospective power supply obligations." *Id.* at 3. The Applicant represents that "[a]ny power purchased . . . for export would be surplus to the needs of those entities selling power to OIKO. Therefore, the electric power that OIKO will export on either a firm or interruptible basis will not impair the sufficiency of the electric power supply within the United States." *Id.* (internal citations omitted).

The Applicant further states that it will "schedule its transactions with the appropriate balancing authority areas in

compliance with the reliability criteria standards and guidelines established by the North American Electric Reliability Corporation[.]" App. at 3. OIKO asserts that its exports will not impair or tend to impede the regional coordination of electric utility planning or operations. *Id.* at 4.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See* App. at Attachment 1.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at *Electricity.Exports@hq.doe.gov*. Protests should be filed in accordance with Rule 211 of Federal Energy Regulatory Commission's (FERC's) Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at *Electricity.Exports@hq.doe.gov* in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning OIKO's Application should be clearly marked with GDO Docket No. EA-519. Additional copies are to be provided directly to Alex Falconer, OIKO Energy Inc., 169 Mont Echo, Lac Brome, Quebec, Canada, JOE 1V0, *afalconer@oiko.ca* and William J. Dodge, Esq., Downs Rachlin Martin PLLC, P.O. Box 190, 199 Main St., Burlington, VT 05402-0190, *wdodge@drm.com*.

A final decision will be made on the requested authorization after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at <https://www.energy.gov/gdo/pending-applications-0> or by emailing *Electricity.Exports@hq.doe.gov*.

Signing Authority: This document of the Department of Energy was signed on December 13, 2024, by Maria Robinson, Director, Grid Deployment Office, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal

Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on December 16, 2024.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2024-30220 Filed 12-18-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Tuesday, January 28, 2025; 1 to 5 p.m. MST.

ADDRESSES: Cities of Gold Ballroom, 10-A Cities of Gold Road, Santa Fe, New Mexico 87506. This hybrid meeting will be open to the public in person and via WebEx. To attend virtually, please contact the Northern New Mexico Citizens Advisory Board (NNMCAB) Executive Director at *bridget.maestas@em.doe.gov* no later than 5 p.m. MST on Friday, January 24, 2025.

FOR FURTHER INFORMATION CONTACT: Bridget Maestas, NNMCAB Executive Director, by phone: 505-709-7466 or Email: *bridget.maestas@em.doe.gov*.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice and recommendations concerning the following EM site-specific issues: clean-up activities and environmental restoration; waste and nuclear materials management and disposition; excess facilities; future land use and long-term stewardship. The Board may also be asked to provide advice and recommendations on any EM program components.

Tentative Agenda:

- Presentation to the Board
- Agency Updates

Public Participation: The in-person/online virtual hybrid meeting is open to the public in person or virtually, via WebEx. Written statements may be filed with the Board no later than 5 p.m. MST on Friday, January 24, 2025, or within seven days after the meeting by sending them to the NNM CAB Executive Director at the aforementioned email address. Written public comments received prior to the meeting will be read into the record. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to submit public comments should follow as directed above.

Minutes: Minutes will be available by emailing or calling Bridget Maestas, NNM CAB Executive Director, at bridget.maestas@em.doe.gov or at (505) 709-7466.

Signing Authority: This document of the Department of Energy was signed on December 13, 2024, by Alyssa Petit, Deputy Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC on December 13, 2024.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2024-30062 Filed 12-18-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

[GDO Docket No. EA-284-G]

Application for Renewal of Authorization To Export Electric Energy; Calpine Energy Solutions, LLC

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: Calpine Energy Solutions, LLC (the Applicant or Calpine Solutions) has applied for the renewal of authorization to transmit electric energy from the United States to Mexico pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before January 21, 2025.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to Electricity.Exports@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT:

Janessa Zucchetto, (240) 474-8226, Electricity.Exports@hq.doe.gov.

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE's Grid Deployment Office (GDO) under Redelegation Order No. S3-DEL-GD1-2023.

On November 22, 2024, Calpine Solutions filed an application for the renewal of authorization to transmit electric energy from the United States to Mexico for a term of five years. App. at 1.

According to the Application, Calpine Solutions is "a California limited liability company with its principal place of business at 401 West A Street, Suite 400, San Diego, California, and is an indirect, wholly owned subsidiary of Calpine Corporation." *Id.* The Applicant represents that its wholesale sales "are made pursuant to authority granted by the Federal Energy Regulatory Commission ("FERC") to sell wholesale power at market-based rates under a wholesale power sales tariff currently on file with FERC." *Id.* at 1-2.

The Applicant states it "does not own or control electric generation, transmission, cogeneration facilities, or distribution facilities, nor does [it] have a franchised service area." App. at 5. Calpine Solutions states that any electric energy it exports "on either a firm or interruptible basis, will be surplus to the system of the generator thereof." *Id.* Thus, the Applicant states that "its exports cannot have any adverse impact on the reliability, stability, or sufficiency of supply on a franchise electric supply system or the

electric power supply within the U.S." *Id.* at 5-6.

Further, regarding the second criterion used to analyze applications to export electricity, Calpine Solutions states it "will comply with existing industry procedures for obtaining transmission capacity" and "will comply with any other export limits that DOE may deem appropriate, consistent with DOE's orders authorizing exports of electric energy by power marketers." App. at 6-7.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. See App. at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at Electricity.Exports@hq.doe.gov. Protests should be filed in accordance with Rule 211 of FERC's Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at Electricity.Exports@hq.doe.gov in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning Calpine Solutions' Application should be clearly marked with GDO Docket No. EA-284-G. Additional copies are to be provided directly to Rachael Marsh, Calpine Corporation, 875 15th Street NW, Suite 700, Washington, DC 20005, rachel.marsh@calpine.com, and Greg Bass, Calpine Energy Solutions, LLC, 401 West A Street, Suite 500, San Diego, CA 92101, greg.bass@calpine.com.

A final decision will be made on the requested authorization after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at <https://www.energy.gov/gdo/pending-applications-0> or by emailing Electricity.Exports@hq.doe.gov.

Signing Authority: This document of the Department of Energy was signed on December 13, 2024, by Maria Robinson, Director, Grid Deployment Office, pursuant to delegated authority from the Secretary of Energy. That document

with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on December 16, 2024.

Treena V. Garrett,

*Federal Register Liaison Officer, U.S.
Department of Energy.*

[FR Doc. 2024-30221 Filed 12-18-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER22-1697-003.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Order No. 2222 Compliance Filing in Response to March 2024 Order to be effective 12/31/9998.

Filed Date: 12/13/24.

Accession Number: 20241213-5144.

Comment Date: 5 p.m. ET 1/3/25.

Docket Numbers: ER24-2037-001.

Applicants: Tucson Electric Power Company.

Description: Compliance filing: Order Nos. 2023 and 2023-A Second Compliance Filing to be effective 8/15/2024.

Filed Date: 12/13/24.

Accession Number: 20241213-5068.

Comment Date: 5 p.m. ET 1/3/25.

Docket Numbers: ER25-699-000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 429-E&P Agreement w/RWE to be effective 11/12/2024.

Filed Date: 12/12/24.

Accession Number: 20241212-5228.

Comment Date: 5 p.m. ET 1/2/25.

Docket Numbers: ER25-700-000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 4268R1 Blue Valley Grid GIA to be effective 12/3/2024.

Filed Date: 12/13/24.

Accession Number: 20241213-5023.

Comment Date: 5 p.m. ET 1/3/25.

Docket Numbers: ER25-701-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original NSA, Service Agreement No. 7432; AF1-140 to be effective 2/12/2025.

Filed Date: 12/13/24.

Accession Number: 20241213-5034.

Comment Date: 5 p.m. ET 1/3/25.

Docket Numbers: ER25-702-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA, Service Agreement No. 6082; Queue No. AF1-039 to be effective 2/12/2025.

Filed Date: 12/13/24.

Accession Number: 20241213-5043.

Comment Date: 5 p.m. ET 1/3/25.

Docket Numbers: ER25-703-000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1628R27 Western Farmers Electric Cooperative NITSA NOAs to be effective 12/1/2024.

Filed Date: 12/13/24.

Accession Number: 20241213-5050.

Comment Date: 5 p.m. ET 1/3/25.

Docket Numbers: ER25-704-000.

Applicants: Amite Solar, LLC.

Description: § 205(d) Rate Filing: Application for MBR Authorization to be effective 2/12/2025.

Filed Date: 12/13/24.

Accession Number: 20241213-5102.

Comment Date: 5 p.m. ET 1/3/25.

Docket Numbers: ER25-705-000.

Applicants: Green River Solar, LLC.

Description: § 205(d) Rate Filing: Application for MBR Authorization to be effective 2/12/2025.

Filed Date: 12/13/24.

Accession Number: 20241213-5104.

Comment Date: 5 p.m. ET 1/3/25.

Docket Numbers: ER25-706-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original GIA Service Agreement No. 7433; Project Identifier No. AF2-306 to be effective 11/15/2024.

Filed Date: 12/13/24.

Accession Number: 20241213-5108.

Comment Date: 5 p.m. ET 1/3/25.

Docket Numbers: ER25-707-000.

Applicants: Taunton Municipal Lighting Plant Hudson Light & Power Department North Attleborough Electric Department.

Description: Petition for Declaratory Order of Taunton Municipal Lighting Plant Hudson Light & Power

Department North Attleborough Electric Department.

Filed Date: 12/2/24.

Accession Number: 20241202-5311.

Comment Date: 5 p.m. ET 12/23/24.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <https://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: December 13, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024-30279 Filed 12-18-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3451-047]

Beaver Falls Municipal Authority; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.*: 3451–047.

c. *Date filed*: August 1, 2022.¹

d. *Applicant*: Beaver Falls Municipal Authority (Beaver Falls).

e. *Name of Project*: Townsend Water Power Project (Townsend Project or project).

f. *Location*: The project is located on the Beaver River, in the Borough of New Brighton in Beaver County, Pennsylvania.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact*: James Riggio, General Manager, Beaver Falls Municipal Authority, P.O. Box 400, Beaver Falls, PA 15010; (724) 846–2400.

i. *FERC Contact*: Claire Rozdilski at (202) 502–8259; or email at claire.rozdilski@ferc.gov.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions*: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. For assistance, please contact FERC Online Support at FEROnlineSupport@ferc.gov, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy via the U.S. Postal Service 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. All filings must clearly identify the project name and docket number on the first page: Townsend Water Power Project (P–3451–047).

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list

for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted and is ready for environmental analysis at this time.

l. *The project facilities consist of*: (1) a 450-foot-long and 13-foot-high dam, constructed of rock-filled timber cribs encased in concrete, with a 350-foot-long spillway and an average dam crest elevation of 698.63 feet;² (2) an approximately 25-acre reservoir with a gross storage capacity of 200 acre-feet at normal water surface elevation of 698.78 feet; (3) a short entrance channel excavated in rock near the left dam abutment that directs water to an intake structure with 17-foot-wide trashracks with 5-inch clear bar spacing; (4) a 52-foot-long by 46-foot-wide concrete powerhouse; (5) two double-regulated open-pit type turbine-generator units each rated at 2,500 kilowatts (kW) for a total installed capacity of 5,000 kW; (6) an approximately 230-foot-long tailrace, excavated in rock at a normal tailwater elevation of 681.17 feet; (7) a 500-foot-long, 23-kilovolt (kV) transmission line owned by Duquesne Light Company; (8) 4.16-kV generator leads, a 60-foot-long section of 5-kV underground cable leading to a 4.16/23-kV transformer in an outdoor substation; and (9) appurtenant facilities. The average annual generation was 19,524 megawatt-hours for the period from 2015 to 2019.

The Townsend Project operates in a run-of-river mode with a continuous minimum flow of 304 cubic feet per second (cfs), or inflow, whichever is less, conveyed to the bypassed reach for the protection of aquatic resources. The flow for operating a single unit is 600 cfs and minimum river flow for the project operation is 904 cfs. There is minimal to no available usable storage behind the dam and if river flow is less than 904 cfs, all water is spilled over the dam. The project is typically operated automatically, but manual operation may occur during dynamic high-water events. The project is returned to automatic operation when flow decreases.

m. This 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, contact FERC Online Support.

All filings must (1) bear in all capital letters the title "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding in accordance with 18 CFR 4.34(b) and 385.2010.

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 at OPP@ferc.gov.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *The applicant must file no later than 60 days from the issuance date of this notice*: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of a waiver of water quality certification.

o. *Procedural schedule*: The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

¹ The Commission's Rules of Practice and Procedure provide that if a deadline falls on a Saturday, Sunday, holiday, or other day when the Commission is closed for business, the deadline does not end until the close of business on the next business day. 18 CFR 385.2007(a)(2). Because the deadline for filing a license application fell on a Sunday (*i.e.*, July 31, 2022), the deadline was extended until the close of business on Monday, August 1, 2022.

² All vertical elevations herein are referenced in National Geodetic Vertical Datum of 1929.

Milestones	Target date
Deadline for filing comments, recommendations, terms and conditions, and prescriptions.	February 10, 2025.
Deadline for filing reply comments.	March 27, 2025.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

Dated: December 12, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024–30063 Filed 12–18–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25–28–000]

Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline, Texas Eastern Transmission, LP

Take notice that on December 5, 2024, Texas Eastern Transmission, LP (Texas Eastern), P.O. Box 1642, Houston, Texas 77251–1642, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA), and Texas Eastern's blanket certificate issued in Docket No. CP82–535–000, for authorization to offset and replace segments of its 24-inch-diameter Line 12 pipeline, its 30-inch-diameter Line 19 pipeline, and its 30-inch-diameter Line 27 pipeline (Cove Mountain Road Crossing Replacement). All the above facilities are located in Blair County, Pennsylvania. The project will involve the replacement of a total of approximately 11,300 feet of pipeline required to maintain compliance with the Department of Transportation's Minimum Federal Safety Standards under 49 CFR part 192.611 (2023). The estimated cost for the project is approximately \$17.4 million, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is

available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions concerning this request should be directed to Arthur Diestel, Director, Regulatory, Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas 77251–1642, (713) 627–5116, Arthur.Diestel@enbridge.com.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on February 10, 2025. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,¹ any person² or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the

proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,³ and must be submitted by the protest deadline, which is February 10, 2025. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁴ and the regulations under the NGA⁵ by the intervention deadline for the project, which is February 10, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic)

¹ 18 CFR 157.205.

² Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

³ 18 CFR 157.205(e).

⁴ 18 CFR 385.214.

⁵ 18 CFR 157.10.

of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before February 10, 2025. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP25–28–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or ⁶

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP25–28–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: Arthur Diestel, Director, Regulatory, Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas 77251–1642, or by email (with a link to the document) at Arthur.Diestel@

enbridge.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Dated: December 12, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024–30061 Filed 12–18–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4644–017]

GR Catalyst Two, LLC; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 4644–017.

c. *Date filed:* December 2, 2024.¹

¹ The Commission's Rules of Practice and Procedure provide that if a deadline falls on a Saturday, Sunday, holiday, or other day when the Commission is closed for business, the deadline does not end until the close of business on the next business day. 18 CFR 385.2007(a)(2). Because the deadline for filing a license application fell on a Saturday (*i.e.*, November 30, 2024), the deadline

d. *Applicant:* GR Catalyst Two, LLC (GR Catalyst).

e. *Name of Project:* Dahowa Hydroelectric Project (Dahowa Project or project).

f. *Location:* On the Battenkill River in Washington County, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Katharine D. Nicholson, Chief Financial Officer, Gravity Renewables, Inc., P.O. Box 7580, Boulder, CO 80306, Phone: (303) 615–3105, Email: kathy@gravityrenewables.com; Celeste Fay, Director of Regulatory Affairs, Gravity Renewables, Inc, 5 Dartmouth Drive, Suite 104, Auburn, NH 03032, Phone: (413) 262–9466, Email: Celeste@gravityrenewables.com.

i. *FERC Contact:* Claire Rozdilski at (202) 502–8259, or claire.rozdilski@ferc.gov.

j. *Cooperating agencies:* Federal, State, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* January 31, 2025.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions

was extended until the close of business on Monday, December 2, 2024.

⁶ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

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. All filings must clearly identify the project name and docket number on the first page: Dahowa Hydroelectric Project (P-4644-017).

m. The application is not ready for environmental analysis at this time.

n. The Dahowa Project consists of the following existing facilities: (1) a 163-foot-long concrete ogee dam that varies from 3 to 15 feet in height (averaging 6 feet high) with a crest elevation of 235 feet² and fitted with 5-foot-high timber flashboards; (2) a 228-foot-long, 8-foot-high concrete headrace wall with a crest elevation of 237 feet and 3-foot-high timber flashboards; (3) an impoundment with a surface area of approximately 2.7 acres, a storage capacity of approximately 12.5 acre-feet, and a normal water surface elevation of 240.0 feet; (4) an intake with a trashrack with 2.5-inch clear bar spacing; (5) a circular 142-foot-deep concrete powerhouse with an exterior diameter of approximately 44 feet and containing one vertical Kaplan turbine-generator unit with a capacity of 10.5 megawatts; (6) an underground tailrace tunnel; (7) a 5/34.5-kilovolt (kV) step-up transformer; (8) a substation; (9) a 690-foot-long 34.5-kV transmission line; and (10) appurtenant facilities.

The current Commission-approved recreation management plan requires the licensee to maintain a public fishing area upstream of the dam on the east side of the impoundment. The area consists of a 700-foot-long access trail, a parking area, and signage. The recreation management plan also requires the licensee to provide access to a conservation and preservation area located on the west side of the impoundment and maintain a parking area, signage, an approximately 1,300-foot-long access trail loop, and overlook walkway structures for viewing Dionondahowa (Dahowa) Falls.

The Dahowa Project operates in a run-of-river mode. There is no available usable storage behind the dam. Article 402 of the current license requires a minimum flow release of 40 cubic feet per second (cfs) over the flashboards between 6:00 a.m. and 8:00 p.m. from the third Saturday in May through Labor

Day weekend and from sunrise to sunset on weekends and holidays from Labor Day weekend through November 30 to provide flows over Dahowa Falls, a natural waterfall with an approximate height of 70 feet, to enhance aesthetic resources. At all other times, a minimum flow release of 25 cfs over the flashboards is required for water quality purposes and for the protection of flow-dependent resources. GR Catalyst is not proposing any modifications to existing project facilities or changes to the operation of the project.

The Dahowa Project has an annual generation of approximately 33,500 megawatt-hours.

o. A copy of the application can be viewed on the Commission's website at <http://www.ferc.gov>, using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document (P-4644). For assistance, contact FERC at FERCOnlineSupport@ferc.gov, or call toll-free, (866) 208-3676 or (202) 502-8659 (TTY).

You may also register online at <https://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

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.

p. Procedural schedule and final amendments: The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Issue Deficiency Letter (if necessary).	February 2025.
Request Additional Information.	February 2025.
Issue Acceptance Letter	June 2025.
Issue Scoping Document 1 for comments.	July 2025.
Issue Scoping Document 2 (if necessary).	September 2025.
Issue Notice of Ready for Environmental Analysis.	September 2025.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: December 13, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024-30276 Filed 12-18-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD24-5-000]

Commission Information Collection Activities (FERC-725S); Comment Request; Revision

AGENCY: Federal Energy Regulatory Commission, (DOE).

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC-725S, (Emergency Preparedness and Operations (EOP) Reliability Standards) and submitting the information collection to the Office of Management and Budget (OMB) for review. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below.

DATES: Comments on the collection of information are due January 21, 2025.

ADDRESSES: Send written comments on FERC-725S (1902-0270) to OMB through www.reginfo.gov/public/do/PRAMain. Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Numbers 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. RD24-5-000) 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

² All elevation values reported herein reference the National Geodetic Vertical Datum of 1929.

by USPS mail or by hand (including courier) delivery.

○ *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ *Hand (Including Courier) Delivery:* Deliver to: 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>. For user assistance, contact FERC Online Support by email at ferconlinesupport@ferc.gov, or by phone at: (866) 208-3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <https://www.ferc.gov/ferc-online/overview>.

FOR FURTHER INFORMATION CONTACT:

Kayla Williams may be reached by email at DataClearance@FERC.gov, telephone at (202) 502-6468.

SUPPLEMENTARY INFORMATION:

Title: FERC-725S, Emergency Preparedness and Operations (EOP) Reliability Standards.

OMB Control No.: 1902-0270.

Type of Request: Revision of a currently approved FERC-725S information collection requirements with changes to the reporting requirements.

Abstract: On February 16, 2024, the North American Electric Reliability Corporation (NERC), the Commission-certified Electric Reliability Organization (ERO), submitted a petition seeking approval of proposed Reliability Standard EOP-012-2 (Extreme Cold Weather Preparedness and Operations). As discussed in this order, we approve proposed Reliability Standard EOP-012-2, its associated violation risk factors and violation severity levels, NERC’s proposed implementation plan, the newly defined terms Fixed Fuel Supply Component and Generator Cold Weather Constraint, the revised defined terms Generator Cold Weather Critical Component and Generator Cold Weather Reliability Event, and the retirement of Reliability

Standard EOP-012-1 immediately prior to the effective date of proposed Reliability Standard EOP-012-2.¹ We also approve NERC’s proposed implementation date for Reliability Standard EOP-011-4 and the proposed retirement of Reliability Standards EOP-011-2 and EOP-011-3 immediately prior to the effective date of proposed Reliability Standard EOP-012-2.²

It is essential to the reliable operation of the Bulk-Power System to “ensure enough generating units will be available during the next cold weather event.”³ When extreme cold weather events such as Winter Storms Uri or Elliott occur, the Bulk-Power System cannot operate reliably without adequate generation. Proposed Reliability Standard EOP-012-2 improves upon the approved, but not yet effective, Reliability Standard EOP-012-1 by clarifying the requirements for generator cold weather preparedness and by making other improvements consistent with the Commission’s directives in its February 2023 Order to help ensure that more generation is available during extreme cold weather.⁴ Accordingly, we find that proposed Reliability Standard EOP-012-2 is just, reasonable, not unduly discriminatory or preferential, and in the public interest.

Nevertheless, we find that proposed Reliability Standard EOP-012-2 requires improvement to address certain concerns, as discussed below. Therefore, pursuant to section 215(d)(5) of the Federal Power Act (FPA),⁵ FERC directs NERC to:

(1) develop and submit modifications to proposed Reliability Standard EOP-012-2 to address concerns related to the ambiguity of the newly defined term Generator Cold Weather Constraint to ensure that the Generator Cold Weather Constraint declaration criteria included within the proposed Standard are objective and sufficiently detailed so that applicable entities understand what is required of them and to remove all references to “reasonable cost,” “unreasonable cost,” “cost,” and “good business practices” and replace them

with objective, unambiguous, and auditable terms;

(2) develop and submit modifications to proposed Reliability Standard EOP-012-2 for NERC to receive, review, evaluate, and confirm the validity of each Generator Cold Weather Constraint invoked by a generator owner, in a timely fashion, to ensure that such declaration cannot be used to avoid mandatory compliance with the proposed Reliability Standard or obligations in a corrective action plan;

(3) develop and submit modifications to proposed Reliability Standard EOP-012-2 to shorten and clarify the corrective action plan implementation timelines and deadlines in Requirement R7, as further directed below;

(4) develop and submit modifications to Requirement R7 of proposed Reliability Standard EOP-012-2 to ensure that any extension of a corrective action plan implementation deadline beyond the maximum implementation timeframe required by the Standard is pre-approved by NERC and to ensure that the generator owner informs relevant registered entities of operating limitations in extreme cold weather during the period of the extension; and

(5) develop and submit modifications to Requirement R8, part 8.1 of proposed Reliability Standard EOP-012-2 to implement more frequent reviews of Generator Cold Weather Constraint declarations to verify that the constraint declaration remains valid.

The Commission has repeatedly expressed an urgency in completing cold weather Reliability Standards and having them implemented in a timely manner to address the risks presented by cold weather events on the reliability of the Bulk-Power System.⁶ Further, we note that NERC submitted the current filing in response to Commission directives to improve the cold weather Reliability Standards, and the five core directives to NERC in this order are not new issues, but rather targeted modifications necessary to fully address issues identified in the Commission’s prior February 2023 Order. Accordingly, we direct NERC to make the above modifications and submit the revised Reliability Standard within nine months of the date of issuance of the order in Docket No. RD24-5-000.⁷

¹ 16 U.S.C. 824o(d)(2).

² *Id.*

³ FERC, NERC, and Regional Entity Staff, *The February 2021 Cold Weather Outages in Texas and the South Central United States*, at 189 (Nov. 16, 2021), <https://www.ferc.gov/media/february-2021-cold-weather-outages-texas-and-south-central-united-states-ferc-nerc-and> (November 2021 Report).

⁴ See, e.g., *N. Am. Elec. Reliability Corp.*, 182 FERC ¶ 61,094, PP 3–11 (2023) (February 2023 Order); *reh’g denied*, 183 FERC ¶ 62,034, *order on reh’g*, 183 FERC ¶ 61,222 (2023).

⁵ 16 U.S.C. 824o(d)(5).

⁶ See e.g., *N. Am. Elec. Reliability Corp.*, 183 FERC ¶ 62,034 at P 10 (emphasizing that industry has been aware of and alerted to the need to prepare generating units for cold weather since at least 2011 and that in considering an appropriate implementation period for Reliability Standard EOP-012-1, NERC should consider how much time industry has already had to implement freeze protection measures).

⁷ 89 FR 55239.

Background

Section 215 and Mandatory Reliability Standards

Section 215 of the FPA provides that the Commission may certify an ERO, the purpose of which is to develop mandatory and enforceable Reliability Standards, subject to Commission review and approval.⁸ Reliability Standards may be enforced by the ERO, subject to Commission oversight, or by the Commission independently.⁹ Pursuant to section 215 of the FPA, the Commission established a process to select and certify an ERO,¹⁰ and subsequently certified NERC.¹¹

The February 2021 Cold Weather Reliability Event

On February 16, 2021, Commission, NERC, and Regional Entity staff initiated a joint inquiry into the circumstances surrounding a February 2021 cold weather reliability event then affecting Texas and the South-Central United States. In November 2021, Commission staff issued a report regarding the event, which found that the event was the largest controlled firm load shed event in U.S. history; over 4.5 million people lost power and at least 210 people lost their lives during the event.¹² The November 2021 Report made 28 recommendations including, inter alia, enhancements to the Reliability Standards to improve extreme cold weather operations, preparedness, and coordination.¹³

After the February 2021 cold weather reliability event, but before the November 2021 Report was issued, NERC filed a petition for approval of cold weather Reliability Standards addressing recommendations from a report regarding a 2018 cold weather event.¹⁴ In August 2021, the Commission approved NERC's modifications to Reliability Standards EOP-011-2 (Emergency Preparedness

and Operations), IRO-010-4 (Reliability Coordinator Data Specification and Collection), and TOP-003-5 (Operational Reliability Data).¹⁵ Reliability Standards IRO-010-4 and TOP-003-5 require that reliability coordinators, transmission operators, and balancing authorities develop, maintain, and share generator cold weather data.¹⁶ Reliability Standard EOP-011-2 requires generator owners to have generating unit cold weather preparedness plans.¹⁷

On October 28, 2022, NERC filed a petition seeking approval of Reliability Standards EOP-011-3 (Emergency Operations) and EOP-012-1 (Extreme Cold Weather Preparedness and Operations), their associated violation risk factors and violation severity levels, three newly-defined terms (Extreme Cold Weather Temperature, Generator Cold Weather Critical Component, and Generator Cold Weather Reliability Event), NERC's proposed implementation plan, and the retirement of Reliability Standard EOP-011-2.¹⁸ On February 16, 2023, the Commission approved Reliability Standards EOP-011-3 and EOP-012-1, directed NERC to develop and submit modifications to Reliability Standard EOP-012-1 and to submit a plan on how NERC will collect and assess data surrounding the implementation of Reliability Standard EOP-012-1, and deferred the retirement of Reliability Standard EOP-011-2.¹⁹

On October 30, 2023, NERC filed a petition seeking approval of Reliability Standards EOP-011-4 (Emergency Operations) and TOP-002-5 (Operations Planning), their associated violation risk factors and violation severity levels, NERC's proposed implementation plan, and the retirement of Reliability Standards EOP-011-2 and TOP-002-4. On February 15, 2024, the Commission approved Reliability Standards EOP-011-3 and TOP-002-5 and again deferred the retirement of Reliability Standard EOP-011-2.²⁰

NERC's Petition and Proposed Reliability Standard EOP-012-2

On February 16, 2024, in response to the Commission's February 2023 Order, NERC filed a petition seeking approval of proposed Reliability Standard EOP-

012-2,²¹ its associated violation risk factors and violation severity levels, two newly defined terms (Fixed Fuel Supply Component and Generator Cold Weather Constraint), two revised terms (Generator Cold Weather Critical Component and Generator Cold Weather Reliability Event), NERC's proposed implementation plan, and the retirement of currently approved Reliability Standard EOP-012-1.²² NERC explains that proposed Reliability Standard EOP-012-2 improves upon the approved, but not yet effective, generator cold weather preparation Reliability Standard EOP-012-1 and is consistent with the Commission's directives from the February 2023 Order.²³ NERC states that proposed Reliability Standard EOP-012-2 clarifies applicability of the Standard's requirements for generator cold weather preparedness, would further define the circumstances under which a generator owner may declare that constraints preclude it from implementing one or more corrective actions to address freezing issues, and shortens the implementation timeline so that cold weather reliability risks would be addressed sooner.²⁴

NERC states that the purpose of proposed Reliability Standard EOP-012-2 is unchanged from that of approved Reliability Standard EOP-012-1, which is to ensure that each generator owner develops and implements plans to alleviate the reliability impacts of extreme cold weather on its generating units.²⁵ NERC also notes that proposed Reliability Standard EOP-012-2 completes NERC's two-part plan to address recommendations from the November 2021 Report by including revisions to address parts of Key Recommendations 1a, 1b, 1c, and 1d.²⁶ NERC states that the proposed Reliability Standard contains new and revised requirements to advance the reliability of the Bulk-Power System by requiring generator owners to (1) review their generator cold weather data periodically, (2) include any identified start up issues in their generator cold weather data provided to reliability entities, and (3) consider the impacts of freezing precipitation and

⁸ 16 U.S.C. 824o(c).

⁹ *Id.* Sec. 824o(e).

¹⁰ *Rules Concerning Certification of the Elec. Reliability Org.; & Procs. for the Establishment, Approval, & Enforcement of Elec. Reliability Standards*, Order No. 672, 114 FERC ¶ 61,104, order on reh'g, Order No. 672-A, 114 FERC ¶ 61,328 (2006); see also 18 CFR 39.4(b) (2023).

¹¹ *N. Am. Elec. Reliability Corp.*, 116 FERC ¶ 61,062, order on reh'g and compliance, 117 FERC ¶ 61,126 (2006), *aff'd sub nom. Alcoa, Inc. v. FERC*, 564 F.3d 1342 (D.C. Cir. 2009).

¹² See November 2021 Report at 9.

¹³ *Id.* at 184–212 (sub-recommendations 1a through 1j).

¹⁴ FERC and NERC Staff, *The South Central United States Cold Weather Bulk Electric System Event of January 17, 2018*, at 89 (Jul. 2019), <https://www.ferc.gov/sites/default/files/2020-07/SouthCentralUnitedStatesColdWeatherBulkElectricSystemEventofJanuary17-2018.pdf>.

¹⁵ See generally *N. Am. Elec. Reliability Corp.*, 176 FERC ¶ 61,119 (2021).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ NERC 2022 Petition at 1–2.

¹⁹ See February 2023 Order, 182 FERC ¶ 61,094 at PP 3–11.

²⁰ See *id.* PP 1–2.

²¹ The proposed Reliability Standard EOP-012-2 is not attached to this order. The proposed Reliability Standard is available on the Commission's eLibrary document retrieval system in Docket No. RD24-5-000 and on the NERC website, www.nerc.com.

²² NERC Petition at 1–4.

²³ *Id.* at 2.

²⁴ *Id.*

²⁵ *Id.* at 29.

²⁶ See *id.* at 25–26, 35, 49–50 (citing the November 2021 Report at 184–86).

wind speed in identifying generator cold weather data.²⁷

Proposed Reliability Standard EOP-012-2 has eight requirements, seven of which have been carried over and modified from approved Reliability Standard EOP-012-1 (Requirements R1-R7) and one of which is new (Requirement R8). Proposed Reliability Standard EOP-012-2 applies to generator owners and generator operators that own or operate bulk electric system generating units.²⁸

Proposed Reliability Standard EOP-012-2, Requirement R1 modifies the Requirements for each generator owner to calculate the Extreme Cold Weather Temperature for each of its applicable generating units and to re-calculate that temperature at least once every five calendar years.²⁹ Where a periodic recalculation results in a lower Extreme Cold Weather Temperature for the generating unit, the generator owner must update its cold weather preparedness plan within six months and, if necessary, develop a corrective action plan to implement measures at the applicable unit to provide the capability to operate at that new, lower temperature. Proposed Reliability Standard EOP-012-2, Requirement R1, Part 1.2, also maintains Requirement R3.1 to identify generating unit cold weather data, including operating limitations in cold weather and minimum operating temperatures, from approved Reliability Standard EOP-012-1, Requirement R3, Part 3.5.³⁰

Proposed Reliability Standard EOP-012-2, Requirements R2 and R3 clarify the cold weather operational capability requirements for new and existing bulk electric system generating units.³¹ Under proposed Reliability Standard EOP-012-2, Requirement R2, generator owners would be required to implement freeze protection measures at applicable bulk electric system generating units to provide the capability to operate at the Extreme Cold Weather Temperature with sustained, concurrent 20 mph wind speed for the unit.³² Specifically, Requirement R2 requires generating units with a commercial operation date on or after October 1, 2027, to be

capable of operating at the unit's Extreme Cold Weather Temperature for a continuous 12-hour period or at the maximum operational duration for intermittent energy resources if less than 12 continuous hours. If a generating unit is unable to do either then it must develop a corrective action plan to add new or modify existing or previously planned freeze protection measures to provide the capability to operate at the unit's Extreme Cold Weather Temperature with a sustained, concurrent 20 mph wind speed.³³

Similar to Requirement R2, but without the wind and duration criteria, Requirement R3 requires either that existing generating units, (*i.e.*, those in commercial operation prior to October 1, 2027) be capable of operating at the unit's Extreme Cold Weather Temperature or that the generator owner develops a corrective action plan to address the unit's inability to continuously operate successfully.³⁴ Requirements R2 and R3 exempt generating units that do not self-commit or are not required to operate at or below a temperature of 32 degrees Fahrenheit, including those that may be called upon to operate to assist in mitigating emergencies during periods at or below 32 degrees Fahrenheit.³⁵ Proposed Reliability Standard EOP-012-2, Requirement R4,³⁶ modifies the requirement for generator owners to implement and maintain cold weather preparedness plans.³⁷

Under Requirement R4, generator owners would include in their cold weather preparedness plans the information determined in accordance with proposed Reliability Standard EOP-012-2, Requirement R1. Requirement R4 also clarifies that the cold weather preparedness plans shall reflect the lowest calculated Extreme Cold Weather Temperature for the unit, even if subsequent re-calculations indicate warming temperatures.³⁸

Proposed Reliability Standard EOP-012-2, Requirement R5 is substantively unchanged from the prior version of the

Standard. Requirement R5 states that generator owners must train their personnel annually on the unit's cold weather preparedness plans.³⁹

Proposed Reliability Standard EOP-012-2, Requirement R6 modifies the requirement that generator owners that self-commit or are required to operate at or below a temperature of 32 degrees Fahrenheit and experience an outage, failure to start, or derate due to freezing at or above their Extreme Cold Weather Temperature must develop a corrective action plan to address the identified causes. Requirement R6 exempts generating units that do not self-commit or are not required to operate at or below a temperature of 32 degrees Fahrenheit, including those that may be called upon to operate to assist in mitigating emergencies during periods at or below 32 degrees Fahrenheit.⁴⁰

Proposed Reliability Standard EOP-012-2, Requirement R7 modifies the requirement for implementing corrective action plans. Requirement R7 includes new implementation deadlines for implementing corrective action plans and clarifies the types of constraints that may preclude the implementation of one or more corrective actions.⁴¹ Specifically, Requirement R7 requires that for each corrective action plan developed pursuant to Requirements R1, R2, R3, or R6, generator owners shall include a timetable for implementing the corrective actions and complete the corrective actions in accordance with the timetables outlined in the proposed Standard.⁴² Under Requirement R7, generator owners are permitted to update the corrective action plan timetables, with justifications, if corrective actions change or the timetable exceeds the timelines in Requirement R7, Part 7.1. This requirement also states that the generator owner must document, in a declaration with justification, any Generator Cold Weather Constraint that precludes the generator owner from implementing the selected actions

²⁷ *Id.* at 23.

²⁸ NERC Petition at 22-23.

²⁹ Requirement R1 under proposed Reliability Standard EOP-012-2 modifies existing Requirement R3, Part 3.1 and Requirement R4 under currently approved but not yet effective Reliability Standard EOP-012-1.

³⁰ NERC Petition at 33-37.

³¹ Requirements R2 and R3 under proposed Reliability Standard EOP-012-2 were originally Requirements R1 and R2, respectively, under currently approved but not yet effective Reliability Standard EOP-012-1.

³² NERC Petition at 37.

³³ *Id.* at 38.

³⁴ *Id.* at 38-39.

³⁵ Proposed Reliability Standard EOP-012-2, Requirement R2, n.1 and Requirement R3, n.2; see also NERC Petition at 41-42.

³⁶ Proposed Reliability Standard EOP-012-2, Requirement R4 was originally Requirement R3 in currently approved but not yet effective Reliability Standard EOP-012-1.

³⁷ NERC Petition at 45.

³⁸ *Id.* at 46 (citing proposed Reliability Standard EOP-012-2, Requirement R4, n.3, which states that generator owners shall include the lowest calculated Extreme Cold Weather Temperature for the unit, even where subsequent periodic re-calculations under Requirement R1, Part 1.1 cause an increase in the Extreme Cold Weather Temperature).

³⁹ *Id.* at 47.

⁴⁰ *Id.* at 48 (citing Proposed Reliability Standard EOP-012-2, Requirement R6, n.4).

⁴¹ *Id.* at 50.

⁴² *Id.* at 50-51 (noting that generator owners must list the actions that address *existing* equipment or freeze protection measures to be completed within 24 calendar months of completing development of the corrective action plan, list the actions that require *new* equipment or freeze protection measures, if any, to be completed within 48 calendar months of completing development of the corrective action plan, and list the updates to the cold weather preparedness plan requirement under Requirement R4 to identify the updates or additions to the Generator Cold Weather Critical Components and their freeze protection measures) (emphasis added).

contained within the corrective action plan.⁴³

Proposed Reliability Standard EOP–012–2, Requirement R8 is a new requirement that would apply to generator owners that have declared a Generator Cold Weather Constraint under Requirement R7. Specifically, this requirement states that each generator owner that creates a Generator Cold Weather Constraint declaration shall review the Generator Cold Weather Constraint declaration at least every five calendar years or as needed when a change of status to the Generator Cold Weather Constraint occurs and update the operating limitations associated with capability and availability under Requirement R1, Part 1.2, if applicable.⁴⁴

NERC requests that the Commission approve the violation risk factors and violation severity levels for proposed Reliability Standard EOP–012–2.⁴⁵ Further, NERC proposes an effective date for Reliability Standard EOP–012–2 (with the exception of Requirement R3, which would become mandatory and enforceable 12-months following

the proposed Standard's effective date) of October 1, 2024 or the first day of the first calendar quarter that is three months following regulatory approval, whichever is later.⁴⁶

Finally, NERC requests that the Commission approve proposed Reliability Standard EOP–012–2 in an expedited manner. NERC explains that, among other things, expedited approval would provide regulatory certainty to entities seeking to comply with the proposed Reliability Standard ahead of the mandatory and enforceable date.⁴⁷

The EOP Standards are currently located in the FERC–725S (OMB Control No. 1902–0270) collection.⁴⁸ In Docket No. RD24–5–000, the Commission proposes to replace the current OMB approved Reliability Standard EOP–012–1 with proposed Reliability Standard EOP–012–2 (Table 1). Proposed Reliability Standard EOP–012–2 has eight requirements, seven of which have been carried over and modified from the already approved Reliability Standard EOP–012–1 (Requirements R1–R7) and one of which is new (Requirement R8). The estimates

in the tables below are based, in combination, on one-time (years 1 and 2) and ongoing execution (year 3) obligations to follow the revised Reliability Standard EOP–012–2. The number of respondents below are based on an estimate of the NERC compliance registry for generator owners and generator operators. Proposed Reliability Standard EOP–012–2 applies to generator owners and generator operators. The Commission based its paperwork burden estimates on the NERC compliance registry as of April 16, 2024. According to the registry for US unique entities, there are 1,210 generator owners. The estimates in the tables below are based on the change in burden from the Reliability Standards approved in this order.⁴⁹ The Commission based the burden estimates in the tables below on staff experience, knowledge, and expertise.

Public Reporting Burden: The estimated costs and burden for the revisions in Docket No. RD24–5–000 are shown in the table below.

TABLE 1—PROPOSED CHANGES DUE TO FINAL RULE IN DOCKET NO. RD24–5–000 FOR EOP–012–2

Reliability standard & requirement	Type and number of entity	Number of annual responses per entity	Total number of responses	Average number of burden hours per response ⁵⁰	Total burden hours
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)
FERC–725S					
One Time Estimate—Years 1 and 2 EOP–012–2					
EOP–012–2	1,210 (GO)	1	1,210	5 hrs., \$373.15	6,050 hrs., \$451,511.5.
Sub-Total for EOP–012–2 (one-time) .....	.....	.....	1,210	5 hrs., \$373.15	6,050 hrs., \$451,511.5.
Ongoing Estimate—Year 3 ongoing EOP–012–2					
EOP–012–2	1,210 (GO)	1	1,210	2 hrs. ⁵¹ , \$149.26	2,420 hrs., \$180,604.6.
Sub-Total for EOP–012–2 (ongoing) .....	.....	.....	1,210	2 hrs., \$149.26	2,420 hrs., \$180,604.6.
Sub-Total of ongoing burden averaged over three years.	.....	.....	404	.....	807 hrs., \$60,226.41.
Proposed Total Burden Estimate of EOP–012–2 ..	.....	.....	1,614	.....	6,857 hrs., \$511,737.91.
Changes to FERC 725S by RD24–5–000					
FERC–725S modification	Current inventory (hours)	Current inventory (responses)	Total change due to RD24–5–000		
Addition of EOP–012–2 .....	.....	.....	+6,857 hrs., +1,614 responses.		

⁴³ NERC Petition at 51–60.

⁴⁴ *Id.* at 62.

⁴⁵ *Id.* at 2–3.

⁴⁶ *Id.* at 66.

⁴⁷ *Id.* at 70–71.

⁴⁸ The FERC–725S collection includes the EOP family of Reliability Standards: EOP–004–4, EOP 005–3, EOP–006–3, EOP–008–2, EOP–010–1, EOP–011–4, and EOP–012–2.

⁴⁹ The overall burden associated with Reliability Standard EOP–012 will be the sum of the burden (responses) from Reliability Standard EOP–012–1 (under RD23–1–000) and Reliability Standard EOP–012–2 (under RD24–5–000).

⁵⁰ The estimated hourly cost (salary plus benefits) is a combination based on the Bureau of Labor Statistics (BLS), as of 2024, for seventy five percent of the average of an Electrical Engineer (17–2071) – \$79.31 and mechanical engineers (17–

2141) – \$89.86. $(\$79.31 + \$89.86)/2 = 84.585 \times .75 = 63.439$ (\$63.44-rounded) (\$63.44/hour) and twenty-five percent of an Information and Record Clerk (43–4199) $\$44.74 \times .25\% = 11.185$ (\$11.19 rounded) (\$11.19/hour), for a total $(\$63.44 + \$11.19 = \$74.63/\text{hour})$.

⁵¹ A fraction of generator owners would be required to perform the task on an ongoing basis, and the hours represent the whole body of generator owners.

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: December 13, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024–30275 Filed 12–18–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2550–030]

Wiscons8, LLC; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 2550.

c. *Date Filed:* November 29, 2024.

d. *Applicant:* Wiscons8, LLC.

e. *Name of Project:* Weyauwega Hydroelectric Project (project).

f. *Location:* On the Waupaca River in the City of Weyauwega in Waupaca County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Dwight Shanak, Manager, Wiscons8, LLC, N3311 Sunrise Lane, Waupaca, Wisconsin 54981; telephone at (715) 412–3150; email at modernhydro@sbcglobal.net.

i. *FERC Contact:* Taconya D. Goar, Project Coordinator, Great Lakes Branch, Division of Hydropower Licensing; telephone at (202) 502–8394; email at Taconya.Goar@ferc.gov.

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise

with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: January 28, 2025.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. For assistance, please contact FERC Online Support at FEROnlineSupport@ferc.gov, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Weyauwega Hydroelectric Project (P–2550–030).

m. The application is not ready for environmental analysis at this time.

n. *Project Description:* The existing project consists of a 240-foot-long dam that includes: (1) a 90-foot-long earth section faced with steel sheet piling; (2) a 50-foot-long concrete section with three 12-foot-long Tainter gates with a crest elevation of 771.28 National Geodetic Vertical Datum of 1929 (NGVD 29) when fully open; (3) a 29-foot-long, 56-foot-wide powerhouse that includes an intake structure and a 210-kilowatt vertical Francis turbine-generator; and

(4) a 71-foot-long earth section faced with steel sheet piling.

The dam creates an impoundment with a surface area of 253 acres at a normal pool elevation of 770.2 feet NGVD 29. From the impoundment, water flows through the powerhouse to a tailrace that empties into the Waupaca River. The generator is connected to the regional electric grid by a 4.16-kilovolt (kV) underground generator lead line and a step-up transformer.

Project recreation facilities include a hand-carry boat portage route and a hand-carry boat put-in site approximately 150 feet downstream of the dam.

The current license requires the licensee to operate the project in a run-of-river mode, such that outflow from the project approximates inflow and the surface elevation of the impoundment is maintained between 769.95 and 770.45 feet NGVD 29. The minimum and maximum hydraulic capacities of the powerhouse are 35 and 229 cfs, respectively. The average annual generation of the project was 1,385 megawatt-hours from 2017 through 2023.

Wiscons8 proposes to: (1) continue operating the project in a run-of-river mode and maintaining the impoundment elevation between 769.95 and 770.45 feet NGVD 29; (2) replace the existing turbine runner (“from a Leffel 36z to a Leffel 36s”) to improve turbine hydraulic efficiency; (3) install a new programmable logic controller to ensure compliance with run-of-river operation, including automation of the Tainter gates when inflow is greater than the 229-cfs maximum hydraulic capacity of the turbine; and (4) continue maintaining the project recreation facilities.

o. In addition to publishing the full text of this notice in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this notice, as well as other documents in the proceeding (e.g., license application) via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to access the document (P–2550). For assistance, contact FERC at FEROnlineSupport@ferc.gov or call toll-free, (866) 208–3676 or (202) 502–8659 (TTY).

You may also register online at <https://ferconline.ferc.gov/FEROnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects.

For assistance, contact FERC Online Support.

p. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202)502-6595 or OPP@ferc.gov.

q. *Procedural Schedule*: The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter and Request Additional Information: January 2025.

Issue Notice of Application Accepted for Filing: May 2025.

Issue Scoping Document 1 for comments: May 2025.

Request Additional Information (if necessary): May 2025.

Issue Scoping Document 2: June 2025.

Issue Notice of Ready for Environmental Analysis: June 2025.

r. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: December 12, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024-30055 Filed 12-18-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15378-000]

Kram Hydro 6, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On October 21, 2024, Kram Hydro 6, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project that would be located at the U.S. Army Corps of Engineers' (Corps) Dewey Lake Dam on John's Creek, near the City of Paintsville, in Floyd County, Kentucky. The sole purpose of a preliminary

permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed Dewey Lake Dam Hydroelectric Project would consist of the following: (1) a 40-foot-wide, 85-foot-long armored intake channel; (2) a 20-foot-diameter, 1,400-foot-long penstock; (3) a 70-foot-long, 120-foot-wide concrete powerhouse located downstream of the dam on the west bank, containing two Kaplan turbine-generator units, with a combined capacity of 5.5 megawatts; (4) a 30-foot-long, 50-foot-wide unlined tailrace; (5) a substation, adjacent to the powerhouse; and (6) a 150-foot-long, 69 kilovolt transmission line that would interconnect with an existing distribution line. The proposed project would have an estimated annual generation of 24 gigawatt-hours.

Applicant Contact: Kristen Fan, Kram Hydro 6, 3120 Southwest Fwy., Suite 101, PMB 50808, Houston, TX 77098; phone: (772) 418-2705.

FERC Contact: Prabharanjeni Madduri; phone: (202) 502-8017, or by email at prabharanjeni.madduri@ferc.gov.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at <https://ferconline.ferc.gov/eFiling.aspx>.

Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>.

For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The first page of any filing should include docket number P-15378-000.

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.

More information about this project, including a copy of the application, can be viewed, or printed on the "eLibrary" link of the Commission's website at <https://elibrary.ferc.gov/elibrary/search>. Enter the docket number (P-15378) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: December 12, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024-30064 Filed 12-18-24; 8:45 am]

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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: AC25-35-000.

Applicants: Equitrans, L.P.

Description: Equitrans, L.P. submits accounting entries for the abandonment by sale to CONSOL Pennsylvania Coal Company LLC, well numbers 602721 and 603622 re an order in Docket No. CP23-507 issued 01/31/2024.

Filed Date: 12/13/24.

Accession Number: 20241213-5098.

Comment Date: 5 p.m. ET 1/3/25.

Docket Numbers: RP25-280-000.

Applicants: Tres Palacios Gas Storage LLC.

Description: § 4(d) Rate Filing: FWS and FSS FOSA and Rate Schedule Modifications eff 1-12-25 to be effective 1/12/2025.

Filed Date: 12/12/24.

Accession Number: 20241212-5178.

Comment Date: 5 p.m. ET 12/24/24.

Docket Numbers: RP25-281-000.

Applicants: Portland Natural Gas Transmission System.

Description: Compliance filing: Fuel and LAUF Report to be effective N/A.

Filed Date: 12/13/24.

Accession Number: 20241213-5038.

Comment Date: 5 p.m. ET 12/26/24.

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: RP25-231-001.

Applicants: Carlsbad Gateway, LLC.

Description: Tariff Amendment: Carlsbad Gateway Amended Filing to be effective 1/1/2025.

Filed Date: 12/12/24.

Accession Number: 20241212-5196.

Comment Date: 5 p.m. ET 12/19/24.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <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: December 13, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024-30278 Filed 12-18-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 175-032]

Pacific Gas and Electric Company; Notice Soliciting Scoping Comments

Take notice that the following application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* P-175-032.

c. *Date Filed:* April 18, 2024.

d. *Applicant:* Pacific Gas and Electric Company (PG&E).

e. *Name of Project:* Balch Hydroelectric Project (Balch Project or project).

f. *Location:* The existing project is located about 45 miles northeast of the city of Fresno, on the North Fork Kings River, in Fresno and Madera Counties, California (Figure 1). The project currently occupies 491.5 acres of Federal land administered by the U.S. Forest Service (Forest Service).

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Dave Gabbard, Vice President Power Generation, Pacific Gas and Electric Company, 300 Lakeside Drive, Oakland, CA 94612; telephone at (650) 207-9705; email at David.gabbard@pge.com.

i. *FERC Contact:* Benjamin Mann, (202) 502-8462, or email at Benjamin.Mann@ferc.gov.

j. *Deadline for filing scoping comments:* January 12, 2025.¹

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at <https://ferconline.ferc.gov/FERCOOnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. For assistance, please contact FERC Online Support at FERCOOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy

Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Balch Hydroelectric Project (P-175-032).

k. This application is not ready for environmental analysis at this time.

l. *Project Description:* The existing Balch Hydroelectric Project (project) includes the following facilities: (1) a 135-foot-high, 396-foot-long diversion dam with a crest elevation of 4,098 feet that includes a 364-foot-long spillway and is located on the North Fork Kings River 9.9 miles upstream of the confluence with Kings River; (2) the 35-acre Black Rock Reservoir with a usable storage capacity of 1,260 acre-feet at a normal water surface elevation of 4,097 feet; (3) an 11-foot-high, concrete tunnel intake; (4) a water conveyance system consisting of: (a) a 19,336-foot-long tunnel with a maximum hydraulic capacity of 760 cubic feet per second (cfs) that includes the 308-foot-long Black Rock Adit, the 350-foot-long Weir Creek Adit, an unlined surge chamber, and two sluice channels; (5) a 4,905.6-foot-long penstock leading to the Balch No. 1 Powerhouse and a 4,933.3-foot-long penstock leading to the Balch No. 2 Powerhouse; (6) the 65.5-foot-long, 80.5-foot-wide Balch No. 1 Powerhouse housing one turbine-generator unit with an authorized installed capacity of 31.02 megawatts (MW) and a maximum hydraulic capacity of 213 cfs; (7) the 149-foot-long, 84-foot-wide Balch No. 2 Powerhouse housing two turbine-generator units with a total authorized installed capacity of 105 MW and a maximum hydraulic capacity of 315 cfs; (8) a 165-foot-high, 238-foot-long afterbay dam with a crest elevation of 1,704 feet that includes a 238-foot-long spillway; (9) a 7-acre afterbay with a usable storage capacity of 135 acre-feet; (10) project roads and trails; (11) recreation facilities; (12) a 22-mile-long, 115-kilovolt (kV) transmission line connecting the project with the grid at Piedra Junction; (13) the 76-acre Balch Camp, which is the project operating headquarters and includes personnel housing; (14) a 6.2-mile-line, 12-kV distribution line connecting Balch Camp with the project's diversion dam; and (15) appurtenant facilities.

The Balch Project is located downstream of PG&E's Haas-Kings River Hydroelectric Project No. 1988 and Helms Pumped Storage Project No. 2735, which use the same reservoirs (Courtright Lake and Lake Wishon) for operation. The project is operated as a peaking facility to generate power that is released from upstream storage to meet power demand and for irrigation

¹ If the due date falls on a weekend or holiday, the due date is the following business day.

purposes. Project operation is coordinated with Project No. 1988, whose releases from Lake Wishon largely control inflow to Black Rock Reservoir; however, spill fluctuations at the project are possible at times when inflow exceeds powerhouse capacity and during powerhouse outages.

The current license requires PG&E to maintain the following continuous minimum flows in the North Kings River: (1) during normal water years: (a) from June 1 through November 31, 5 cfs from Black Rock Reservoir, 15 cfs from Balch Afterbay, and 30 cfs of total river flow; and (b) from December 1 through May 31, 2.5 cfs from Black Rock Reservoir, 10 cfs from Balch Afterbay, and 30 cfs of total river flow; (2) during dry water years, as defined by the California Department of Water Resources, year-round flows of 2.5 cfs from Black Rock Reservoir, 10 cfs from Balch Afterbay, and 20 cfs of total river flow.

PG&E proposes to continue operating the project in a manner that is consistent with current operation, with the exception of the following new proposed measures: (1) minimum flows and water year types, (2) a recreation plan, (3) a biological resources management plan, (4) a historic properties management plan, (5) low-level operations, (6) flood period operations, (7) a hazardous substance plan, (8) a gaging plan, (9) visual resources management, (10) a fire management and response plan, and (11) a transportation system management plan.

m. A copy of the application can 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 (P-175). For assistance, please contact FERC Online Support (see item j above).

You may also register at <https://ferconline.ferc.gov/FEROnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support (see item j above).

n. 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.

o. *Scoping Process*: Pursuant to the National Environmental Policy Act (NEPA), Commission staff intends to prepare either an environmental assessment (EA) or an environmental impact statement (EIS) (collectively referred to as the "NEPA document") that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if any, of the proposed action and alternatives. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission issues an EA or an EIS. At this time, we do not anticipate holding an on-site scoping meeting. Instead, we are soliciting written comments and suggestions on the preliminary list of issues and alternatives to be addressed in the NEPA document, as described in scoping document 1 (SD1), issued December 13, 2024.

Copies of SD1, which outlines the subject areas to be addressed in the NEPA document, were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of SD1 may be viewed on the web at <https://www.ferc.gov> using the "eLibrary" link. Follow the directions for accessing information in paragraph m.

Dated: December 13, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024-30277 Filed 12-18-24; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-R09-OAR-2024-0510; FRL-12382-01-R9]

Finding of Failure To Attain by the Attainment Date for the 2010 1-Hour Primary Sulfur Dioxide National Ambient Air Quality Standard; Guam; Piti-Cabras Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Determination of nonattainment.

SUMMARY: The Environmental Protection Agency (EPA) is determining that the Piti-Cabras, Guam, sulfur dioxide (SO₂) nonattainment area (NAA) failed to attain the 2010 1-hour SO₂ primary national ambient air quality standard (NAAQS, "standard," or "2010 SO₂ NAAQS") by the applicable statutory attainment date of April 9, 2023. This determination is based on an analysis of available modeling, emissions data, and information concerning control strategy implementation. This action addresses the EPA's obligation under Clean Air Act (CAA) section 179(c) to determine whether the Piti-Cabras SO₂ NAA ("Piti-Cabras area") attained the 2010 SO₂ NAAQS by the April 9, 2023 attainment date.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2024-0510. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Andrew Ledezma, Air Planning Office (ARD-2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972-3985, or by email at Ledezma.Andrew@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us," and "our" refer to the EPA.

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I. Background

A. The 2010 1-Hour Primary SO₂ NAAQS

Under section 109 of the CAA, the EPA has established primary and secondary NAAQS for certain pervasive air pollutants (referred to as “criteria pollutants”) and conducts periodic reviews of the NAAQS to determine whether they should be revised or whether new NAAQS should be established. The primary NAAQS represent ambient air quality standards that the EPA has determined are requisite to protect public health with an adequate margin of safety, while the secondary NAAQS represent ambient air quality standards that the EPA has determined are requisite to protect public welfare from any known or anticipated adverse effects associated with the presence of the air pollutant in the ambient air.

Under the CAA, the EPA must establish a NAAQS for SO₂, which is primarily released to the atmosphere through the burning of fossil fuels by power plants and other industrial facilities. SO₂ is also emitted from industrial processes, including metal extraction from ore and heavy equipment that burn fuel with a high sulfur content. Short term exposure to SO₂ can damage the human respiratory system and increase breathing difficulties. Small children and people with respiratory conditions, such as asthma, are more sensitive to the effects of SO₂. Sulfur oxides at high concentrations in ambient air can also react with compounds to form small particulates (fine particulate matter, or “PM_{2.5}”) that can penetrate deeply into the lungs and cause acute health problems and/or chronic diseases. The EPA first established primary SO₂

standards in 1971 at 140 parts per billion (ppb) over a 24-hour averaging period and at 30 ppb over an annual averaging period.¹

On June 22, 2010, the EPA published in the **Federal Register** a strengthened, primary 1-hour SO₂ NAAQS, establishing a new standard at a level of 75 ppb, based on the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations of SO₂.² The revised SO₂ NAAQS provides increased protection of public health. Along with revision of the SO₂ NAAQS, the EPA revoked the 1971 primary annual and 24-hour SO₂ standards for most areas of the country following area designations under the new NAAQS.³

B. Designations, Classifications, and Attainment Dates for the 2010 SO₂ NAAQS

Following promulgation of a new or revised NAAQS, the EPA is required to designate all areas of the country as either “attainment,” “nonattainment,” or “unclassifiable,” pursuant to CAA section 107(d)(1).

On December 21, 2017, the EPA designated as nonattainment six areas in three states and two territories in the third round of SO₂ designations.⁴ With that action, the EPA designated as nonattainment the portion of Guam within a 6.074-km radius centered on universal transverse mercator (UTM) easting 249,601.60 meters and UTM northing 1,489,602 meters (UTM zone 55N).⁵ Pursuant to section 192(a) of the CAA, the statutory attainment date for the Piti-Cabras area was established as no later than five years after the effective date of the initial designation, *i.e.*, April 9, 2023.

CAA section 191(a) requires states that contain an area designated nonattainment for the 2010 1-hour primary SO₂ NAAQS to develop and submit an NAA state implementation plan (SIP) to the EPA within 18 months of the effective date of an area's designation as nonattainment. For SO₂, a NAA SIP submission (also referred to

as an attainment plan) must meet the requirements of sections 110, 172(c), 191, and 192 of the CAA, and provide for attainment of the NAAQS by the applicable statutory attainment date, *i.e.*, no later than five years from the effective date of the area's nonattainment designation. The effective date of the Piti-Cabras area nonattainment designation is April 9, 2018, so the attainment plan for the area was due on October 9, 2019. On November 3, 2020, the EPA issued a finding that Guam failed to submit a SIP revision for the Piti-Cabras area; this finding became effective on December 4, 2020.⁶ Guam has not submitted a SIP revision for the Piti-Cabras area.

C. Determinations of Attainment by the Attainment Date

Section 179(c)(1) of the CAA requires the EPA to determine whether a NAA attained an applicable standard by the applicable statutory attainment date based on the area's air quality as of the attainment date within six months of the attainment date. Thus, the EPA had a mandatory duty under CAA section 179(c) to determine by October 9, 2023, whether the Piti-Cabras SO₂ NAA attained the 2010 SO₂ NAAQS by the statutory attainment date of April 9, 2023.

A determination of whether an area's air quality meets applicable standards is generally based upon the most recent three years of complete, quality-assured data gathered at established state and local air monitoring stations (SLAMS) in the NAA and other available information. The EPA's April 23, 2014 memorandum, “Guidance for 1-Hour SO₂ Nonattainment Area SIP Submissions,” states, “[t]he EPA will determine whether or not an SO₂ nonattainment area has attained the NAAQS based on air quality monitoring data (when available) and air quality dispersion modeling information for the affected area, and/or a demonstration that the control strategy has been fully implemented.”⁷

¹ 36 FR 8186 (April 30, 1971).

² 75 FR 35520, codified at 40 CFR 50.17.

³ 75 FR at 35592, codified at 40 CFR 50.4(e).

⁴ 83 FR 1098 (January 9, 2018).

⁵ For designations technical discussions, see EPA's Technical Support Document, Chapter 11, Section 3, 6–26, at https://www.epa.gov/sites/default/files/2017-08/documents/11_guam_so2-rd3-final.pdf, available in the docket for this action.

⁶ 85 FR 69504 (November 3, 2020).

⁷ Guidance for 1-Hour SO₂ Nonattainment Area SIP Submissions; EPA, April 23, 2014, can be found at https://www.epa.gov/sites/default/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf.

In the case of the Piti-Cabras area, the relevant three years preceding the statutory attainment date are 2020–2022. There are no available SO₂ monitoring data from the Piti-Cabras SO₂ NAA in this period, and the only modeling results submitted by the Guam Environmental Protection Agency (Guam EPA) were the results from the time of designation, which showed violations of the NAAQS.⁸ The modeling analysis included the largest sources of SO₂ emissions in the area and relied upon actual hourly emissions rates from 2011–2013. In addition, as noted above, Guam has not submitted a modeled attainment demonstration or control strategy (via SIP revision) for the NAA.

In the absence of monitoring data and updated modeling analyses, the EPA is evaluating whether the Piti-Cabras area attained the 2010 1-hour primary SO₂ NAAQS by the applicable statutory attainment date of April 9, 2023, based on available modeling, emissions data, and information concerning control strategy implementation.

II. The EPA's Evaluation and Determination

A. Area Characterization

The Piti-Cabras area is located on the western side of the island of Guam, centered on the Piti and Cabras power

plants. The Piti facility (also referred to as “MEC” by Guam), consists of Units 8 and 9, and the Cabras facility consists of four units (two of which, Cabras 3 and 4, have ceased operation). These two facilities are the primary sources of SO₂ in the area. Nearby, the “TEMES” power plant, commercial marine vessel ports, and the United States Navy (“Navy”) marine vessel port are also significant sources of SO₂.

B. Evaluation of SO₂ Modeling, Emissions Data, and Control Strategy Implementation Information

First, to determine whether the Piti-Cabras area attained the NAAQS, the EPA considered the modeling that was conducted for the designation of the Piti-Cabras area as nonattainment. As noted earlier, the EPA based the nonattainment designation for the Piti-Cabras area on modeling submitted by Guam EPA. In our review of that modeling, as documented in the EPA's Technical Support Document (TSD)⁹ accompanying the designation, we concluded that the source characterization, modeling parameters, and techniques submitted by Guam EPA for this designation conformed with the EPA's August 2016 guidance document, “SO₂ NAAQS Designations Modeling Technical Assistance Document.”¹⁰

The EPA's designation of the Piti-Cabras area relied on the modeled SO₂

emissions for the years 2011–2013. The Piti, Cabras, and TEMES stationary sources, along with marine sources from the commercial and Navy ports, were modeled as the largest sources of SO₂ emissions in the Piti-Cabras area. For the stationary sources, SO₂ emissions are generated by combusting diesel fuel for electricity generation. Guam Power Authority (GPA), the owner and operator of the Piti, Cabras, and TEMES facilities, compiled the data needed to calculate hourly emissions rates for 2011–2013 based on AP-42 emissions factors and hourly production data for each unit included in the modeling. For maritime sources, SO₂ emissions are generated by fuel combustion from docking and hoteling at the commercial and Navy ports. Guam EPA used reports of vessels docking and hoteling at the ports and AP-42 emissions factors to calculate hourly emissions rates to include in the modeling.

The peak modeled receptor design value (DV) from the EPA's designations TSD is summarized in Table 1. The modeling analysis showed that the area was violating the 2010 1-hour primary SO₂ NAAQS based on source emissions from 2011–2013, with a modeled DV of 585 µg/m³, nearly three times the value of the 2010 1-hour primary SO₂ NAAQS level of 196.4 µg/m³ (equivalent to 75 ppb).

TABLE 1—SUMMARY OF 2011–2013 PEAK MODELED RECEPTOR 1-HOUR SO₂ DESIGN VALUE FOR THE PITI-CABRAS AREA^a

Averaging period	Data period	99th percentile daily maximum 1-hour SO ₂ concentration (µg/m ³)	
		Modeled concentration (including background)	NAAQS level
99th Percentile 1-hour average	2011–2013	585	^b 196.4

^a Retrieved from EPA's Technical Support Document, Chapter 11, Section 3, 6–26, at https://www.epa.gov/sites/default/files/2017-08/documents/11_guam_so2_rd3-final.pdf, available in the docket for this action.

^b Equivalent to the 2010 SO₂ NAAQS of 75 ppb using 2.619 µg/m³ conversion factor.

We note that, on September 24, 2024, GPA sent the EPA draft modeling files intended to support a modeled attainment demonstration for the Piti-Cabras area.¹¹ The EPA is reviewing these files and related information and has not yet determined whether they meet the requirements for such a demonstration. However, we note that, even if the modeling is found to be technically sound, the emissions limits

relied upon in that modeling did not take effect under Guam law until after the attainment date, as explained later in Section II.B of this document. Therefore, the results of this modeling cannot be relied upon to determine whether the area attained the NAAQS by the attainment date.

Second, to determine whether the Piti-Cabras area attained the NAAQS, the EPA considered annual SO₂

emissions trends for the most significant SO₂ sources in the area using emissions inventory information provided by Guam EPA. Table 2 lists the average reported actual SO₂ emissions for 2011–2013, which were the emissions used in the air quality modeling underlying the EPA's designation of the area as nonattainment, as well as SO₂ emissions for 2020. While the relevant three-year DV period for the April 9, 2023

⁸ For designations technical discussions, see EPA's Technical Support Document, Chapter 11, Section 3, 6–26, at https://www.epa.gov/sites/default/files/2017-08/documents/11_guam_so2_rd3-final.pdf, available in the docket for this action.

⁹ Id.

¹⁰ SO₂ NAAQS Designations Modeling Technical Assistance Document, EPA, August 2016, available at <https://www.epa.gov/sites/default/files/2016-04/documents/so2modelingtad.pdf> and available in the docket for this action.

¹¹ See two emails dated September 24, 2024 from Roland T. Gutierrez, Environmental Manager, GPA,

to Gale Hoffnagle, Senior Vice President and Technical Director, TRC Corporation, Subject: “SIP Modeling Files,” and from Gale Hoffnagle to Andrew Ledezma, EPA, Subject: “RE: SIP Modeling Files.msg,” included in the docket for this action.

attainment date was from 2020–2022, we have only received complete actual emissions data for 2020. Therefore, we

are considering those emissions because this is the most recent, complete emissions inventory available based on

actual emissions from the 2020–2022 DV time period.

TABLE 2—ANNUAL EMISSIONS FROM SO₂ SOURCES IN THE PITI-CABRAS AREA FOR 2011–2013 AVERAGE ACTUAL EMISSIONS AND 2020 ACTUAL EMISSIONS

Facility name	Actual SO ₂ emissions (tons per year, tpy)	
	2011–2013 (average) ^a	2020 ^b
Cabras	8,891	6,816
Piti (MEC)	4,828	2,297
TEMES	2	0.11
Marine Vessels	76	84
Total ^c	13,797	9,197

^a Actual SO₂ emissions retrieved from EPA's Technical Support Document, Chapter 11, Section 3, 6–26, at https://www.epa.gov/sites/default/files/2017-08/documents/11_guam_so2_rd3-final.pdf, available in the docket for this action.

^b Actual SO₂ emissions retrieved from Guam EPA's April 2024 draft SIP, Appendix A, available in the docket for this action.

^c Totals may not be a precise addition of all rows due to rounding.

These data show that some reductions in SO₂ emissions did occur prior to the attainment date, as annual emissions from 2020 were 9,197 tpy, approximately 33 percent lower than the 2011–2013 average emissions of 13,797 tpy. However, there is no evidence that we are aware of to suggest that this level of emissions reductions was sufficient to attain the NAAQS given that the modeled 2011–2013 design value was 585 µg/m³, nearly three times the NAAQS level of 196.4 µg/m³. Although the reduction of 4,600 tpy of emissions over this time period likely lowered the design value in 2020–2022, as compared with 2011–2013, additional information would be needed to determine whether such reductions were sufficient to provide for attainment of the NAAQS.

Third, to determine whether the Piti-Cabras area attained the NAAQS, the EPA considered the available information about control strategy implementation. On June 30, 2023, the Guam Legislature adopted Substitute Bill No. 101–37 (COR), “An Act to Repeal and Reenact § 1310 of Article 1, Chapter 1, Title 22 Guam Administrative Rules and Regulations, Relative to Adopting Updated Emission Standards For Sulfur Oxides From Fuel Combustion to Ensure the Island of Guam Meets the National Ambient Air Quality Standards For Sulfur Dioxide Transmitted by the Guam Environmental Protection Agency.” Revised Title 22, Section 1310 of the Guam Administrative Rules and Regulations (“Rule 1310”) sets fuel sulfur content limits of 0.2 percent for Cabras Units 1 and 2, and 0.0015 percent for all other sources except ocean-going vessels. The revised rule

took effect on July 12, 2023. Rule 1310 was designed as the control strategy for attainment of the 2010 SO₂ NAAQS in the Piti-Cabras area but was not adopted and implemented until after the applicable attainment date of April 9, 2023, indicating that the control strategy that Guam EPA believes is needed to attain the NAAQS was not fully implemented by that date. Furthermore, we note that, while some of the emissions reductions that Guam EPA believes are needed for attainment were required to occur earlier under a consent decree between the United States and GPA,¹² following a modification to the consent decree,¹³ the compliance dates for several of the controls were revised to July 1, 2022 (for Piti Units 8 and 9) and December 31, 2022 (for Cabras Units 1 and 2). Given that these dates were near to or at the end of the 2020–2022 DV period, there is no evidence that the original modeled violations were remedied in time to achieve an attaining design value in the three-year 2020–2022 period.

C. Conclusion

We find that the Piti-Cabras area failed to attain the 2010 1-hour primary SO₂ NAAQS by the statutory attainment date of April 9, 2023, based on available modeling, emissions data, and information concerning control strategy implementation.

Under CAA section 179(d), if the EPA determines that an area did not attain the NAAQS by the applicable deadline, the responsible air agency is required, within one year from the publication

date of the finding, to submit a revised plan for the area demonstrating attainment and containing any additional measures that the EPA may reasonably prescribe that can be feasibly implemented in the area in light of technological achievability, costs, and any non-air quality and other air quality-related health and environmental impacts as required. Under CAA section 179(d)(3), such a revised SIP submission is required to achieve attainment of the 2010 SO₂ NAAQS as expeditiously as practicable, but no later than five years from the date of notice of the area's failure to attain (*i.e.*, five years after the EPA publishes a determination in the **Federal Register** that the area failed to attain the 2010 SO₂ NAAQS).

The EPA anticipates that Guam's submission of a complete SO₂ attainment plan for the new attainment date in response to this finding of failure to attain would also address the Territory's existing obligations to submit an attainment plan for the 2010 SO₂ NAAQS.

III. The EPA's Action

Based on the EPA's review of available evidence described in this document, the EPA finds that the Piti-Cabras area failed to attain the 2010 1-hour primary SO₂ NAAQS by the statutory attainment date of April 9, 2023. This determination triggers the requirements of CAA section 179(d) for the Territory of Guam to submit a revision to the Guam SIP for the Piti-Cabras nonattainment area to the EPA within one year after publication of this determination in the **Federal Register**. The SIP revision must, among other elements, provide for attainment of the 1-hour primary SO₂ NAAQS in the Piti-

¹² D. Guam, Case 1:20-cv-00007, Document 5, Filed 04/20/20.

¹³ D. Guam, Case 1:20-cv-00007, Document 7, Filed 01/14/22.

Cabras nonattainment area as expeditiously as practicable but no later than five years after publication of this determination in the **Federal Register**. This action will not affect the designation status of the area, and the Piti-Cabras area will remain designated nonattainment for the 2010 SO₂ NAAQS until the area meets the requirements of the CAA for redesignation and the EPA takes action to redesignate the area. This action addresses the EPA's obligation under CAA section 179(c) to determine if the Piti-Cabras area attained the 2010 1-hour SO₂ NAAQS by the April 9, 2023 attainment date.

IV. 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 action 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 determination that the Piti-Cabras nonattainment area failed to attain the 2010 SO₂ primary standard by the April 9, 2023 attainment date.

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 2010 1-hour primary SO₂ NAAQS, does not create any new requirements beyond what is mandated by the CAA.

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 action 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

This action is not a rule and is therefore not subject to the CRA. The action is an informal adjudication dealing with the application of specific facts to preestablished discernible criteria.

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 February 18, 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).)

Dated: December 10, 2024.

Martha Guzman Aceves,
Regional Administrator, Region IX.

[FR Doc. 2024–29507 Filed 12–18–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2023-0113; FRL-12489-01-OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; New Source Performance Standards (NSPS) for Portland Cement Plants (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Portland Cement Plants (EPA ICR Number 1051.16, OMB Control Number 2060-0025), 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 December 31, 2024. Public comments were previously requested, via the **Federal Register** on May 18, 2023, 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 January 21, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2023-0113, to EPA online using www.regulations.gov/ (our preferred method), or by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. The 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 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 specific information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Muntasir Ali, Sector Policies and Program Division (D243-05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency,

Research Triangle Park, North Carolina, 27711; telephone number: (919) 541-0833; email address: ali.muntasir@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through December 31, 2024. An Agency may neither conduct nor 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 18, 2023 during a 60-day comment period (88 FR 31748). 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 <https://www.regulations.gov/>, or in person, at the EPA Docket Center, WJC West Building, 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 New Source Performance Standards for Portland Cement Plants (40 CFR part 60, subpart F) were promulgated on December 23, 1971; and amended on both February 12, 2013, and July 27, 2015. These regulations apply to existing and new kilns, clinker coolers, raw mill systems, raw mill dryers, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems at portland cement plants. New facilities include those that commenced construction, modification, or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 60, subpart F.

In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NSPS.

Form Numbers: None.

Respondents/affected entities: Portland cement plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart F).

Estimated number of respondents: 92 (total).

Frequency of response: Initially, semiannually.

Total estimated burden: 14,100 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$2,810,000 (per year), which includes \$1,040,000 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is no change in burden from the most-recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This is due to two considerations: (1) the regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for this industry is very low or non-existent, so there is no significant change in the overall burden. There is an increase in capital and operation & maintenance costs due to an adjustment to increase from 2011 to 2022 \$ using the CEPCI Equipment Cost Index.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2024-30266 Filed 12-18-24; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ- EPA-HQ-OAR-2024-0597; FRL-12502-01-OAR]

Alternative Methods for Calculating Off-Cycle Credits Under the Light-Duty Vehicle Greenhouse Gas Emissions Program: Application From Mitsubishi Motors Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is requesting comment on an application from Mitsubishi Motors Corporation ("MMC") for off-cycle carbon dioxide (CO₂) credits under EPA's light-duty vehicle greenhouse gas emissions standards. "Off-cycle" emission reductions can be achieved by employing technologies that result in real-world benefits, but where that benefit is not adequately captured on the test procedures used by manufacturers to demonstrate compliance with emission standards. EPA's light-duty vehicle greenhouse gas program acknowledges these benefits by giving automobile manufacturers several options for generating "off-cycle" CO₂ credits. Under the regulations, a manufacturer may apply for CO₂ credits

for off-cycle technologies that result in off-cycle benefits. In these cases, a manufacturer must provide EPA with a proposed methodology for determining the real-world off-cycle benefit. MMC submitted their application describing a methodology for determining off-cycle credits from the technology described in their application. Pursuant to applicable regulations, EPA is making this off-cycle credit calculation methodology available for public comment.

DATES: Comments must be received on or before January 21, 2025.

ADDRESSES: Submit your comments referencing Docket ID No. EPA–HQ–OAR–2024–0597 online using www.regulations.gov (our preferred method), by email to a-and-r-Docket@epa.gov or by mail to: EPA Docket Center, Environmental Protection Agency, Mailcode 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: David Wright, Environmental Protection Specialist, Office of Transportation and Air Quality, Implementation, Analysis and Compliance Division, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105. Telephone: (734) 214–4467. Email address: wright.davida@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

EPA's light-duty vehicle greenhouse gas (GHG) program provides three pathways by which a manufacturer may accrue off-cycle carbon dioxide (CO₂) credits for those technologies that achieve CO₂ reductions in the real world but where those reductions are not adequately captured on the test used to determine compliance with the CO₂ standards, and which are not otherwise reflected in the standards' stringency. The first pathway is a predetermined list of credit values for specific off-cycle technologies that may be used beginning in model year 2014.¹ This pathway allows manufacturers to use conservative credit values established by EPA for a wide range of technologies, with minimal data submittal or testing requirements, if the technologies meet EPA regulatory definitions. In cases

where the off-cycle technology is not on the menu but additional laboratory testing can demonstrate emission benefits, a second pathway allows manufacturers to use a broader array of emission tests (known as "5-cycle" testing because the methodology uses five different testing procedures) to demonstrate and justify off-cycle CO₂ credits.² The additional emission tests allow emission benefits to be demonstrated over some elements of real-world driving not adequately captured by the GHG compliance tests, including high speeds, hard accelerations, and cold temperatures. These first two methodologies were completely defined through notice and comment rulemaking and therefore no additional process is necessary for manufacturers to use these methods. The third and last pathway allows manufacturers to seek EPA approval to use an alternative methodology for determining the off-cycle CO₂ credits.³ This option is only available if the benefit of the technology cannot be adequately demonstrated using the 5-cycle methodology. Manufacturers may also use this option to demonstrate reductions that exceed those available via use of the predetermined list.

Under the regulations, a manufacturer seeking to demonstrate off-cycle credits with an alternative methodology (*i.e.*, under the third pathway described above) must describe a methodology that meets the following criteria:

- Use modeling, on-road testing, on-road data collection, or other approved analytical or engineering methods;
- Be robust, verifiable, and capable of demonstrating the real-world emissions benefit with strong statistical significance;
- Result in a demonstration of baseline and controlled emissions over a wide range of driving conditions and number of vehicles such that issues of data uncertainty are minimized;
- Result in data on a model type basis unless the manufacturer demonstrates that another basis is appropriate and adequate.

Further, the regulations specify the following requirements regarding an application for off-cycle CO₂ credits:

- A manufacturer requesting off-cycle credits must develop a methodology for demonstrating and determining the benefit of the off-cycle technology and carry out any necessary testing and analysis required to support that methodology.
- A manufacturer requesting off-cycle credits must conduct testing and/or

prepare engineering analyses that demonstrate the in-use durability of the technology for the full useful life of the vehicle.

- The application must contain a detailed description of the off-cycle technology and how it functions to reduce CO₂ emissions under conditions not represented on the compliance tests.
- The application must contain a list of the vehicle model(s) which will be equipped with the technology.
- The application must contain a detailed description of the test vehicles selected and an engineering analysis that supports the selection of those vehicles for testing.
- The application must contain all testing and/or simulation data required under the regulations, plus any other data the manufacturer has considered in the analysis.

Finally, the alternative methodology must be approved by EPA prior to the manufacturer using it to generate credits. As part of the review process defined by regulation, the alternative methodology submitted to EPA for consideration must be made available for public comment.⁴ EPA will consider public comments as part of its final decision to approve or deny the request for off-cycle credits.

II. Off-Cycle Credit Application

A. High Efficiency Air Conditioning Scroll Compressor

Using the alternative methodology approach described above, MMC is applying for off-cycle GHG credits for the use of a high efficiency air conditioning (A/C) scroll compressor. The MMC high efficiency A/C scroll compressor results in air conditioning efficiency credits beyond those provided in the regulations.

Scroll A/C compressors are some of the most efficient compressors used for mobile air conditioning applications. This technology has been used in most of the electrical A/C compressors in use today. MMC has adopted this technology which provides improved efficiency relative to fixed displacement and electronically variable displacement piston A/C compressors.

Scroll A/C compressors operate using a scroll that orbits around a fixed scroll. Fluid is compressed as it moves through the compressor and the volume between the scrolls is reduced. Utilizing the orbiting scroll for compression provides high volumetric efficiency due to reduced pressure losses compared to other compressor technologies.

MMC is applying for credits for the 2020 and later model years for vehicles

¹ See 40 CFR 86.1869–12(b).

² See 40 CFR 86.1869–12(c).

³ See 40 CFR 86.1869–12(d).

⁴ See 40 CFR 86.1869–12(d)(2).

sold in the U.S. and equipped with the high efficiency A/C scroll compressor. MMC is requesting a credit value of 1.1 grams/mile. As MMC notes in their application, technologies improving the efficiency of A/C systems are subject to credit caps as noted in 40 CFR 86.1868–12. The rationale for the credit cap is the additional fuel consumption of A/C systems can never be reduced to zero, and the limits established by regulation reflect the maximum possible reduction in fuel consumption projected by EPA. To ensure manufacturers do not generate A/C efficiency credits which would exceed the maximum possible reductions projected by EPA, EPA has applied the A/C menu credit caps to A/C efficiency credits manufacturers have received using the alternative method process. Therefore, the appropriate A/C efficiency menu caps will also apply to MMC for their high efficiency A/C scroll compressor credit value. Details of the testing and analysis can be found in the manufacturer's application.

III. EPA Decision Process

EPA has reviewed the applications for completeness and is now making the applications available for public review and comment as required by the regulations. The off-cycle credit applications submitted by the manufacturers (with confidential business information redacted) have been placed in the public docket (see **ADDRESSES** section above) and on EPA's website at <https://www.epa.gov/ve-certification/compliance-information-light-duty-greenhouse-gas-ghg-standards>.

EPA is providing a 30-day comment period on this application for off-cycle credits described in this notice, as specified by the regulations. The manufacturer may submit a written rebuttal of comments for EPA's consideration or may revise an application in response to comments. After reviewing any public comments and any rebuttal of comments submitted by manufacturers, EPA will make a final decision regarding the credit request. EPA will make its decision available to the public by placing a decision document (or multiple decision documents) in the docket and on EPA's website at the same manufacturer-specific pages shown above.

Byron Bunker,

Director, Implementation, Analysis and Compliance Division, Office of Transportation and Air Quality.

[FR Doc. 2024–30081 Filed 12–18–24; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1184; FR ID 268626]

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 Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before February 18, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1184.
Title: Sections 1.946(d), 1.949, 27.10(d), 27.12, 27.13, 27.14 and 27.17, Service Rules for the Advanced Wireless

Services H Block—Implementing Section 6401 of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHz and 1995–2000 MHz Bands—R&O, FCC 13–88.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1 respondent; 176 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirement and at the end of the license term for incumbent licensees.

Obligation to Respond: Statutory authority for this collection are contained in sections 15 U.S.C. 79 *et seq.*; 47 U.S.C. 151, 154(i), 154(j), 155, 157, 225, 227, 303(r), 309, 310, 1404, and 145.

Total Annual Burden: 176 hours.

Total Annual Cost: No cost.

Needs and Uses: On June 27, 2013, the FCC adopted: Service Rules for the Advanced Wireless Services H Block—Implementing section 6401 of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHz and 1995–2000 MHz Bands, WT Docket 12–357, Report and Order, 28 FCC Rcd 9483 (2013) (H Block R&O). The H Block R&O adopted service rules for the H Block and makes available 10 MHz of paired spectrum for flexible use in accordance with the Middle Class Tax Relief and Job Creation Act of 2012. The H Block R&O contained new information collection requirements. Sections 1.949 and 27.13 are being added to this collection to clarify that the filing of the construction notifications and renewal applications involves the interaction of two regulations.

For the purpose of this collection, a winning bidder of H Block spectrum must comply with each of the following rule sections:

(a) Sections 1.946(d) and 27.14 require H Block licensees to file a construction notification and certify that they have met the applicable performance benchmarks.

(b) Sections 1.949 and 27.13 require H Block licensees to file renewal applications and certify that they continue to provide at least the level of service required by its final performance requirement through the end of any subsequent license term or include a detailed description of: (1) the level and quality of service provided by the applicant; (2) the date service commenced; (3) whether service was ever interrupted; (4) the duration of any

interruption or outage; (5) the extent to which service is provided to rural areas; (6) the extent to which service is provided to qualifying Tribal lands; and (7) any other factors associated with the level of service to the public.

(c) Section 27.10(d) requires an H Block licensee to notify the Commission within 30 days if it changes, or adds to, the carrier status on its license.

(d) Section 27.12 requires H Block licensees to comply with certain eligibility reporting requirements.

(e) Section 27.17 requires H Block licensees to notify the Commission within ten days if they permanently discontinue service by filing FCC Form 601 or 605 and requesting license cancellation.

Federal Communications Commission.

Marlene Dortch,
Secretary.

[FR Doc. 2024–30317 Filed 12–18–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 24–531; FR ID 268151]

Notice of Renewal of Charter of the FCC Consumer Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice of renewal for the Charter for the FCC Consumer Advisory Committee.

SUMMARY: The Federal Communications Commission (Commission) hereby announces that the charter of the Consumer Advisory Committee (hereinafter Committee) has been renewed pursuant to the Federal Advisory Committee Act (FACA) and following consultation with the Committee Management Secretariat, General Services Administration.

DATES: The charter was renewed on October 9, 2024.

FOR FURTHER INFORMATION CONTACT: David M. Pérez, Designated Federal Officer, Federal Communications Commission: cac@fcc.gov or (202) 418–0664.

SUPPLEMENTARY INFORMATION:

Committee Renewal: After consultation with the General Services Administration, the Commission renewed the charter on October 9, 2024 providing the Committee with authorization to operate for two years.

The mission of the Committee is to make recommendations to the Commission on topics specified by the Commission relating to the needs and interests of consumers. The Commission

will specify topics the Committee may consider in early 2025.

The Committee is organized under, and operates in accordance with, the provisions of the FACA (5 U.S.C. app. 2). The Committee will be solely advisory in nature. Consistent with FACA and its requirements, each meeting of the Committee will be open to the public unless otherwise noticed. A notice of each meeting will be published in the **Federal Register** at least fifteen (15) days in advance of the meeting. Records will be maintained of each meeting and made available for public inspection. All activities of the Committee will be conducted in an open, transparent, and accessible manner. The Committee shall terminate two years from the date that this renewal is effective (on or before October 9, 2026), or earlier upon the completion of its work as determined by the Chair, unless its charter is renewed prior to the termination date.

During the Committee's thirteenth term, it is anticipated that the Committee will meet, either in-person in Washington, DC or, if appropriate, by teleconference, for approximately three (3) one-day meetings. In addition, as needed, working groups or subcommittees (ad hoc or steering) will be established to facilitate the Committee's work between meetings of the full Committee. All meetings, including those of working groups and subcommittees, will be fully accessible to individuals with disabilities. A copy of the charter is available at www.fcc.gov/consumer-advisory-committee.

Federal Communications Commission.

Robert A. Garza,
Legal Advisor, Consumer and Governmental Affairs Bureau.

[FR Doc. 2024–30283 Filed 12–18–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meetings

TIME AND DATE: 10:45 a.m. on Tuesday, December 17, 2024.

PLACE: The meeting was held in the Board Room located on the sixth floor of the FDIC Building located at 550 17th Street NW, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Board of Directors of the Federal Deposit Insurance Corporation met to consider matters related to the Corporation's resolution, supervision, and corporate activities. In calling the meeting, the

Board determined, on motion of Director Rohit Chopra (Director, Consumer Financial Protection Bureau), seconded by Director Michael J. Hsu (Acting Comptroller of the Currency), by the unanimous vote of Chairman Martin J. Gruenberg, Vice Chairman Travis Hill, Director Jonathan McKernan, Director Michael J. Hsu (Acting Comptroller of the Currency), and Director Rohit Chopra (Director, Consumer Financial Protection Bureau), that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A), (c)(9)(B), and (c)(10)).

CONTACT PERSON FOR MORE INFORMATION: Requests for further information concerning the meeting may be directed to Debra A. Decker, Executive Secretary of the Corporation, at 202–898–8748.

Dated this the 17th day of December, 2024.

Federal Deposit Insurance Corporation.

James P. Sheesley,
Assistant Executive Secretary.

[FR Doc. 2024–30491 Filed 12–17–24; 4:15 pm]

BILLING CODE 6714–01–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 January 21, 2025.

A. Federal Reserve Bank of Boston (Prabal Chakrabarti, Senior Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210-2204. Comments can also be sent electronically to BOS.SRC.Applications.Comments@bos.frb.org:

1. *Winchester Bancorp, MHC, Winchester, Massachusetts*; to become a bank holding company by acquiring at least 50.1 percent of the voting shares of Winchester Bancorp, Inc., a mid-tier holding company, through a mutual holding company reorganization and minority stock issuance, and thereby indirectly acquiring voting shares of Winchester Savings Bank, both of Winchester, Massachusetts.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2024-30299 Filed 12-18-24; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than January 3, 2025.

A. Federal Reserve Bank of Richmond (Brent B. Hassell, Assistant Vice President) P.O. Box 27622, Richmond, Virginia 23261. Comments can also be sent electronically to Comments.applications@rich.frb.org:

1. *The Craig G. Phillips Revocable Trust, Craig G. Phillips, as trustee, both of Buckhannon, West Virginia*; to acquire voting shares of Freedom Bancshares, Inc., and thereby indirectly acquire voting shares of Freedom Bank, Inc., both of Belington, West Virginia.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2024-30298 Filed 12-18-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Supplemental Evidence and Data Request on Impact of Healthcare Worker Safety and Wellness: A Systematic Review

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 *Impact of Healthcare Worker Safety and Wellness: A Systematic Review*, 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 January 21, 2025.

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 *Impact of Healthcare Worker Safety and Wellness: A Systematic Review*. 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 *Impact of Healthcare Worker Safety and Wellness: A Systematic Review*. The entire research protocol is available online at: <https://effectivehealthcare.ahrq.gov/products/worker-safety-wellness/protocol>.

This is to notify the public that the EPC Program would find the following information on *Impact of Healthcare Worker Safety and Wellness: A Systematic Review* 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>.

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.

Contextual Question: What are the manifestations of impaired safety and wellbeing of HCWs, such as burnout, moral injury, emotional exhaustion, staff turnover, and physical injuries?

Key Questions (KQ)

KQ 1: What are the associations between healthcare delivery conditions and HCW burnout?

KQ 2: What are the associations between HCW burnout and outcomes for patients, HCW families, healthcare delivery organizations, and society?

KQ 3: What are the effectiveness and harms of system-level interventions targeting HCW burnout?

PECOTS (POPULATIONS, EXPOSURES, COMPARATORS, OUTCOMES, TIMING AND SETTING) ELIGIBILITY CRITERIA FOR ALL KEY QUESTIONS

Element	Key Question 1	Key Question 2	Key Question 3
Population	HCWs at all organizational levels (e.g., those who provide direct patient care, support personnel, managers, executives) Examples: • Physicians. • Nurses: registered nurses and advanced practice nurses. • Pharmacists. • Allied healthcare professionals (e.g., respiratory therapists, physical therapists, social workers, emergency medical technicians). • Support personnel (e.g., environmental services). • Managers. • Executives.		
Exposure	All healthcare delivery conditions associated with the included studies will be recorded as exposures, including • Societal conditions, including federal and state laws like nurse staffing laws, policies like pandemic restrictions and credentialing, and unemployment, healthcare utilization, and unionization rates. • Organizational factors such as payment model, level of care, precarious and unstable scheduling, safety culture. • Job and task-specific factors, such as occupational class, shift characteristics, working hours, occupational stressors, support, teamwork, and workplace hazards Individual factors, such as age and experience.	HCW burnout, including instruments such as: • Maslach Burnout Inventory • Oldenburg Burnout Inventory • Copenhagen Burnout Inventory • Two-Item Maslach Burnout Inventory • Physician Worklife Study Single Item Question • ProQOL Burnout scale • Institute for Professional Worklife Mini Z Survey	<i>System-level programs:</i> interventions that intend to reduce or prevent HCW burnout through the elimination or substitution of occupational hazards. <i>Exclude:</i> interventions that enable the occupational hazard to remain in place (engineering, administrative controls) or increase the individual capacity to cope with the hazard (PPE, resilience training).
Comparator	Other healthcare delivery condition.	Other levels of HCW burnout.	• Other intervention. • No intervention.

PECOTS (POPULATIONS, EXPOSURES, COMPARATORS, OUTCOMES, TIMING AND SETTING) ELIGIBILITY CRITERIA FOR ALL KEY QUESTIONS—Continued

Element	Key Question 1	Key Question 2	Key Question 3
Outcomes	HCW burnout, including instruments such as: • Maslach Burnout Inventory • Oldenburg Burnout Inventory • Copenhagen Burnout Inventory • Two-Item Maslach Burnout Inventory • Physician Worklife Study Single Item Question • Professional Quality of Life (ProQOL) Burnout scale • Institute for Professional Worklife Mini Z Survey	• HCW family outcomes, such as: ○ Marital/relationship stress measured by a partner ○ Divorce/separation rates • Patient outcomes, such as: ○ Safety ○ Satisfaction ○ Adverse events ○ Mortality • Healthcare organization outcomes, such as: ○ Productivity (including presenteeism, absenteeism, work-related injuries and illnesses) ○ Staff turnover (including due to retirement, leaving the profession, mortality, or suicide) • Societal outcomes, such as: ○ Workforce shortages	HCW burnout, including instruments such as: • Maslach Burnout Inventory. • Oldenburg Burnout Inventory. • Copenhagen Burnout Inventory. • Two-Item Maslach Burnout Inventory. • Physician Worklife Study Single Item Question. • ProQOL Burnout scale. • Institute for Professional Worklife Mini Z Survey.
Mediating Factors.	• Individual factors such as stress, satisfaction, wellbeing, engagement, sleep quality, suicidal ideation, depression, anxiety, meaningful work, mattering, moral distress or injury, workplace injury or illness.		
Modifying Factors.	○ Demographic characteristics: (e.g., age, sex, race, ethnicity). ○ Occupational title (e.g., physician, nurse, allied health professional, other). ○ Educational attainment (e.g., high school, some college, college degree, graduate degree). ○ Experience (e.g., number of years employed). ○ Income (e.g., household income, socioeconomic status). ○ Time (e.g., year of outcome ascertainment, or binned by pre-, concurrent and post-pandemic). ○ Shift characteristics: (e.g., timing, duration, knowledge of shift, mandatory overtime). ○ Job tasks (e.g., patient-facing vs. non-patient-facing, physical demands as high, moderate, low). ○ Geographic location (e.g., U.S. census region, urban vs. suburban vs. rural).		
Study Designs ...	• Cross-sectional studies. • Cohort studies.		• Randomized controlled trials. • Non-randomized controlled trials. • Observational cohort studies with a comparison group. • Pre-post studies (with adjustment for confounders).
Timing	Published since 2014.		
Settings	All U.S. healthcare delivery settings where HCWs work (e.g., ambulatory, prehospital, emergency, various inpatient services, post-acute or skilled nursing/long-term care, including medical, surgical, and mental health care settings).		

Abbreviations: HCW = healthcare worker; PPE = personal protective equipment, ProQOL = Professional Quality of Life.

Dated: December 12, 2024.

Marquita Cullom,
Associate Director.

[FR Doc. 2024–30259 Filed 12–18–24; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to 5 U.S.C. 1009(d), 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, and the Determination of the Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel; (SEP)—RFA–OH–25–002, Panel A, Occupational Safety and Health Education and Research Centers (ERC).

Dates: February 24–25, 2025.

Times: 11:00 a.m.–5:00 p.m., EST.

Place: Video-Assisted Meeting.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Dan Hartley, Ed.D., Scientific Review Officer, Office of Extramural Programs, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 1095 Willowdale Road, Morgantown, West Virginia 26505. Telephone: (304) 285–5812; Email: DHartley@cdc.gov.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2024–30238 Filed 12–18–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention****Notice of Closed Meeting**

Pursuant to 5 U.S.C. 1009(d), 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, and the Determination of the Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel; (SEP)—RFA—OH–25–002, Panel C, Occupational Safety and Health Education and Research Centers (ERC).

Dates: February 24–25, 2025.

Times: 11:00 a.m.—5:00 p.m., EST.

Place: Video-Assisted Meeting.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Michael Goldcamp, Ph.D., Scientific Review Officer, Office of Extramural Programs, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 1095 Willowdale Road, Morgantown, West Virginia 26505. Telephone: (304) 285–5951; Email: MGoldcamp@cdc.gov.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2024–30241 Filed 12–18–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention****Notice of Closed Meeting**

Pursuant to 5 U.S.C. 1009(d), 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, and the Determination of the Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel; (SEP)—RFA—OH–25–002, Panel B, Occupational Safety and Health Education and Research Centers (ERC).

Dates: February 26–27, 2025.

Times: 11:00 a.m.—5:00 p.m., EST.

Place: Video-Assisted Meeting.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Dan Hartley, Ed.D., Scientific Review Officer, Office of Extramural Programs, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 1095 Willowdale Road, Morgantown, West Virginia 26505. Telephone: (304) 285–5812; Email: DHartley@cdc.gov.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2024–30237 Filed 12–18–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Medicare & Medicaid Services**

[Document Identifiers: CMS–10325]

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 February 18, 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-10325 Disclosure and Recordkeeping Requirements for Grandfathered Health Plans Under the Affordable Care Act

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:* Extension of a currently approved collection; *Title of Information Collection:* Disclosure and Recordkeeping Requirements for Grandfathered Health Plans under the Affordable Care Act; *Use:* Section 1251 of the Affordable Care Act provides that certain plans and health insurance coverage in existence as of March 23, 2010, known as grandfathered health plans, are not required to comply with certain statutory provisions in the Act. The final regulations titled "Final Rules under the Affordable Care Act for Grandfathered Plans, Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions, Dependent

Coverage, Appeals, and Patient Protections" (80 FR 72192, November 18, 2015) require that, to maintain its status as a grandfathered health plan, a plan must maintain records documenting the terms of the plan in effect on March 23, 2010, and any other documents that are necessary to verify, explain, or clarify status as a grandfathered health plan. The plan must make such records available for examination upon request by participants, beneficiaries, individual policy subscribers, or a State or Federal agency official. A grandfathered health plan is also required to include a statement in any summary of benefits under the plan or health insurance coverage that the plan or coverage believes it is a grandfathered health plan within the meaning of section 1251 of the Affordable Care Act and provide contact information for questions and complaints. In addition, a grandfathered group health plan that is changing health insurance issuers is required to provide the succeeding health insurance issuer (and the succeeding health insurance issuer must require) documentation of plan terms (including benefits, cost sharing, employer contributions, and annual limits) under the prior health insurance coverage sufficient to make a determination whether the standards of paragraph § 147.140(g)(1) of the 2015 final regulations are exceeded. It is also required that, for an insured group health plan (or a multiemployer plan) that is a grandfathered plan, the relevant policies, certificates, contracts of insurance, or plan documents must disclose in a prominent and effective manner that employers, employee organizations, or plan sponsors, as applicable, are required to notify the issuer (or multiemployer plan) if the contribution rate changes at any point during the plan year. *Form Number:* CMS-10325 (OMB Control Number: 0938-1093); *Frequency:* On Occasion; *Affected Public:* Private Sector, State, Local or Tribal governments; *Number of Respondents:* 14,603; *Total Annual Responses:* 2,094,506; *Total Annual Hours:* 40. (For policy questions regarding this collection contact Adam Pellillo at 667-290-9621.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024-30202 Filed 12-18-24; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2024-N-5338]

Agency Information Collection Activities; Proposed Collection; Comment Request; Interstate Shellfish Dealer's Certificate and Participation in the National Shellfish Sanitation Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of the Interstate Shellfish Dealer's Certificate as well as the collection of other records related to participation in the National Shellfish Sanitation Program (NSSP).

DATES: Either electronic or written comments on the collection of information must be submitted by February 18, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of February 18, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted,

such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2024-N-5338 for "Agency Information Collection Activities; Proposed Collection; Comment Request; Interstate Shellfish Dealer's Certificate and Participation in the National Shellfish Sanitation Program." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management

Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT:

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: Under the PRA (44 U.S.C. 3501-3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the

validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Interstate Shellfish Dealer's Certificate and Participation in the National Shellfish Sanitary Program

OMB Control Number 0910-0021—Revision

Under section 243 of the Public Health Service Act (PHS Act) (42 U.S.C. 243), FDA is required to cooperate with and aid State and local authorities in the enforcement of their health regulations and is authorized to assist States in the prevention and suppression of communicable diseases. Under this authority, FDA participates with State regulatory agencies, some foreign nations, and the U.S. bivalve molluscan shellfish industry in the NSSP.

Molluscan shellfish consumed fresh (raw) and fresh frozen poses unique public health concerns. The safety of molluscan shellfish directly reflects the cleanliness of the waters where they are grown. Molluscan shellfish are sessile, filter-feeding organisms that pump large quantities of water through their bodies during their normal feeding process. The relationship between shellfish harvesting waters that are contaminated with sewage and other forms of pollution and food safety concerns has been demonstrated often. Additionally, bivalve molluscan shellfish must be held, packed, and shipped under sanitary conditions to prevent contamination subsequent to harvest and prior to delivery to the consumer.

The NSSP is a voluntary cooperative program to promote the safety of molluscan shellfish by providing for the classification and patrol of shellfish growing waters and for the inspection and certification of shellfish dealers. Each participating State and foreign nation monitors its molluscan shellfish production and issues certificates for those dealers that meet the State or foreign shellfish control authority's criteria. Each participating State and nation provides a certificate of its certified shellfish dealers to FDA on Form FDA 3038, "Interstate Shellfish Dealer's Certificate" (available for download at <https://www.fda.gov/media/72094/download>). FDA uses this information to publish the "Interstate Certified Shellfish Shippers List (ICSSL)," a monthly comprehensive

listing of all molluscan shellfish dealers certified under the cooperative program (available at <https://www.fda.gov/food/federal-state-food-programs/interstate-certified-shellfish-shippers-list>). We also provide information on our website at <https://www.fda.gov/federal-state-local-tribal-and-territorial-officials/state-cooperative-programs/fda-national-shellfish-sanitation-program>, which may serve as a helpful resource to respondents.

Under the authority of section 243 of the PHS Act, we are revising this information collection to also collect from State regulatory agencies samples of shellfish, along with metadata (date collected, temperature, and location). If available, we are also collecting analytical results needed to classify growing area waters for existing and emerging food safety hazards and to ensure that shellfish products of dealers listed on the ICSSL are safe. Respondents will have already independently collected samples at a given location/time (our request is for an additional sample to be collected and sent to FDA for analysis) and, in some cases (for requested existing analytical results), conducted tests associated with information submitted as part of samples and analytical results. Regarding the collection of samples, FDA will provide shipping materials for transport and will bear any shipping costs.

The information collection also includes respondents providing to FDA documents demonstrating compliance with the NSSP. When a competent

authority in another country conducts an evaluation to determine whether the U.S. food safety control measures for bivalve molluscan shellfish are equivalent to its own system of controls, the competent authority may require FDA to provide information and records demonstrating compliance with the provisions of the NSSP. Only those firms that comply with the NSSP would be permitted to export bivalve molluscan shellfish to a country whose competent authority determined that the U.S. system of controls is equivalent to their own controls. FDA uses the information collection to support the export of U.S. shellfish to countries whose competent authorities have determined the U.S. system of food safety controls to be equivalent to their own system of controls by demonstrating that the exporter follows the U.S. system of controls specified in the NSSP.

For example, to implement the European Commission's (EC) determination that the U.S. system of food safety controls for raw bivalve molluscan shellfish is equivalent to the European Union's (EU) system of controls, the EC requires FDA to provide documentation collected from NSSP-participating shellfish control authorities for firms seeking to export raw molluscan shellfish to the EU. This documentation includes, but is not limited to:

- a list of growing areas with an approved classification;
- the most recent sanitary survey for each growing area with an approved classification; and

- the most recent inspection report for each dealer seeking to export bivalve molluscan shellfish to the EU.

The examples above are illustrative. Some competent authorities may require additional information to conduct an equivalence assessment or to implement an equivalence determination, or both. We provide respondents with information about the specific documentation that is required for each equivalence assessment. For those competent authorities that recognize the U.S. system as equivalent, additional documentation may be needed to implement that determination.

Form FDA 3038 may be submitted on paper or submitted electronically by State or international officials. These officials securely log into a shellfish shippers account to fill out Form FDA 3038 electronically. The information obtained from the form has been entirely automated. The forms transmitted by the States, after approval by an FDA official, are entered into an FDA computer database program that allows the addition, deletion, download, and generation of the Interstate Certified Shellfish Shippers List, published monthly in PDF format, and may be updated daily when new data is available.

Description of Respondents: Respondents to this collection are participating State regulatory agencies and foreign nations.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

Activity	FDA form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Submission of Interstate Shellfish Dealer's Certificate.	3038	40	57	2,280	0.10 (6 minutes)	228
Submission of NSSP Compliance Documentation.	N/A	13	1	13	0.25 (15 minutes) ..	3
Submission of Samples and Analytical Results.	N/A	35	2	70	0.50 (30 minutes) ...	35
Total .....	.....	.....	.....	.....	.....	266

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have increased our burden estimate by 35 hours and 70 responses due to the program change of collecting samples and analytical results. We attribute the burden change to an increase in responses. This estimate is based on our experience with this information collection and the number of certificates received in the past 3 years.

Dated: December 12, 2024.

P. Ritu Nalubola,

Associate Commissioner for Policy.

[FR Doc. 2024-30228 Filed 12-18-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2024-N-5234]

Agency Information Collection Activities; Proposed Collection; Comment Request; Food Labeling: Notification Procedures for Statements on Dietary Supplements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of the regulation requiring the manufacturer, packer, or distributor of a dietary supplement to notify us that it is marketing a dietary supplement product that bears on its label or in its labeling a statement provided for in the Federal Food, Drug, and Cosmetic Act (FD&C Act).

DATES: Either electronic or written comments on the collection of information must be submitted by February 18, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until

11:59 p.m. Eastern Time at the end of February 18, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2024-N-5234 for "Agency Information Collection Activities; Proposed Collection; Comment Request; Food Labeling: Notification Procedures for Statements on Dietary Supplements." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9

a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT:

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, PRStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.

Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Food Labeling: Notification Procedures for Statements on Dietary Supplements—21 CFR 101.93

OMB Control Number 0910–0331—Extension

Section 403(r)(6) of the FD&C Act (21 U.S.C. 343(r)(6)) and § 101.93 (21 CFR

101.93) require that, no later than 30 days after the first marketing, we be notified by the manufacturer, packer, or distributor of a dietary supplement that it is marketing a dietary supplement product that bears on its label or in its labeling a statement provided for in section 403(r)(6) of the FD&C Act. In accordance with these requirements, submissions must include: (1) the name and address of the manufacturer, packer, or distributor of the dietary supplement product; (2) the text of the statement that is being made; (3) the name of the dietary ingredient or supplement that is the subject of the statement; (4) the name of the dietary supplement (including the brand name); and (5) the signature of a responsible individual or the person who can certify the accuracy of the information presented, and who must certify that the information contained in the notice is complete and accurate, and that the notifying firm has substantiation that the statement is truthful and not misleading.

Our electronic form (Form FDA 3955) allows respondents to the information collection to electronically submit notifications to FDA via the Food Applications Regulatory Management (FARM) system. Firms that prefer to submit a paper notification in a format of their own choosing still have the option to do so; however, Form FDA 3955 prompts respondents to include certain elements in their structure/function claim notification (SFCN) described in § 101.93 in a standard

electronic format and helps respondents organize their SFCN to include only the information needed for our review of the claim. Note that the SFCN, whether electronic or paper, is used for all claims made pursuant to section 403(r)(6) of the FD&C Act, including nutrient deficiency claims and general well-being claims in addition to structure/function claims. The electronic form, and any optional elements prepared as attachments to the form (e.g., label), can be submitted in electronic format via FARM. Submissions of SFCNs will continue to be allowed in paper format. We use this information to evaluate whether statements made for dietary ingredients or dietary supplements are permissible under section 403(r)(6) of the FD&C Act. We also provide information on our website at <https://www.fda.gov/food/information-industry-dietary-supplements/notifications-structurefunction-and-related-claims-dietary-supplement-labeling>, which may serve as a helpful resource to respondents.

Description of Respondents: Respondents to this collection of information include manufacturers, packers, or distributors of dietary supplements that bear section 403(r)(6) of the FD&C Act statements on their labels or labeling.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

21 CFR section; activity; form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
101.93; Statements for Dietary Supplements; Form FDA 3955.	3,690	1	3,690	0.75 (45 minutes) ..	2,768

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate. This estimate is based on our experience with this information collection and the number of notifications received in the past 3 years, which has remained constant.

Dated: December 12, 2024.
P. Ritu Nalubola,
Associate Commissioner for Policy.
[FR Doc. 2024–30231 Filed 12–18–24; 8:45 am]
BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–3379]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Laboratory Accreditation for Analyses of Foods

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) 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 January 21, 2025.

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 0910–0898. 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.

Laboratory Accreditation for Analysis of Foods

OMB Control Number 0910–0898—Extension

This information collection helps to support implementation of FDA’s statutory and regulatory authority governing our laboratory accreditation for analysis of foods program under section 422 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350k) and 21 CFR part 1, subpart R. FDA has

statutory authority to establish a program for the testing of food by accredited laboratories; to establish a publicly available registry of recognized accreditation bodies and laboratories recognized by an accreditation body; and to require reports of any changes that would affect the recognition of such accreditation body or the accreditation of such laboratory.

The regulations require respondents to maintain and electronically submit certain test results, reports, notifications, and other records to FDA. We are clarifying that the information collection includes the use of an electronic information collection system (the FURLS Laboratory Accreditation for Analyses of Foods Program portal) (FDA Industry Systems). User guides for the Accreditation Bodies and Accredited Laboratories can be found at the following links: <https://www.fda.gov/media/156097/download?attachment> and <https://www.fda.gov/media/161685/download?attachment>. The laboratory accreditation program helps fulfill FDA’s mandate to ensure the safety of the U.S. food supply and protect U.S. consumers by administering appropriate oversight of certain food testing that is of importance to public health. It also helps ensure that the testing is done in accordance with appropriate model

standards, which will help produce consistently reliable and valid test results. You may access additional information about the laboratory accreditation program at: <https://www.fda.gov/food/food-safety-modernization-act-fsma/fda-recognized-accreditation-bodies-laboratory-accreditation-analyses-foods-laaf-program>. The public registry is available at <https://datadashboard.fda.gov/ora/fd/laaf.htm>.

Respondents to the information collection are accreditation bodies seeking recognition from FDA, recognized accreditation bodies, laboratories seeking accreditation from recognized accreditation bodies, and accredited laboratories. Participation in this program is voluntary for laboratories and accreditation bodies; however, only recognized accreditation bodies would be able to accredit laboratories to conduct food testing as specified in the regulations.

In the **Federal Register** of August 15, 2024 (89 FR 66417), 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 2}

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
§§ 1.1113 and 1.1114; Accreditation bodies (ABs) application for recognition (one-time submission).	8	44	352	2.2068 (2 hours and 12 minutes).	776.8
§§ 1.1113 and 1.1114; ABs—application for renewal of recognition.					
§ 1.1123; ABs—reports, notifications, and documentation requirements.					
§ 1.1116(a) and (b); ABs—notice of intent to relinquish, records custodian.	1	3	3	3	9
§§ 1.1138 and 1.1139; laboratories—submission of application for LAAF-accreditation (one-time submission).	160	63.5	10,160	1.8051 (1 hour and 49 minutes).	18,340
§§ 1.1149(a) and 1.1152(c)(1), (2); laboratories—submission of sampling plan, sample collection report, and sampler qualifications.					
§§ 1.1152(d) and 1.1153(a); laboratories—qualification to submit abridged analytical reports (one-time submission).					
§ 1.1153; laboratories—abridged analytical reports submissions.					
§ 1.1149(c); laboratories—advance notice of sampling submissions.					
§ 1.1152(f); laboratories—immediate notification.					
§ 1.1140(a); laboratories—notice of intent to relinquish, records custodian.	2	3	6	1	6
§ 1.1152(c)(4) and (5); laboratories—validation and verification studies submissions.	50	5	250	1.5 (1 hour and 30 minutes).	375
§§ 1.1142; 1.1171; 1.1173; and 1.1174; requests in response to FDA action.	1	1	1	1	1
Total			10,772	.....	19,508

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

²Totals may not sum due to rounding.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN^{1 2}

21 CFR section; activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
§ 1.1113; recordkeeping associated with ISO/IEC 17011:2017.	8	2	8	22	176
§ 1.1124; ABs—additional recordkeeping requirements a recognized accreditation body must maintain, for 5 years after the date of creation of the records, records created while it is recognized demonstrating its compliance with this subpart.					
§ 1.1138; laboratories—becoming accredited to ISO/IEC 17025:2017 (one-time); Laboratories adding ISO 17025 to become LAAF-accredited.	9	1	9	91.06 (91 hours and 4 minutes).	820
§ 1.1138; laboratories—maintaining ISO/IEC 17025:2017 accreditation.	160	2	320	450.765 (450 hours and 46 minutes).	144,245
§ 1.1154; laboratories—additional recordkeeping requirements; a LAAF-accredited laboratory must maintain, for 5 years after the date of creation, records created and received while it is LAAF-accredited that relate to compliance with this subpart.					
Total .....	.....	.....	345	.....	145,241

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

²Totals may not sum due to rounding.

The burden we attribute to reporting and recordkeeping activities is assumed to be distributed among the individual elements of the respective information collection activities. Although we have not received a notice of intent to relinquish records since the last approval of this information collection, we include one response for the purpose of estimating burden.

We calculate the number of food testing laboratories seeking accreditation based on the number of applicants. As a result, the number of respondents to the information collection decreased (from 170 respondents in the currently approved collection to 160 respondents). Consequently, we have adjusted our burden estimate, which results in a decrease of 227 responses and 9,303 burden hours from the currently approved information collection.

Dated: December 11, 2024.

P. Ritu Nalubola,

Associate Commissioner for Policy.

[FR Doc. 2024-30230 Filed 12-18-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2024-N-5581]

Agency Information Collection Activities; Proposed Collection; Comment Request; Food Additives Intended for Use in Animal Food, Food Additive Petitions, Investigational Food Additive Files Exemptions, and Declaration on Animal Food Labels

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions associated with food additives intended for use in animal food, food additive petitions, investigational food additive files exemptions, and declaration of color additives on animal food labels.

DATES: Either electronic or written comments on the collection of information must be submitted by February 18, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of February 18, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your

comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2024-N-5581 for “Agency Information Collection Activities; Proposed Collection; Comment Request; Food Additives Intended For Use In Animal Food, Food Additive Petitions, Investigational Food Additive Files Exemptions, and Declaration on Animal Food Labels.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as

“confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT:

Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-5733, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether the information will have practical utility; (2) the accuracy of FDA’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on

respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Food Additives Intended For Use in Animal Food, Food Additive Petitions, Investigational Food Additive Files Exemptions, and Declarations on Animal Food Labels

OMB Control Number 0910-0546—*Revision*

This information collection helps support implementation of FDA’s authority over food additives intended for use in animal food. Misbranded foods are prohibited under section 403 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 343); food additives are covered in section 409 of the FD&C Act (21 U.S.C. 348), which provides, at section 409(a) of the FD&C Act, that a food additive shall be deemed to be unsafe unless its use is permitted by a regulation that prescribes the condition(s) under which it may safely be used, or unless it is exempted by regulation for investigational use. Section 409(b) of the FD&C Act provides for petitions to establish safety of food additives and specifies information that must be submitted to FDA before a regulation permitting its use may be issued. Agency regulation in 21 CFR part 570 sets forth general provisions applicable to food additives intended for use in animal food; provides relevant definitions; establishes principles for determining safety; and explains prescribed elements to be included in a Generally Recognized as Safe (GRAS) notice. The regulation also provides for certain exemptions for investigational use and discusses related procedures. Agency regulation in 21 CFR part 571 establishes procedural requirements applicable to the submission of petitions filed under section 409(b) of the FD&C Act, including content and format elements to facilitate FDA processing of a food additive petition. Finally, Agency regulation in 21 CFR part 501 establishes disclosure requirements for animal food labeling, including the disclosure of the presence of certified and noncertified color additives (21 CFR 501.22(k)). Additional disclosure requirements are found in 21 CFR parts 573 (food additives permitted in feed and drinking water of animals) and 579 (irradiation in the production, processing, and handling of animal food), and are included in the scope of coverage for the information collection.

We are revising the information collection to include related authority established through enactment of the Animal Drug and Animal Generic Drug

User Fee Amendments of 2018 (2018 Amendments) (Pub. L. 115–234). Intending to help ensure the safety of pet food, section 306(c) of the 2018 Amendments provides for the issuance of guidance on pre-petition consultations for animal food additives. We have issued the following guidance documents to assist respondents in this regard:

Guidance for Industry (GFI) #262, “Pre-Submission Consultation Process for Animal Food Additive Petitions or Generally Recognized as Safe (GRAS) Notices” (December 2020), available for download from our website at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cvm-gfi-262-pre-submission-consultation-process-animal-food-additive-petitions-or-generally>. The guidance document describes the types of information our Center for Veterinary Medicine recommends be included in:

1. pre-petition consultations prior to submission of food additive petitions (FAP) for food additives intended for use in animal food;
2. pre-submission consultations regarding an animal food substance for

which an entity plans to provide notice of its conclusion that the intended use of the substance is GRAS under FDA’s animal food GRAS Notification program; or

3. a Food Use Authorization request to permit the use, in human or animal foods, of animal products derived from animals that have been administered an investigational substance intended for use in animal food.

Additionally, GFI #294, “Animal Food Ingredient Consultation (AFIC)” (August 2024), available for download at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cvm-gfi-294-animal-food-ingredient-consultation-afic>, describes the AFIC process, which provides for a way, within the regulatory framework, for firms that are developing animal food ingredients to consult with FDA, and for FDA to review information from developers and the public regarding the ingredients and any relevant safety concerns. The AFIC process includes opportunities for public awareness of, and input on, the ingredients for which FDA is providing consultation. The

guidance document also explains that FDA generally would not intend to take enforcement action against an ingredient for being an unapproved animal food additive if FDA has sent an AFIC “consultation complete” letter, provided the ingredient is used in accordance with the terms described in the letter and there continues to be no questions or concerns about the safety of the ingredient.

Description of Respondents: Respondents to this collection of information are animal food manufacturers or animal food additive manufactures. With regard to submission activities, we assume 2,508 respondents based on the number of registrants who identify as animal food additive manufacturers. With regard to labeling activities under 21 CFR 501.22(k), we assume 3,120 respondents based on information found in previous Agency rulemaking (RIN–0910AG02) regarding declarations for animal food product labels.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

Regulatory authority; submission of information	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Food Additive Petitions					
21 CFR 571.1(c) Moderate Category	3	1	3	3,000	9,000
21 CFR 571.1(c) Complex Category	3	1	3	10,000	30,000
21 CFR 571.6 Amendment of Petition	5	1	5	1,300	6,500
Investigational Food Additive Files					
21 CFR 570.17 Moderate Category	8	1	8	1,500	12,000
21 CFR 570.17 Complex Category	10	1	10	5,000	50,000
Animal Food Ingredient Consultation					
Consultation Category	12	1	12	3,000	36,000
Amendment of Consultation	12	1	12	1,300	15,600
Color Additives					
21 CFR 501.22(k); labeling of color additive or lake of color additive; labeling of color additives not subject to certification.	3,120	0.8292	2,587	0.25 (15 minutes) ...	647
Total Hours					159,747

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

We have determined that food additive petitions and investigational food additive files that are submitted, fall into one of two categories of complexity. Fluctuations in the number and types of food and color additive petitions received in any given year are governed by market forces.

§ 571.1(c) Moderate Category: For a food additive petition without complex chemistry, manufacturing, efficacy and/or safety issues, the estimated time requirement per petition is approximately 3,000 hours. We estimate that, annually, 3 respondents will submit 1 such petition, for a total of 9,000 hours.

§ 571.1(c) Complex Category: For a food additive petition with complex chemistry, manufacturing, efficacy and/or safety issues, the estimated time requirement per petition is approximately 10,000 hours. We estimate that, annually, 3 respondents will each submit 1 such petition, for a total of 30,000 hours.

§ 571.6 Amendment of Petition: For a food additive petition amendment, the estimated time requirement per petition is approximately 1,300 hours. We estimate that, annually, 5 respondents will each submit 1 such amendment, for a total of 6,500 hours.

§ 570.17 Moderate Category: For an investigational food additive file without complex chemistry, manufacturing, efficacy and/or safety issues, the estimated time requirement per file is approximately 1,500 hours. We estimate that, annually, 8 respondents will each submit 1 such file, for a total of 12,000 hours.

§ 570.17 Complex Category: For an investigational food additive file with complex chemistry, manufacturing, efficacy and/or safety issues, the estimated time requirement per file is approximately 5,000 hours. We estimate that, annually, 10 respondents will each submit 1 such file, for a total of 50,000 hours.

Consultation Category: We estimate developers of animal food ingredients will spend 3,000 hours consulting with FDA on an ingredient. We estimate that, annually, 12 respondents will consult with FDA, for a total of 36,000 hours.

The labeling requirements for food and color additives were designed to specify the minimum information needed for labeling in order that food and color manufacturers may comply with all applicable provisions of the FD&C Act and other specific labeling acts administered by FDA. Label information does not require any additional information gathering beyond what is already required to assure conformance with all specifications and limitations in any given food or color additive regulation. Label information does not have any specific recordkeeping requirements unique to preparing the label. Therefore, because labeling requirements for a particular color additive or food additive involve information required as part of the safety review process, the burden hours for labeling are included in the estimate for 21 CFR 501.22(k) and 571.1.

We base our estimate of the total annual responses on submissions received over the last 3 years. We base our estimate of the hours per response on our experience with the labeling, food additive petition, and filing processes.

Based on review of the information collection, there was a decrease of food additive petition (FAP) responses and a corresponding decrease in burden hours for FAPs. We attribute this adjustment to an increase in the number of GRAS notices (21 CFR part 570, subpart E) received, which tend to substitute for

FAP submissions due to a similar quantity and quality of data and information requirement. These numbers can fluctuate year to year. We also note that investigational food additive file responses have increased due to more respondents providing information during the pre-market process prior to providing a more formal regulatory response (e.g., FAP or GRAS notice). We did not adjust the number of responses received for the declaration of color additives on animal food labels from the previous collection.

Our estimated burden for the information collection reflects an overall increase of 40,600 total hours and 24 responses. We attribute this to accounting for the consultation process for firms developing animal food ingredients.

Dated: December 12, 2024.

P. Ritu Nalubola,

Associate Commissioner for Policy.

[FR Doc. 2024–30227 Filed 12–18–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–1055]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request Data To Support Social and Behavioral Research as Used by the Food and Drug Administration

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, us, or we) 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 January 21, 2025.

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 0910–0847. 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, PRASStaff@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.

Data To Support Social and Behavioral Research as Used by the Food and Drug Administration

OMB Control Number 0910–0847—Extension

This information collection is intended to support FDA-conducted research. Understanding patients, consumers, and healthcare professionals’ perceptions and behaviors plays an important role in improving FDA’s regulatory decision-making processes and communications that affect various stakeholders. FDA uses the following methodology to achieve these goals: (1) creation and validation of survey instruments; (2) use of techniques to evaluate sampling and recruitment methods; (3) evaluation of the validity and reliability of survey instruments; (4) individual in-depth interviews, (5) general public focus group interviews, (6) intercept interviews, (7) self-administered surveys, (8) gatekeeper surveys, and (9) focus group interviews. These methods serve the narrowly defined need for direct and informal opinion on a specific topic and serve as a qualitative and quantitative research tool having two major purposes:

- Obtaining useful, valid, and reliable information for the development of variables and measures for formulating the basic objectives of social and behavioral research and
- Successfully communicating and addressing behavioral changes with intended audiences to assess the potential effectiveness of FDA communications, behavioral interventions, and other materials.

While FDA will use these methods to test and refine its ideas and help develop communication and behavioral strategies research, the Agency will generally conduct further research before making important decisions (such as adopting new policies and allocating or redirecting significant resources to support these policies).

FDA’s Center for Drug Evaluation and Research (CDER), Center for Biologics Evaluation and Research, Office of the Commissioner, and any other Centers will use this mechanism to test communications and social and behavioral methods about regulated drug products on a variety of subjects related to consumer, patient, or healthcare professional perceptions, beliefs, attitudes, behaviors, and use of drug and biological products and related materials. These subjects include social and behavioral research, decision-making processes, and communication and behavioral change strategies.

Further, in addition to overseeing the safety of drug products when used according to approved drug labeling or as directed by a healthcare provider, CDER conducts studies on topics related to the safe and effective use of drug products, and emerging safety issues in areas such as: (1) nonmedical use of approved drug products; (2) use of unapproved and falsified (*i.e.*, counterfeit, fake) drug products; (3) use of botanical substances (*e.g.*, cannabis

derived products); (4) controlled substance prescribing decisions; (5) bystander response to drug overdoses; and (6) potentially false or misleading information about drug products. Reliable data on these and related topics are a critical first step to understanding whether further studies or action is needed to protect public health.

Because often data on these topics are not collected as part of routine healthcare delivery or via established Federal surveys, FDA requires the development and validation of novel instruments (*i.e.*, interview and focus group guides, questionnaires) and approaches to gathering data on emerging safety issues the methods used to create and validate these instruments may include interviews, focus groups, small group discussions, pilot and test/re-test survey launches, and external validation against benchmark surveys. In conducting research in these areas, FDA will need to employ the following validation methodology: (1) research to assess knowledge, perceptions, and experiences related to topics in the

above-mentioned areas with specific target populations; (2) techniques to evaluate sampling and recruitment methods; and (3) evaluations of the validity and reliability of survey questionnaires in target populations.

In accordance with 5 CFR 1320.8(d), FDA published a 60-day notice for public comment on the proposed collection of information in the **Federal Register** of April 23, 2024 (89 FR 30381). Although one comment was received, it was not responsive to the four collection of information topics solicited and therefore will not be discussed in this document.

Annually, FDA projects about 25 social and behavioral studies using the variety of test methods listed in this document. FDA is revising this burden to account for the number of studies we have received in the last 3 years and to better reflect the scope of the information collection.

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 respondent	Total annual responses	Average burden per response	Total hours
Interviews and Surveys	126,770	1	126,770	0.25 (15 minutes)	31,693

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, our burden estimate for this information collection reflects an overall increase of 17,300 responses with a corresponding increase of 4,325 hours. We attribute this adjustment to the need to validate information in specific areas.

Dated: December 11, 2024.

P. Ritu Nalubola,
Associate Commissioner for Policy.
[FR Doc. 2024–30224 Filed 12–18–24; 8:45 am]
BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meetings of the Council on Graduate Medical Education

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces that the Council on Graduate Medical Education (COGME or Council) will hold public meetings for the 2025 calendar year (CY). Information about COGME, agendas, and materials for these meetings can be found on the COGME website at: <https://www.hrsa.gov/advisory-committees/graduate-medical-edu>.

DATES: COGME meetings will be held on:

- April 10, 2025, 8 a.m.–5 p.m. eastern time (ET) and April 11, 2025, 8 a.m.–2 p.m. ET.
- September 11, 2025, 8 a.m.–5 p.m. ET and September 12, 2025, 8 a.m.–4 p.m. ET.

ADDRESSES: Meetings will be held in-person, by teleconference, and/or on a video conference platform. In-person meetings will be held at 5600 Fishers Lane, Rockville, Maryland 20857. For updates on how the meetings will be held, instructions for joining meetings, and any other updates, visit the COGME website 30 business days before the date of the meeting at <https://www.hrsa.gov/>

[advisory-committees/graduate-medical-edu/meetings](https://www.hrsa.gov/advisory-committees/graduate-medical-edu/meetings).

FOR FURTHER INFORMATION CONTACT: Shane Rogers, Designated Federal Officer, Division of Medicine and Dentistry, Bureau of Health Workforce, HRSA, 5600 Fishers Lane, Room 15N39, Rockville, Maryland 20857; 301–443–5260; or SRogers@hrsa.gov.

SUPPLEMENTARY INFORMATION: COGME provides advice and recommendations to the Secretary of HHS and Congress on policy, program development, and other matters of significance regarding the issues listed in section 762(a)(1) of the Public Health Service Act. Issues addressed by the COGME include the supply and distribution of the physician workforce in the United States, including any projected shortages or excesses, issues related to foreign medical school graduates, the nature and financing of undergraduate and graduate medical education, appropriation levels for certain programs under title VII of the Public Health Service Act, and deficiencies in databases concerning the supply and distribution of the physician workforce and postgraduate programs for training

physicians. COGME submits reports not less than every 5 years to the Secretary of HHS; the Senate Committee on Health, Education, Labor, and Pensions; and the House of Representatives Committee on Energy and Commerce. Additionally, COGME encourages entities providing graduate medical education to conduct activities to voluntarily achieve the recommendations of the Council related to appropriate efforts to be carried out by hospitals, schools of medicine, schools of osteopathic medicine, and accrediting bodies with respect to the supply and distribution of physicians in the United States; current and future shortages or excesses of physicians in medical and surgical specialties and subspecialties; and issues relating to foreign medical school graduates, including efforts for changes in undergraduate and graduate medical education programs.

Since priorities dictate meeting times, be advised that start times, end times, and agenda items are subject to change. For CY 2025 meetings, agenda items may include, but are not limited to: discussions on team-based care and the Senate Finance Committee's Medicare Graduate Medical Education draft policy document. Refer to the COGME website listed above for all current and updated information concerning the CY 2025 COGME meetings, including agendas and meeting materials that will be posted 30 calendar days before the meeting.

Members of the public will have the opportunity to provide comments. Public participants may submit written statements in advance of the scheduled meeting. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to submit a written statement or make oral comments to COGME should be sent to Shane Rogers using the contact information above at least 5 business days before the meeting date. Individuals who need special assistance or another reasonable accommodation should notify Shane Rogers using the contact information listed above at least 10 business days before the meeting(s) they wish to attend. Since all in-person meetings will occur in a federal government building at 5600 Fishers Lane, Rockville, MD 20857, attendees must go through a security check to enter the building. Members of the public must notify the Designated Federal Officer of their intent to attend the in-person meeting 10 business days before the meeting. Non-U.S. citizen attendees must notify the Designated Federal Officer of their planned attendance at least 20 business days

prior to the meeting to facilitate their entry into the building. All attendees are required to present government-issued identification prior to entry.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2024–30076 Filed 12–18–24; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meetings of the National Advisory Council on Nurse Education and Practice

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces that the National Advisory Council on Nurse Education and Practice (NACNEP) will hold public meetings for the 2025 calendar year (CY). Information about NACNEP, agendas, and materials for these meetings can be found on the NACNEP website at: <https://www.hrsa.gov/advisory-committees/nursing/meetings>.

DATES: NACNEP meetings will be on (all in Eastern Time):

- March 5, 2025, 10 a.m.–4 p.m. and March 6, 2024, 10 a.m.–4 p.m.
- May 14, 2025, 10 a.m.–4 p.m.
- August 6, 2025, 10 a.m.–4 p.m. and August 7, 2025, 10 a.m.–4 p.m.
- December 4, 2024, 8 a.m.–5 p.m. and December 4, 2025, 8 a.m.–2 p.m.

ADDRESSES: Meetings may be held in-person, by teleconference, and/or video conference. For updates on how the meeting will be held, visit the NACNEP website 30 business days before the date of the meeting, where instructions for joining meetings either in-person or remotely will also be posted. In-person NACNEP meetings will be held at 5600 Fishers Lane, Rockville, Maryland, 20857. For meeting information updates, go to the NACNEP website meeting page at <https://www.hrsa.gov/advisory-committees/nursing/meetings>.

FOR FURTHER INFORMATION CONTACT: Justin Bala-Hampton, Designated Federal Officer, Bureau of Health Workforce, HRSA, 5600 Fishers Lane, Rockville, Maryland, 20857; 301–945–9880; or JBala-Hampton@hrsa.gov.

SUPPLEMENTARY INFORMATION: NACNEP provides advice and recommendations to the Secretary of Health and Human

Services on policy, program development, and other matters of significance concerning the activities under Title VIII of the Public Health Service Act, including the range of issues relating to the nurse workforce, education, and practice improvement. NACNEP also prepares and submits an annual report to the Secretary of Health and Human Services and Congress describing its activities, including NACNEP's findings and recommendations concerning activities under Title VIII, as required by the Public Health Service Act.

Since priorities dictate meeting times, be advised that start times, end times, and agenda items are subject to change. For CY 2025 meetings, agenda items may include, but are not limited to, the nursing workforce (e.g., nursing shortage, distribution, supply, and access) nursing practice improvement, nursing education, nursing work environment and support, and other Title VIII program activities. Refer to the NACNEP website listed above for all current and updated information concerning the CY 2025 NACNEP meetings, including draft agendas and meeting materials that will be posted 30 calendar days before the meeting.

Members of the public will have the opportunity to provide comments. Public participants may submit written statements in advance of the scheduled meeting(s). Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to submit a written statement or make oral comments to NACNEP should be sent to Justin Bala-Hampton using the contact information above at least 5 business days before the meeting date(s).

Individuals who need special assistance or another reasonable accommodation should notify Justin Bala-Hampton using the contact information listed above at least 10 business days before the meeting(s) they wish to attend. Since all in-person meetings will occur in a federal government building, attendees must go through a security check to enter the building. Non-U.S. citizen attendees must notify HRSA of their planned attendance at least 20 business days prior to the meeting to facilitate their entry into the building. All attendees are required to present government-issued identification prior to entry.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2024–30070 Filed 12–18–24; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meetings of the Advisory Committee on Training and Primary Care Medicine and Dentistry (ACTPCMD)

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces that the Advisory Committee on Training in Primary Care Medicine and Dentistry (ACTPCMD or Committee) will hold public meetings for the 2025 calendar year (CY). Information about ACTPCMD, agendas, and materials for these meetings can be found on the ACTPCMD website at: <https://www.hrsa.gov/advisory-committees/primarycare-dentist>.

DATES: ACTPCMD meetings will be held on

- March 27, 2025, 8 a.m.–5 p.m. Eastern Time (ET) and March 28, 2025, 8 a.m.–2 p.m. ET
- August 8, 2025, 10 a.m.–5 p.m. ET

ADDRESSES: Meetings will be held in-person, by teleconference, and/or on a video conference platform. In-person meetings will be held at 5600 Fishers Lane, Rockville, Maryland, 20857. For updates on how the meetings will be held, instructions for joining the meeting, or any other updates, visit the ACTPCMD website 30 business days before the date of the meeting, at: <https://www.hrsa.gov/advisory-committees/primarycare-dentist/meetings>.

FOR FURTHER INFORMATION CONTACT:

Shane Rogers, Designated Federal Officer, Division of Medicine and Dentistry, Bureau of Health Workforce, HRSA, 5600 Fishers Lane, Room 15N102, Rockville, Maryland, 20857; 301–443–5260; or SRogers@hrsa.gov.

SUPPLEMENTARY INFORMATION:

ACTPCMD provides advice and recommendations on policy and program development and other matters of significance to the Secretary of Health and Human Services (Secretary) concerning the medicine and dentistry activities authorized under section 747 of the Public Health Service (PHS) Act, as it existed upon the enactment of Section 749 of the PHS Act in 1998, and is responsible for preparing and submitting an annual report to the Secretary and Congress describing the activities of the Committee, including

findings and recommendations made by the Committee concerning activities authorized under section 747 of the PHS Act, as it existed upon the enactment of Section 749 of the PHS Act in 1998. In addition, ACTPCMD develops, publishes, and implements performance measures and guidelines for longitudinal evaluations for programs authorized under Part C of Title VII of the PHS Act, as well as recommends appropriation levels for programs under this part.

Since priorities dictate meeting times, be advised that start times, end times, and agenda items are subject to change. For CY 2025 meetings, agenda items may include, but are not limited to: pathways, recruitment, and retention of American Indian health providers; health workforce diversity; community colleges; faculty shortages; and dental accreditation requirements; as well as discussions pertaining to policy, program development, and other matters of significance concerning medicine and dentistry activities authorized under the relevant sections of the PHS Act. Refer to the ACTPCMD website listed above for all current and updated information concerning the CY 2025 ACTPCMD meetings, including agendas and meeting materials that will be posted 30 calendar days before the meeting.

Members of the public will have the opportunity to provide comments. Public participants may submit written statements in advance of the scheduled meeting(s). Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to submit a written statement or make oral comments to ACTPCMD should be sent to Shane Rogers using the contact information above at least 5 business days before the meeting date(s).

Individuals who need special assistance or another reasonable accommodation should notify Shane Rogers using the contact information listed above at least 10 business days before the meeting(s) they wish to attend. Since all in-person meetings will occur in a federal government building at 5600 Fishers Lane, Rockville, MD, 20857, attendees must go through a security check to enter the building. Members of the public must notify the Designated Federal Officer of their intent to attend the in-person meeting 10 business days before the meeting. Non-U.S. citizen attendees must notify the Designated Federal Officer of their planned attendance at least 20 business days prior to the meeting to facilitate their entry into the building. All attendees are required to present

government-issued identification prior to entry.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2024–30073 Filed 12–18–24; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting of the National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; P41 NCBIB Review G–SEP.

Date: February 11–13, 2025.

Time: 9:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Democracy II, Suite 920, 6707 Democracy Blvd., Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Yoon-Young Jang, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Blvd., Bethesda, MD 20892, (301) 451–3397, yoonyoung.jang@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health.)

Dated: December 13, 2024.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–30080 Filed 12–18–24; 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; Clinical, Treatment and Health Services Research Study Section.

Date: February 10, 2025.

Time: 10:00 a.m. to 6:00 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: Luis Espinoza, Ph.D., Scientific Review Officer, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2109, Bethesda, MD 20892, (301) 443-8599, espinozala@mail.nih.gov.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA Fellowship Review Panel.

Date: March 14, 2025.

Time: 10:00 a.m. to 7:00 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: Luis Espinoza, Ph.D., Scientific Review Officer, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2109, Bethesda, MD 20892, (301) 443-8599, espinozala@mail.nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.273, Alcohol Research Programs, National Institutes of Health, HHS)

Dated: December 16, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-30314 Filed 12-18-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting of the National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; P41 NCBIB Review D-SEP.

Date: March 4-7, 2025.

Time: 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Democracy II, Suite 920, 6707 Democracy Blvd., Bethesda, MD 20817 (Virtual Meeting).

Contact Person: John Hayes, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Blvd., Bethesda, MD 20892, (301) 451-3398, john.hayes@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health.)

Dated: December 13, 2024.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-30113 Filed 12-18-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute on Aging; Notice of Closed Meeting**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Transition to Aging Research for Predoctoral Students.

Date: March 12-13, 2025.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute on Aging, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Catrina Sims Robinson, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 5601 Fishers Lane, Suite 2E500, Rockville, MD 20814, (202) 815-0761, catrina.robinson@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: December 13, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-30116 Filed 12-18-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Cancer Institute; Amended Notice of Meeting**

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, SEP-4: NCI Clinical and Translational Cancer Research, February 04, 2025, 10 a.m. to February 05, 2025, 7 p.m., National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W264, Rockville, Maryland, 20850 which was published in the **Federal Register** on

November 14, 2024, FR Doc 2024–26497, 89 FR 90021.

This notice is being amended to change the meeting end time on February 05, 2025, from 7 p.m. to 2 p.m. The meeting is now, February 04, 2025, 10 a.m. to February 05, 2025, 2 p.m. The meeting dates, format, and location will stay the same. The meeting is closed to the public.

Dated: December 16, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–30313 Filed 12–18–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Minority Health and Health Disparities Special Emphasis Panel; Strengthening Research Opportunities for NIH Grants (STRONG): Structured Institutional Needs Assessment and Action Plan Development for Resource Limited Institutions (RLIs) (UC2)

Date: February 5, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, NIMHD, DEM II, Suite 800, 6707 Democracy Boulevard, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Xinli Nan, Ph.D., M.D., Scientific Review Officer, Office of Extramural Research Administration, National Institute on Minority Health and Health Disparities, 6707 Democracy Boulevard, Suite 800, Bethesda, MD 20892 301.594.7784, Xinli.Nan@nih.gov.

Dated: December 16, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–30315 Filed 12–18–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council on Minority Health and Health Disparities.

The meeting will be held as a virtual meeting and is open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocast at the following link: <http://videocast.nih.gov/>.

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/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Minority Health and Health Disparities.

Date: February 3, 2025.

Closed: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute of Health, 6707 Democracy Boulevard, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Name of Committee: National Advisory Council on Minority Health and Health Disparities.

Date: February 4, 2025.

Open: 11:00 a.m. to 5:00 p.m.

Agenda: Opening Remarks, Administrative Matters, Director's Report, Presentations, and Other Business of the Council.

Address: National Institute of Health, 6707 Democracy Boulevard, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Paul Cotton, RDN, Ph.D., Director National Institute on Minority Health and Health Disparities, National Institutes of Health, 7201 Wisconsin Ave., Ste. 533, Bethesda, MD 20892, (301) 402–1366, cottonp@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: NIMHD: <https://www.nimhd.nih.gov/about/advisory-council/>, where an agenda and any additional information for the meeting will be posted when available.

Dated: December 16, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–30319 Filed 12–18–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Bone Regulation.

Date: January 10, 2025.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute on Aging, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Nijaguna Prasad, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 5601 Fishers Lane, Suite 2W200, Rockville, MD 20814, (301) 496–9667, prasadnb@nia.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: December 13, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–30115 Filed 12–18–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications/cooperative agreement applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Neurological Sciences Training Initial Review Group; Neurological Sciences Training 3 Study Section NST–3 Study Section.

Date: January 22–23, 2025.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: Sheraton New Orleans, 500 Canal St., New Orleans, LA 70130.

Meeting Format: In Person and Virtual Meeting.

Contact Person: Lataisia Cherie Jones, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–496–9223, lataisia.jones@nih.gov.

Name of Committee: Neurological Sciences Training Initial Review Group; NST–1 Study Section 202505 NST1 Panel Discussion.

Date: January 27–28, 2025.

Time: 7:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Meeting Format: Virtual Meeting.

Contact Person: William C. Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–496–0660, benzingw@mail.nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Special

Emphasis Panel; HEAL Initiative: Analgesic discovery.

Date: January 31, 2025.

Time: 9:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Meeting Format: Virtual Meeting.

Contact Person: Abhignya Subedi, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–496–9223, abhi.subedi@nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; HEAL Initiative: Digital endpoints.

Date: February 21, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Address: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Meeting Format: Virtual Meeting.

Contact Person: Abhignya Subedi, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–496–9223, abhi.subedi@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: December 16, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–30301 Filed 12–18–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; U01 Cooperative Agreement for Clinical Trials and Hearing Disorders.

Date: January 15, 2025.

Time: 2:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Address: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Meeting Format: Virtual Meeting.

Contact Person: Martin Basch, Ph.D., Scientific Review Officer, NIH/NIDCD, Scientific Review Branch, 6001 Executive Blvd., Suite 8300, Bethesda, MD 20892, (301) 496–9693, martin.basch@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: December 13, 2024.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–30078 Filed 12–18–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed 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: Center for Scientific Review Special Emphasis Panel; PAR–22–233: Time-Sensitive Opportunities for Health Research.

Date: January 15, 2025.

Time: 12:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jacinta Bronte-Tinkew, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3164,

MSC 7770, Bethesda, MD 20892, (301) 806-0009, Jacinta.bronte-tinkew@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: December 13, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-30114 Filed 12-18-24; 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 Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council on Alcohol Abuse and Alcoholism.

The meeting will be held as a virtual meeting and will be open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: <http://videocast.nih.gov/>.

A portion of this 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 intramural programs and projects as well as grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with intramural programs and projects as well as the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Alcohol Abuse and Alcoholism.
Date: February 6, 2025.

Closed: 11:00 a.m. to 11:30 a.m.

Agenda: Presentation of the AABSC Report.

Closed: 11:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Open: 12:45 p.m. to 4:30 p.m.

Agenda: Presentations and other business of the Council.

Address: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Philippe Marmillot, Ph.D., Executive Secretary, National Advisory Council, Director, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 6700B Rockledge Drive, Room 2118, MSC 6902, Bethesda, MD 20892, (301) 443-2861, marmillotp@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: <http://www.niaaa.nih.gov/AboutNIAAA/AdvisoryCouncil/Pages/default.aspx>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.273, Alcohol Research Programs, National Institutes of Health, HHS)

Dated: December 16, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-30307 Filed 12-18-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Cancer Advisory Board.

The meeting will be held as a virtual meeting and is open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: <http://videocast.nih.gov/>.

A portion of the National Cancer Advisory Board 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 Cancer Advisory Board.

Date: February 13, 2025.

Open: 10:00 a.m. to 1:10 p.m.

Agenda: NCAB Subcommittee Meetings.

Open: 1:15 p.m. to 4:05 p.m.

Agenda: Director's and Program reports and presentations; business of the Board.

Closed: 4:15 p.m. to 5:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Paulette S. Gray, Ph.D., Director Division of Extramural Activities, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, 7th Floor, Room 7W444, Bethesda, MD 20892, 240-276-6340, grayp@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: NCAB: <https://deainfo.nci.nih.gov/advisory/ncab/ncabmeetings.htm>, where an agenda, instructions for accessing the virtual NCAB meetings, and any additional information for the meetings will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: December 16, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-30321 Filed 12-18-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Center for Advancing Translational Sciences; 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 Center for Advancing Translational Sciences Special Emphasis Panel; Understudied Proteins R03.

Date: January 2, 2025.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Suite 1E504, Rockville, MD 20892 (Virtual).

Contact Person: Carol (Chang-Sook) Kim, Ph.D., Scientific Review Administrator, Scientific Review Branch Division of Extramural Activities, National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Suite 1E504, Bethesda, MD 20892, (301) 402-1744, carol.kim@nih.gov.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; Review of Limited Competition CTSA R03 Applications.

Date: January 29, 2025.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Suite 1E504, Rockville, MD 20892 (Virtual).

Contact Person: Ming Yan, Ph.D., MD, Scientific Review Officer, Scientific Review Branch Division of Extramural Activities, National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Suite 1E504, Bethesda, MD 20892, (301) 451-2853, ming.yan@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: December 16, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-30320 Filed 12-18-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Biomedical Imaging and Bioengineering; Notice of Meeting**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council for Biomedical Imaging and Bioengineering.

The meeting will be open to the public by videocast. The videocast link is <https://videocast.nih.gov/watch=55255>.

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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Biomedical Imaging and Bioengineering NACBIB, January 2025.

Date: January 22, 2025.

Open: 12:00 p.m. to 2:30 p.m.

Agenda: Report from the Institute Director, Council Members and other Institute staff.

Place: National Institutes of Health, DEM II, Suite 200, 6707 Democracy Boulevard, Bethesda, MD 20817 (Virtual Meeting).

Closed: 2:45 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, DEM II, Suite 200, 6707 Democracy Boulevard, Bethesda, MD 20817 Virtual Meeting.

Contact Person: Anna Taylor, Ph.D., Associate Director for Research Administration, Office of Research Administration, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Bethesda, MD 20892, anna.taylor@nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: <https://www.nibib.nih.gov/about-nibib/advisory-council>, where an agenda and any additional information for the meeting will be posted when available.

Dated: December 13, 2024.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-30079 Filed 12-18-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency**

[Docket ID: FEMA-2024-0026]

Notice of Availability for Safe Room Construction, Supplemental Programmatic Environmental Assessment

AGENCY: Federal Emergency Management Agency, Department of Homeland Security (DHS).

ACTION: Notice of availability; request for comment.

SUMMARY: The Federal Emergency Management Agency (FEMA) has prepared a Supplemental Programmatic Environmental Assessment (SPEA) to reevaluate the analysis provided in the 2011 Final Programmatic Environmental Assessment (PEA) for Safe Room Construction and Finding of No Significant Impact (FONSI). The SPEA includes a reevaluation of the environmental analysis and underlying assumptions of the 2011 PEA. The proposed action includes the nationwide construction, retrofit, or renovation of safe rooms eligible for FEMA grant funding. FEMA has made a preliminary determination in the SPEA that the FONSI determination is valid after incorporating the updated analysis and revisions contained in the SPEA.

DATES: Substantive comments must be submitted on or before January 21, 2025 to be assured consideration.

ADDRESSES: Interested persons may submit comments responsive to this notice electronically through the Federal eRulemaking Portal at <https://www.regulations.gov>. All submissions received must include the Agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide.

Therefore, submitting this information makes it public. You may wish to read the Privacy and Security Notice that is available via a link on the homepage of <https://www.regulations.gov>.

FEMA will address comments received on the draft SPEA in a final SPEA. The final SPEA and FONSI will be posted to the FEMA NEPA Repository website using the same weblink as the 2011 PEA and FONSI at: <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/nepa/programmatic-environmental-34>.

FOR FURTHER INFORMATION CONTACT:

Portia Ross, FEMA Environmental Officer, Office of Environmental Planning and Historic Preservation, Resilience, 202–212–5929, FEMA-OEHP-Policy-Branch@fema.dhs.gov.

SUPPLEMENTARY INFORMATION: FEMA is seeking public comment regarding its preliminary determination that no significant environmental impacts are anticipated from the proposed action, based on FEMA's reevaluation of the 2011 PEA for Safe Room Construction. FEMA invites the public to submit comments through <https://www.regulations.gov> during the 30-day comment period following the publication of this notice in the **Federal Register**. The 2011 PEA and 2024 SPEA are available in docket ID FEMA–2024–0026. For access to the docket, go to <https://www.regulations.gov> and search for the docket ID.

The supplemental reevaluation process, which is documented by the SPEA, indicates that no potential significant adverse environmental impacts are anticipated from the proposed action. Based on the supplemental environmental impact analysis in the SPEA, FEMA has determined that no significant environmental impacts are anticipated from the construction, retrofit, or renovation of eligible safe room projects and the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, making the preparation of an Environmental Impact Statement (EIS) unnecessary. Therefore, FEMA will issue a final SPEA and FONSI.

Authorities: National Environmental Policy Act (NEPA), as amended, 42

U.S.C. 4331 *et seq.* and 40 CFR 1500.1 *et seq.*

Donna DeFrancesco,

Assistant Administrator, Office of Environmental Planning and Historic Preservation, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2024–30272 Filed 12–18–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2024–0025]

Notice of Availability for the Grant Programs Directorate Programs, Supplemental Programmatic Environmental Assessment

AGENCY: Federal Emergency Management Agency, Department of Homeland Security (DHS).

ACTION: Notice of availability; request for comment.

SUMMARY: The Federal Emergency Management Agency (FEMA) has prepared a Supplemental Programmatic Environmental Assessment (SPEA) to reevaluate the analysis provided in the 2010 Final Programmatic Environmental Assessment (PEA) for Grant Programs Directorate (GPD) Programs and Finding of No Significant Impact (FONSI). The SPEA includes a reevaluation of the environmental analysis and underlying assumptions of the 2010 PEA. The proposed action is the implementation of GPD Programs for security and response measures to improve preparedness. FEMA has made a preliminary determination in the SPEA that the FONSI determination is valid after incorporating the updated analysis and revisions contained in the SPEA.

DATES: Substantive comments must be submitted on or before January 21, 2025 to be assured consideration.

ADDRESSES: Interested persons may submit comments responsive to this notice electronically through the Federal eRulemaking Portal at <https://www.regulations.gov>. All submissions received must include the Agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read

the Privacy and Security Notice that is available via a link on the homepage of <https://www.regulations.gov>.

FEMA will address comments received on the draft SPEA in a final SPEA. The final SPEA and FONSI will be posted to the FEMA NEPA Repository website using the same weblink as the 2010 PEA and FONSI at: <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/nepa/programmatic-environmental-29>.

FOR FURTHER INFORMATION CONTACT:

Portia Ross, FEMA Environmental Officer, Office of Environmental Planning and Historic Preservation, Resilience, 202–212–5929, FEMA-OEHP-Policy-Branch@fema.dhs.gov.

SUPPLEMENTARY INFORMATION: FEMA is seeking public comment regarding its preliminary determination that no significant environmental impacts are anticipated from the proposed action, based on FEMA's reevaluation of the 2010 PEA for Grant Programs Directorate Programs. FEMA invites the public to submit comments through <https://www.regulations.gov> during the 30-day comment period following the publication of this notice in the **Federal Register**. The 2010 PEA and 2024 SPEA are available in docket ID FEMA–2024–0025. For access to the docket, go to <https://www.regulations.gov> and search for the docket ID.

The supplemental reevaluation process, which is documented by the SPEA, indicates that no potential significant adverse environmental impacts are anticipated from the proposed action. Based on the supplemental environmental impact analysis in the SPEA, FEMA has determined that no significant environmental impacts are anticipated from implementation of GPD programs for security and response measures to improve preparedness, and the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, making the preparation of an Environmental Impact Statement (EIS) unnecessary. Therefore, FEMA will issue a final SPEA and FONSI.

Authorities: National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4331 *et seq.* and 40 CFR 1500.1 *et seq.*

Donna DeFrancesco,

Assistant Administrator, Office of Environmental Planning and Historic Preservation, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2024–30273 Filed 12–18–24; 8:45 am]

BILLING CODE 9111–78–P

DEPARTMENT OF HOMELAND SECURITY**Transportation Security Administration****Extension of Agency Information Collection Activity Under OMB Review: Military Severely Injured Joint Support Operations Center (MSIJSOC) and Travel Protocol Office (TPO) Programs**

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 1652–0069, 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 submission of travel information to TSA to provide wounded warriors, severely injured military personnel, and certain other travelers with assistance through the airport security screening process. **DATES:** Send your comments by January 21, 2025. 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 Review—Open for Public Comments” and by using the find function.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Information Technology, 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 24, 2024, 89 FR 77884. 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 made 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: Military Severely Injured Joint Support Operations Center (MSIJSOC) and Travel Protocol Office (TPO) Programs.

Type of Request: Extension.

OMB Control Number: 1652–0069.

Form(s): TSA Form 412, *Travel Support Request* and TSA Form 417, *Screening Assistance Notification*.

Affected Public: Wounded warriors, severely injured military personnel, foreign dignitaries, accredited Ambassadors to the United States, and other travelers requiring an escort through the airport security screening process.

Abstract: Under the Aviation and Transportation Security Act (ATSA), TSA is responsible for security in all modes of transportation including screening operations for passenger air transportation and for carrying out such other duties relating to the transportation security as it considers appropriate. *See* sec. 101(a) of Pub. L. 107–71 (115 Stat. 597; Nov. 19, 2001), as codified at 49 U.S.C. 114. Under ATSA, TSA established the Travel Protocol Office (TPO) Programs to assist foreign dignitaries, accredited Ambassadors to the United States, and other travelers requiring an escort through the airport security screening process.

The Helping Heroes Fly Act directs TSA to develop and implement a process to support and facilitate the ease of travel and, to the extent possible, provide expedited passenger screening services for severely injured or disabled members of the Armed Forces and severely injured or disabled veterans

through passenger screening. *See* sec. 2 of Public Law 113–27 (127 Stat. 503; Aug. 9, 2013), as amended and codified at 49 U.S.C. 44927. Consistent with these requirements, TSA established the MSIJSOC program to support and facilitate the movement of wounded warriors, severely injured military personnel, and severely injured or disabled veterans.

To implement the MSIJSOC and TPO programs, TSA must collect the passenger's name, flight itinerary (scheduled flight departure and arrival information), and contact information to successfully facilitate movements through the screening process at U.S. airports and its territories. TSA shares this information with airports on the passenger's itinerary to coordinate efforts, synchronize seamless transitions with the affected parties, and protect security operations.

Estimated Number of Respondents: 5,336.

Estimated Annual Burden Hours: 444.7.

Dated: December 16, 2024.

Christina A. Walsh,

*TSA Paperwork Reduction Act Officer,
Information Technology.*

[FR Doc. 2024–30312 Filed 12–18–24; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY**U.S. Citizenship and Immigration Services**

[OMB Control Number 1615–0020]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Petition for Amerasian, Widow(er), or Special Immigrant

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until January 21, 2025.

ADDRESSES: Written comments and/or suggestions regarding the item(s)

contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS-2007-0024. Comments must be submitted in English, or an English translation must be provided. All submissions received must include the OMB Control Number 1615-0020 in the body of the letter, the agency name and Docket ID USCIS-2007-0024.

FOR FURTHER INFORMATION CONTACT:

USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 721-3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at (800) 375-5283; TTY (800) 767-1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on August 16, 2024, at 89 FR 66732, allowing for a 60-day public comment period. USCIS did receive 9 comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at <https://www.regulations.gov> and enter USCIS-2007-0024 in the search box. Comments must be submitted in English, or an English translation must be provided. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information,

please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Amerasian, Widow(er), or Special Immigrant.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I-360; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* **Primary:** Individuals or households. Form I-360 may be used by an Amerasian; a widow or widower; a battered or abused spouse or child of a U.S. citizen or lawful permanent resident; a battered or abused parent of a U.S. citizen son or daughter; or a special immigrant (religious worker, Panama Canal company employee, Canal Zone government employee, U.S. government employee in the Canal Zone; physician, international organization employee or family member, juvenile court dependent; armed forces member); Afghan or Iraqi national who supported the U.S. Armed Forces as a translator; Iraqi national who worked for the or on behalf of the U.S. Government in Iraq; or Afghan national who worked for or on behalf of the U.S. Government or the International Security Assistance Force [ISAF] in Afghanistan who intend to establish their eligibility to immigrate to the

United States. The data collected on this form is reviewed by USCIS to determine if the petitioner may be qualified to obtain the benefit. The data collected on this form will also be used to issue an employment authorization document upon approval of the petition for battered or abused spouses, children, and parents, if requested.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Petition for Special Immigrant Afghan or Iraqi National Classification Supplement is 5,746 and the estimated hour burden per response is 3 hours; the estimated total number of respondents for the information collection Petition for Special Immigrant Broadcaster Classification Supplement is 65 and the estimated hour burden per response is 2 hours; the estimated total number of respondents for the information collection Petition for Special Immigrant Retired G-4 or NATO-6 Classification Supplement is 417 and the estimated hour burden per response is 2 hours; the estimated total number of respondents for the information collection Petition for Special Immigrant Juvenile Classification Supplement is 29,500 and the estimated hour burden per response is 2 hours; the estimated total number of respondents for the information collection Petition for Special Immigrant Religious Worker Classification Supplement is 2,470 and the estimated hour burden per response is 2 hours; the estimated total number of respondents for the information collection Petition for Widow(er) Classification Supplement is 900 and the estimated hour burden per response is 2 hours; the estimated total number of respondents for the information collection Petition for VAWA Classification Supplement is 21,605 and the estimated hour burden per response is 2 hours; the estimated total number of respondents for the information collection Petition for Other Classifications Supplement is 39 and the estimated hour burden per response is 2 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 127,230 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$7,820,533.

Dated: December 10, 2024.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division,
Office of Policy and Strategy, U.S. Citizenship
and Immigration Services, Department of
Homeland Security.

[FR Doc. 2024–29494 Filed 12–18–24; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R7–ES–2024–0148;
FXES111607MRG01–245–FF07CAMM00]

Marine Mammal Protection Act; Permit Applications and Issuances

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Notice of receipt of permit
applications; notice of issuance of
permits.

SUMMARY: We, the U.S. Fish and
Wildlife Service (FWS), invite public
comment on applications for permits to
conduct certain activities involving
marine mammals for which the FWS
has jurisdiction under the Marine
Mammal Protection Act. In addition, we
announce permits that we have issued
recently in response to prior
applications.

DATES: We must receive any comments
on the new permit applications by
January 21, 2025.

ADDRESSES:

Obtaining Documents:

- *Application Materials:* The
applications, application supporting
materials, and any comments and other
materials that we receive are available
for public inspection at [https://
www.regulations.gov](https://www.regulations.gov) in FWS–R7–ES–
2024–0148.

- *Issued Permits:* To access materials
pertaining to the permits we have
issued, see Permits Issued by the
Service under **SUPPLEMENTARY
INFORMATION**.

*Submitting Comments on the
Applications:* You may submit
comments containing written data or
views concerning the taking or
importation proposed in each
application by one of the following
methods:

- *Internet:* [https://
www.regulations.gov](https://www.regulations.gov). Search for and
submit comments on Docket No. FWS–
R7–ES–2024–0148.

- *U.S. mail:* Public Comments
Processing, Attn: Docket No. FWS–R7–
ES–2024–0148; U.S. Fish and Wildlife
Service Headquarters, MS: PRB/3W;
5275 Leesburg Pike; Falls Church, VA
22041–3803.

For more information, see Public
Comment Procedures under
SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT:

Charles Hamilton, via email at
r7mmmregulatory@fws.gov or by
telephone at 9072012;7862012;3800.
Individuals in the United States who are
deaf, deafblind, hard of hearing, or have
a speech disability may dial 711 (TTY,
TDD, or TeleBraille) to access
telecommunications relay services.
Individuals outside the United States
should use the relay services offered
within their country to make
international calls to the point-of-
contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Background

With some exceptions, the Marine
Mammal Protection Act of 1972, as
amended (MMPA; 16 U.S.C. 1361 *et
seq.*), prohibits the take and importation
of marine mammals and marine
mammal products absent Federal
authorization. In carrying out our
responsibilities under the MMPA, we,
the U.S. Fish and Wildlife Service
(FWS), may authorize such activities via
permits after receipt of an application
and verification that MMPA statutory
and regulatory requirements are met.

Section 104(c) of the MMPA specifies
the conditions for authorizing the taking
or importation of a marine mammal for
purposes of scientific research, public
display, photography, or enhancing the
survival or recovery of a species or stock
under the MMPA.

This notice provides information
about two aspects of the MMPA
permitting process: application and
issuance. At section II, we provide the
public with notice of and the
opportunity to comment on applications
that we have received from entities or
individuals to conduct certain activities
with marine mammals for which the
FWS has jurisdiction under the MMPA.
At section III, we announce recently
issued MMPA permits to entities or
individuals in response to prior
applications.

II. Applications Available for Public Review

To help us carry out our conservation
responsibilities for affected species, and
in consideration of section 104(c) of the
MMPA, we invite the public and local,
State, Tribal, and Federal agencies to
comment on the applications listed
below before final action is taken.
Concurrent with publishing this notice
in the **Federal Register**, we are
forwarding copies of these marine
mammal applications to the Marine

Mammal Commission and the
Committee of Scientific Advisors for
their review.

A. Permit Applications Received

We invite comments on the following
applications:

Applicant: Seattle Aquarium Society,
Seattle, WA; Permit No. PER12241375

The applicant requests a scientific
research permit to conduct surveys of
northern sea otters (*Enhydra lutris
kenyonii*) off the coast of Washington
State using a camera-mounted
unmanned aircraft system. This
information will increase the accuracy
of population estimates and allow better
understanding of the temporal and
spatial distribution of otters in the area.
This notification covers activities to be
conducted by the applicant over a 5-
year period.

Applicant: Ben Hamilton, Windfall
Films, San Antonio, TX; Permit No.
PER12101045

The applicant requests a permit to
conduct commercial photography and
filming of northern sea otters (*Enhydra
lutris kenyonii*) in the wild. This
notification covers activities to be
conducted in the Sitka Sound area of
southeast Alaska by the applicant
between 2024 and 2026.

B. Public Comment Procedures

1. How Do I Comment on Permit Applications?

Before issuing any requested permit,
we will take into consideration any
information that we receive during the
public comment period.

You may submit your comments and
materials by one of the methods in
ADDRESSES. We will not consider
comments sent by email, or to an
address not in **ADDRESSES**. We will not
consider or include in our
administrative record comments that we
receive after the close of the comment
period (see **DATES**).

When submitting comments, please
specify the name of the applicant and
the permit number at the beginning of
your comment. Provide sufficient
information to allow us to authenticate
any scientific or commercial data you
include. The comments and
recommendations that will be most
useful and likely to influence agency
decisions are: (a) Those supported by
quantitative information or studies; and
(b) those that include citations to, and
analyses of, the applicable laws and
regulations.

2. May I review comments submitted by others?

You may view public comments at <https://www.regulations.gov> unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or other Federal law.

3. Who will see my comments?

If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or

businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

C. Next Steps for Submitted Applications

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed above in this notice, we will publish a subsequent notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching <https://www.regulations.gov> for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to [https://](https://www.regulations.gov)

www.regulations.gov and search for “12345A”.

III. Permits Issued by the Service

We have issued permits to conduct certain activities involving marine mammals and marine mammal products in response to prior permit applications that we received. This notice informs the public that the FWS has issued the permits listed in table 1.

The permittees’ original permit application materials, along with public comments we received during public comment periods for the applications, are available for review. To locate the application materials and received comments, go to <https://www.regulations.gov> and search for the appropriate permit number (e.g., PER12345) or docket number (e.g., FWS-R7-ES-2020-0004) provided in table 1.

TABLE 1—PERMITS ISSUED UNDER THE MARINE MAMMAL PROTECTION ACT

Permit No.	Applicant	Permit issuance date	Docket No.
PER6413229	Matson’s Laboratory	6/20/24	FWS-R7-ES-2024-0004.
14762C	National Park Service, Juneau	6/20/24	FWS-R7-ES-2024-0004.
9061181	Windfall Films Limited	6/20/24	FWS-R7-ES-2024-0004.
041309	U.S. Fish and Wildlife Service, Alaska Marine Mammals Management Office.	6/20/24	FWS-HQ-IA-2023-0022.
0046206	North Slope Borough Department of Wildlife Management.	6/21/24	FWS-R7-ES-2024-0004.
5955318	Jason Roehrig, MeatEater Films	7/11/24	FWS-R7-ES-2024-0004.
MA82088B	U.S. Fish and Wildlife Service, Marine Mammals Management Polar Bear Program.	7/11/24	FWS-R7-ES-2024-0004.

IV. Authority

We issue this notice under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and its implementing regulations.

Peter Fasbender,

Assistant Regional Director for Fisheries and Ecological Services, Alaska Region.

[FR Doc. 2024-30297 Filed 12-18-24; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-HQ-ES-2023-0148; FF09E42000-FXES111609BFEDR-245]

John H. Chafee Coastal Barrier Resources System; Availability of Final Revised Maps for Florida, Georgia, Louisiana, Maine, and New York

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The Coastal Barrier Resources Act requires the Secretary of the Interior to review the maps of the John H. Chafee Coastal Barrier Resources System (CBRS) at least once every 5 years and make any minor and technical modifications to the boundaries of the CBRS to reflect changes in the size or location of any unit as a result of natural forces since the unit was last mapped. We, the U.S. Fish and Wildlife Service, have conducted this review for CBRS units in Florida, Georgia, Louisiana, Maine, and the Great Lakes region of New York. This notice announces the findings of our review and the availability of final revised maps for 89 CBRS units in these five States.

DATES: Changes to the CBRS depicted on the final revised maps, dated December 29, 2023, become effective on December 19, 2024.

ADDRESSES: For information about how to get copies of the maps or where to go to view them, see Availability of Final Maps and Related Information, below.

FOR FURTHER INFORMATION CONTACT: Katie Niemi, Coastal Barriers

Coordinator, via telephone at 703-358-2071 or email at CBRA@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background and Methodology

Background information on the Coastal Barrier Resources Act (CBRA; 16 U.S.C. 3501 *et seq.*) and the John H. Chafee Coastal Barrier Resources System (CBRS), as well as information on the 5-year review effort and the methodology we used to produce the revised maps, can be found in a notice we published in the **Federal Register** on November 22, 2022 (87 FR 71352).

Announced Map Modifications

This notice announces modifications we made to the maps for several CBRS

units in Florida, Georgia, Louisiana, Maine, and the Great Lakes region of New York. Most of these modifications were made to reflect changes to the CBRS units as a result of natural forces (e.g., erosion and accretion). CBRA requires the Secretary of the Interior to review the maps of the CBRS at least once every 5 years and make, in consultation with the appropriate Federal, State, and local officials (stakeholders), such minor and technical modifications to the boundaries of the CBRS as are necessary solely to reflect changes that have occurred in the size or location of any unit as a result of natural forces (16 U.S.C. 3503(c)).

Our review resulted in a set of 85 final revised maps, dated December 29, 2023, depicting a total of 89 CBRS units. This review included:

- Six of the 137 total units located in Florida (depicted on 2 final maps)
- All 13 units located in Georgia (depicted on 16 final maps)
- Fifteen of the 21 total units located in Louisiana (depicted on 34 final maps)
- All 34 units located in Maine (depicted on 19 final maps)
- All 21 units located in the Great Lakes region of New York (depicted on 14 final maps)

We made modifications to a total of 13 units (of the 89 total units reviewed) due to natural changes in their size or location since they were last mapped. We also revised two CBRS units to correct administrative errors made in the past on maps for Lee County, Florida.

Consultation With Federal, State, and Local Officials

We fulfilled the requirement to consult with stakeholders by holding a 30-day comment period on the draft revised boundaries from November 3, 2023, through December 4, 2023 (88 FR 75621).

We notified approximately 220 stakeholders concerning the availability of the draft revised boundaries, including: (1) the Chair and Ranking Member of the House of Representatives Committee on Natural Resources, the Chair and Ranking Member of the Senate Committee on Environment and Public Works, and the members of the Senate and House of Representatives for the affected areas; (2) the governors of the affected areas; (3) State and local officials with floodplain management and/or land use responsibilities; and (4) Federal officials with knowledge of the coastal geomorphology within the project area.

We reviewed and considered all comments prior to developing the final

maps. Summaries of the two written comments we received, and our responses are provided below. We indicated in our response to comments those that were outside of the scope of the 5-year review.

Interested parties may view the comments at <https://www.regulations.gov> under Docket No. FWS-HQ-ES-2023-0148 or may contact the individual identified in **FOR FURTHER INFORMATION CONTACT**, above, to make arrangements to view copies of the comments.

A. Comment from Buffalo District, U.S. Army Corps of Engineers (Corps): The Corps' Buffalo District commented on Unit NY-62, which is the only unit in the Great Lakes region of New York with a proposed change. They stated that the proposed change is not anticipated to result in any impact to navigation, and they had no other comments.

Our Response: We appreciate the assessment that the proposed change is not anticipated to result in any impact to navigation.

B. Comment from Jacksonville District, Corps: The Corps' Jacksonville District raised concerns, questions, and recommendations regarding the 5-year review process affecting the six Florida units included in this review.

Additionally, the Jacksonville District raised some challenges Corps projects have faced where they assert CBRA is having unintended effects in areas adjacent to CBRS units. However, they did not request any specific boundary changes to the units that are the subject of this review. The issues raised are described below.

1. Comment: The Jacksonville Corps expressed concern that this 5-year review project focused on units most likely to have changed due to significant recent storm events and asked how we select the units to assess in the 5-year review. The Corps asked when the remaining units in Florida will be reviewed, and recommended that additional Florida units be addressed before another 5 years pass.

Our Response: We generally prioritize our 5-year review for the CBRS maps based on (a) the age of the current effective maps, (b) the availability of recent high-resolution aerial photography (according to the anticipated U.S. Department of Agriculture National Agriculture Imagery Program acquisition schedule), and (c) where possible, avoiding overlaps of 5-year review projects in States where we also have pending comprehensive map-modernization projects.

However, in this instance, we prioritized the review of Florida Units P19 and P19P in 2023 when we became aware of administrative errors affecting these units (*see* Summary of Modifications to the CBRS Maps below for additional information). We included four additional Florida units in this review because they are depicted on the same map panels as Units P19 and P19P. We have separate comprehensive remapping projects in process for 35 of the 137 total CBRS units in Florida, and these projects will address minor boundary modifications needed to account for natural changes in the units, as well as significant changes that require public review and adoption by Congress, such as additions and removals.

We intend to conduct 5-year reviews by the end of FY 2027 for all the remaining CBRS units that do not have comprehensive remapping projects in process or planned for the near future (including most of the units in Florida). If the Corps believes specific areas need a 5-year review boundary modification to account for natural changes in the location of the feature that boundary is intended to follow, those may be emailed to us for our awareness at any time at cbra@fws.gov.

2. Comment: The Jacksonville Corps asked when the comprehensive remapping process would be initiated to address the misalignments in the CBRS boundaries attributed to imprecise information regarding parcel locations at the time the maps were produced (i.e., Units P19 and P19P and the boundaries of Cayo Costa State Park). They also asked how we will coordinate input from stakeholders such as the Corps and recommended that this remapping process occur in the near future.

Our Response: In the notice published in the **Federal Register** on November 3, 2023, we identified a need to address (through the comprehensive remapping process) significant misalignments in the locations of the Units P19 and P19P boundaries and the Cayo Costa State Park parcels they were intended to follow. This type of change is outside of the scope of the 5-year review mapping process, which allows only such minor and technical modifications to the boundaries of the units as are necessary solely to reflect changes that have occurred in the size or location of the units as a result of natural forces. We do not currently have a comprehensive remapping project scheduled for these units. When we address these units through a separate project in the future, we will notify a broad array of stakeholders (including the affected

Corps Districts and Divisions) of the opportunity to provide comments through a public review period.

3. *Comment:* The Jacksonville Corps noted that our review only considered changes due to natural forces and recommended that we also consider how much development has occurred since establishment of the unit and potential sea-level rise.

Our Response: It is outside of the scope of the 5-year review to consider how much development has occurred since establishment of the unit and potential sea-level rise. The 5-year review allows only such minor and technical modifications to the boundaries of the units as are necessary solely to reflect changes that have occurred in the size or location of the units as a result of natural forces.

4. *Comment:* The Jacksonville Corps noted that CBRA does not account for future sea-level and coastal-storm-risk damages to cultural/historical resources, and that structural features may be required to provide protection for those resources. The Corps recommended that this could be addressed through an exemption.

Our Response: This comment is outside of the scope of the 5-year review.

5. *Comment:* The Jacksonville Corps stated that the CBRS does not account for the Executive Orders on environmental justice (EJ), which provide resiliency for coastal communities and/or EJ communities, and that structural features may be required to provide protection for EJ communities. The Corps recommended that this could be addressed through an exemption.

Our Response: This comment is outside of the scope of the 5-year review.

6. *Comment:* The Jacksonville Corps expressed concern that many existing CBRS unit boundaries present significant and likely unintended constraints on Federal expenditures where the project would not result in promoting new development (*i.e.*, in the open water/seaward portions of the units and in existing sugar-cane fields). The Corps requested that we work with them to identify, review, and revise these units using updated geospatial technology and sea-level considerations.

Our Response: This comment is outside of the scope of the 5-year review.

No Changes to Draft Boundaries

We made no changes to the boundaries as a result of the stakeholder comments received. The CBRS boundaries depicted on the final revised

maps, dated December 29, 2023, are identical to those that we made available for stakeholder review and displayed in a web mapping application on our website.

Summary of Modifications to the CBRS Maps

Below is a summary of the changes depicted on the final revised maps of December 29, 2023.

Florida

Our review found that five of the six CBRS units in Florida included in this review (Units FL-70, FL-70P, P19, P19P, P20, and P20P) required changes due to natural forces. In addition, we modified two units in Florida, P19 and P19P, to correct administrative errors affecting four privately owned structures. The imagery that we used for this review and the revised maps is from Lee County and is dated 2022. We also used 2021 National Agriculture Imagery Program imagery for adjacent areas. We did not assess any other CBRS units in Florida as part of this review (see the above response to comments from the Corps' Jacksonville District for additional information).

FL-70P: GASPARILLA ISLAND. Unit FL-70P has two discrete segments, but modifications to account for natural changes were only necessary in the western segment. We modified the western boundary of the excluded area of this segment to account for natural changes in the shoreline between the Boca Grande Rear Range Lighthouse and Sea Grape Beach.

P19: NORTH CAPTIVA ISLAND. We modified the boundary along the western side of North Captiva Island that is coincident with the northernmost segment of Unit P19P to account for natural changes in the shoreline along the Gulf of Mexico. We also modified the excluded area boundary at the northern tip of North Captiva Island to account for natural changes in the shoreline along the Gulf of Mexico and Captiva Pass.

In addition, we modified two segments of the boundary along the excluded area to correct an administrative error made during the previous 5-year review for this unit that affected three existing structures; these structures are now removed from the unit. We had previously modified that boundary in 2016 to account for natural changes in the shoreline. However, we did not describe that boundary modification in the **Federal Register** notices associated with this unit dated November 17, 2015 (80 FR 71826), and March 14, 2016 (81 FR 13407). The 2016 boundary change inadvertently added to

the unit three existing structures along the beach in the North Captiva Dunes subdivision.

The misalignment of the coincident boundaries of Units P19 and P19P with Cayo Costa State Park, which we did not correct because it is outside of the scope of the 5-year review, is described in a notice we published in the **Federal Register** on November 3, 2023.

P19P: NORTH CAPTIVA ISLAND. Unit P19P has 15 discrete segments that are all coincident with Unit P19. In the northernmost segment of Unit P19P, we modified the western boundary coincident with Unit P19 to account for natural changes in the shoreline along the Gulf of Mexico.

Additionally, we made an adjustment to correct an administrative error in the transcription of the boundary from the CBRS map dated October 27, 2000, to the map dated January 11, 2016, for this unit. We found that when we digitized the southern boundary of the excluded area on North Captiva Island for the purposes of the 5-year review in 2015–2016, we did not properly follow the boundary transcription methodology described in the notice published in the **Federal Register** (August 29, 2013; 78 FR 53467).

This transcription error resulted in small portions of six privately owned parcels, including one existing structure, being incorrectly depicted as within the unit in 2016. We adjusted the southern boundary of the excluded area (part of the northern boundary of Unit P19P) to correct this error and maintain the relationship between the boundary of Unit P19P and the boundary of Cayo Costa State Park, as established by Congress via Pub. L. 106–360 in 2000 and clearly indicated by legislative history and our background records on Unit P19P.

The misalignment of the coincident boundaries of Units P19 and P19P with Cayo Costa State Park, which we did not correct because it is outside of the scope of the 5-year review, is described in a notice we published in the **Federal Register** on November 3, 2023.

P20: CAYO COSTA. We modified the coincident boundary between Units P20 and P20P at the northern tip of Cayo Costa to account for natural changes in the shoreline along Boca Grande Pass.

P20P: CAYO COSTA. Unit P20P has 13 discrete segments, but modifications to account for natural changes were only necessary in the northernmost segment. We modified the coincident boundary between Units P20 and P20P at the northern tip of Cayo Costa to account for natural changes in the shoreline along Boca Grande Pass.

Georgia

Our review found that 4 of the 13 CBRS units in Georgia require changes due to natural forces. The imagery that we used for this review and the revised maps is dated 2021.

GA-05P: ALTAMAHA/WOLF ISLANDS. We modified the coincident boundary between Units GA-05P and N03 to account for accretion at the northern tip of Little St. Simons Island.

N03: LITTLE ST. SIMONS ISLAND. We modified the coincident boundary between Units GA-05P and N03 to account for accretion at the northern tip of Little St. Simons Island.

N06: CUMBERLAND ISLAND. Unit N06 has five discrete segments, but modifications to account for natural changes were only necessary in the southernmost segment. We modified the coincident boundary between Units N06 and N06P along Beach Creek near its confluence with Cumberland Sound to account for natural changes in the shoreline.

Louisiana

Our review found that 3 of the 15 CBRS units in Louisiana that were included in this review (Units LA-03P, LA-04P, LA-05P, LA-07, LA-08P, LA-09, LA-10, S01, S01A, S02, S03, S08, S09, S10, and S11) required changes due to natural forces. The imagery that we used for this review and the revised maps is dated 2021.

We did not assess the remaining six Louisiana units as part of this review because we prepared revised maps for them through a separate comprehensive mapping project. We transmitted those maps to Congress in 2016, and they were awaiting adoption through legislation at the time we conducted our review. The revised maps for the remaining six units were adopted by Pub. L. 118-117 on November 25, 2024.

LA-05P: MARSH ISLAND/RAINEY. We modified the boundary of the unit to account for wetland erosion along Vermilion Bay and West Cote Blanche Bay. Due to the significant rate of erosion in this area, we generalized some of the boundary (*i.e.*, simplified it so that the map is clear, and the boundary is not overly detailed).

LA-10: CALCASIEU PASS. We modified a portion of the northern

boundary of the unit to account for wetland erosion along West Cove. Due to the significant rate of erosion in this area, we generalized some of the boundary (*i.e.*, simplified it so that the map is clear, and the boundary is not overly detailed).

S10: MERMENAU RIVER. We modified the southern boundary of the excluded area at the western end of the unit to account for shoreline erosion along the Gulf of Mexico.

Maine

Our review found that none of the 34 CBRS units in Maine need to be modified due to changes from natural forces. The imagery that we used for this review and the revised maps is dated 2021.

New York (Great Lakes)

Our review found that 1 of the 21 CBRS units in the Great Lakes region of New York (the only CBRS units in New York that were part of this review) required changes due to natural forces. The imagery that we used for this review and the revised maps is dated 2022.

We did not assess the CBRS units in the Long Island region of New York as part of this review because we prepared revised maps for them through a separate comprehensive mapping project. We transmitted those maps to Congress in 2022, and they were awaiting adoption through legislation at the time we conducted our review. The revised maps for the remaining six units were adopted by Public Law 118-117 on November 25, 2024.

NY-62: GRENADIER ISLAND. We modified the eastern lateral boundary of the unit to account for the accretion of a sand spit that has migrated outside the unit.

Availability of Final Maps and Related Information

The final revised maps dated December 29, 2023, can be accessed and downloaded from our website at <https://www.fws.gov/cbra>. The boundaries are available for viewing in the CBRS Mapper. Additionally, a shapefile and Web Map Service (WMS) of the boundaries, which can be used with GIS software, are available online. These data are best viewed using the base imagery to which the boundaries were drawn; the base imagery sources and dates are included in the metadata for the digital boundaries and are also printed on the official maps. We are not responsible for any misuse or misinterpretation of the shapefile or WMS.

Interested parties may also contact the individual identified in **FOR FURTHER INFORMATION CONTACT**, above, to make arrangements to view the final maps at our Headquarters office. Interested parties who are unable to access the maps via the website or at our Headquarters office may contact the individual identified in **FOR FURTHER INFORMATION CONTACT**, above, and reasonable accommodations will be made.

Authority

Coastal Barrier Resources Act (CBRA; 16 U.S.C. 3501 *et seq.*).

Ya-Wei Li,

Assistant Director for Ecological Services.

[FR Doc. 2024-29644 Filed 12-18-24; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs**

[256A2100DD/AAKC001030/
A0A501010.999900]

HEARTH Act Approval of Kickapoo Tribe of Oklahoma, Business Leasing Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) approved the Kickapoo Tribe of Oklahoma Business Leasing Ordinance under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into agriculture, business, residential, wind and solar, public, religious, and recreational leases without further BIA approval.

DATES: BIA issued the approval on December 16, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Carla Clark, Bureau of Indian Affairs, Division of Real Estate Services, 1001 Indian School Road NW, Albuquerque, NM 87104, carla.clark@bia.gov, (702) 484-3233.

SUPPLEMENTARY INFORMATION:**I. Summary of the HEARTH Act**

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of

the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal Leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Kickapoo Tribe of Oklahoma.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation v. Thurston County*, 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe v. Jones*, 411 U.S. 145 (1973)). Similarly, section 5108 preempts State taxation of rent payments by a lessee for leased trust lands, because “tax on the payment of rent is indistinguishable from an impermissible tax on the land.” *See Seminole Tribe of Florida v. Stranburg*, 799 F.3d 1324, 1331, n.8 (11th Cir. 2015). In addition, as explained in the

preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe v. Bracker*, 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of “traditional notions of Indian self-government,” requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72,447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to “allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities.” 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes “flexibility to adapt lease terms to suit [their] business and cultural needs” and to “enable [Tribes] to approve leases quickly and efficiently.” H. Rep. 112–427 at 6 (2012).

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan v. Bay Mills Indian Community*, 572 U.S. 782, 810 (2014) (Sotomayor, J., concurring) (determining that “[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding”). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 810–11 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to 25 CFR part 162.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or 25 CFR part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Kickapoo Tribe of Oklahoma.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2024–30292 Filed 12–18–24; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

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Fiscal Year 2024 List of Programs Eligible for Inclusion in Funding Agreements Negotiated With Self-Governance Tribes by Interior Bureaus Other Than the Bureau of Indian Affairs; Fiscal Year 2025 Programmatic Targets

AGENCY: Office of the Secretary, Interior.
ACTION: Notice.

SUMMARY: Pursuant to the Indian Self-Determination and Education Assistance Act (Act), as amended, for each of the Department of the Interior (Department) bureaus other than the Bureau of Indian Affairs, this notice lists programs or portions of programs eligible for inclusion in self-governance

funding agreements with Indian Tribes, and Fiscal Year 2025 programmatic targets for each of the non-Bureau of Indian Affairs (BIA) bureaus in the Department of the Interior (Department), pursuant to title IV of the Act, as amended. Revisions to this list are based upon feedback received in Tribal Consultations in January 2023 on what information would be most helpful to Indian Tribes seeking ways to develop collaborative arrangements in the co-stewardship of Federal lands and waters.

DATES: These programs are eligible for inclusion in self-governance funding agreements until September 30, 2025.

ADDRESSES: Inquiries or comments regarding this notice may be directed to Vickie Hanvey, Program Policy Analyst, Office of Self Governance, by U.S. mail to MS 3259-MIB, 1849 C Street NW, Washington, DC 20240-0001; by telephone at 202-219-0240; via email to Vickie.Hanvey@bia.gov; by fax at 202-219-4246; or to the bureau-specific points of contact listed below.

FOR FURTHER INFORMATION CONTACT:

Contacts from the following bureaus and offices are available to answer questions about this notice or regarding self-governance:

- *Office of Self Governance:* Vickie Hanvey, Program Policy Analyst, Office of Self Governance, by telephone at (918) 931-0745, or via email at vickie.hanvey@bia.gov.
- *Bureau of Land Management:* Byron Loosle, Division Chief for National Conservation Lands, by telephone at (202) 302-1442, or via email at bloosle@blm.gov.
- *Bureau of Reclamation:* Mr. Kelly Titensor, Native American Affairs Advisor, by telephone at (202) 513-0558 or via email at ktitensor@usbr.gov.
- *Office of Natural Resources Revenue:* Bethany Hagen-Templin, Tribal Liaison, by telephone at 303-231-3667 or via email at onrrtriballiaisonofficer@onrr.gov.
- *National Park Service:* Dorothy FireCloud, Native American Affairs Liaison, by telephone at (202) 354-2090, or via email at dorothy_firecloud@nps.gov.
- *U.S. Fish and Wildlife Service:* Scott Aikin, National Native American Programs Coordinator, by telephone at (202) 285-3411, or via email at scott_aikin@fws.gov.
- *U.S. Geological Survey:* Chris Hammond, Head, Office of Tribal Relations, by telephone at (703) 648-6621, or via email at chammond@usgs.gov.
- *Bureau of Trust Funds Administration:* Lee Frazier, Program

Analyst, by telephone at (202) 208-7587, or via email at lee_frazier@btfa.gov.

- *Appraisal and Valuation Services Office (AVSO):* Eldred F. Lesansee, Associate Deputy Director, Office of Tribal Sovereignty, by telephone at (505) 414-3805, or via email at eldred_lesansee@ios.doi.gov.

Alternatively, any inquiries may be submitted to Director, Office of Self Governance, 1849 C Street NW—3259 MIB, U.S. Department of the Interior, Washington, DC 20240. Any inquiry submitted by mail should clearly note the Bureau to whom it is directed.

SUPPLEMENTARY INFORMATION:

I. Background

Title IV of the Indian Self-Determination and Education Assistance Act (Act) instituted a permanent self-governance program at the Department. Under the self-governance program, certain programs, services, functions, and activities, or portions thereof, in Department bureaus other than the Bureau of Indian Affairs (BIA) are eligible to be planned, conducted, consolidated, and administered by a self-governance Tribe. Section 412(c) of the Act requires the Secretary of the Interior (Secretary) to annually publish a list of, and programmatic targets for, non-BIA programs, services, functions, and activities, or portions thereof, that are eligible for inclusion in agreements negotiated under the self-governance program.

Two kinds of non-BIA programs are eligible for self-governance funding agreements. First, section 403(b)(2) of the Act provides that any non-BIA program, service, function, or activity that is administered by the Department that is “otherwise available to Indian tribes or Indians” can be administered by a Tribe through a self-governance funding agreement. The Department interprets this provision to authorize the inclusion of programs eligible for self-determination contracts under title I of the Act. Section 403(b)(2) also specifies, “nothing in this subsection may be construed to provide any tribe with a preference with respect to the opportunity of the tribe to administer programs, services, functions, and activities, or portions thereof, unless such preference is otherwise provided for by law.”

Second, section 403(c) of the Act adds that the Secretary may include other programs, services, functions, and activities or portions thereof that are of “special geographic, historical, or cultural significance” to a participating self-governance Tribe. Subpart G of the

self-governance regulations (25 CFR part 1000) provides the process and timelines for negotiating self-governance funding agreements with non-BIA bureaus.

Section 403(k) of the Act provides that funding agreements may not include programs, services, functions, or activities that are inherently Federal or where the statute establishing the existing program does not authorize the type of participation sought by the Tribe. However, an Indian Tribe (or Tribes) need not be identified in the authorizing statutes in order for a program or element of a program to be included in a self-governance funding agreement. While general legal and policy guidance regarding what constitutes an inherently Federal function exists, the non-BIA bureaus will determine whether a specific function is inherently Federal on a case-by-case basis considering the totality of circumstances.

II. Funding Agreements Between Self-Governance Tribes and Non-BIA Bureaus of the Department of the Interior for Fiscal Year 2024

This section provides information on the Tribes with which the Department of the Interior’s non-BIA Bureaus have entered self-governance funding agreements for fiscal year 2024. The Department is exploring ways to make available a historic list of agreements in prior fiscal years.

A. Bureau of Land Management

The Bureau of Land Management has entered funding agreements with the following Tribes for Fiscal Year 2024:

- Council of Athabascan Tribal Governments; and
- Duckwater Shoshone Tribe of the Duckwater Reservation.

B. Bureau of Reclamation

The Bureau of Reclamation has entered funding agreements with the following Tribes for Fiscal Year 2024:

- Gila River Indian Community of the Gila River Indian Reservation;
- Hoopa Valley Tribe;
- Karuk Tribe; and
- Yurok Tribe of the Yurok Reservation.

C. Office of Natural Resources Revenue

The Office of Natural Resources Revenue has entered no funding agreements with any Tribes for Fiscal Year 2024.

D. National Park Service

The National Park Service has entered funding agreements with the following Tribes for Fiscal Year 2024:

- Alaska Regional Office—Tanana Chiefs Conference;
- Bandelier National Monument—Santa Clara Pueblo;
- Bering Land Bridge National Preserve—Kawerak, Inc.;
- Grand Portage Band of Lake Superior Chippewa Indians—Minnesota Chippewa Tribe;
- River Raisin National Battlefield Park—Wyandotte Nation;
- Valles Caldera National Preserve—Santa Clara Pueblo; and
- Redwood National and State Parks with Yurok Tribe of the Yurok Reservation.

E. Fish and Wildlife Service

The Fish and Wildlife Service has entered a funding agreement with the following Tribe for Fiscal Year 2024:

- Council of Athabascan Tribal Governments.

F. U.S. Geological Survey

The U.S. Geological Survey has entered a funding agreement with the following Tribe for Fiscal Year 2024:

- Yurok Tribe of the Yurok Reservation.

G. Bureau of Trust Fund Administration

The Bureau of Trust Fund Administration has entered a funding agreement with the following Tribe for Fiscal Year 2024:

- Confederated Salish and Kootenai Tribes of the Flathead Reservation, and
- Cherokee Nation.

H. Appraisal and Valuation Services Office

The Appraisal and Valuation Services Office has entered funding agreements with the following Tribes for Fiscal Year 2024:

- Quapaw Nation;
- Morongo Band of Mission Indians;
- Muckleshoot Indian Tribe;
- Pueblo of Taos;
- Confederated Tribes of the Umatilla Indian Reservation;
- Association of Village Council Presidents;
- Kawerak, Inc.;
- Native Village of Tanana;
- Tanana Chiefs Conference (includes Gwichyaa Gwich'in, aka Fort Yukon);
- Central Council of the Tlingit and Haida Indian Tribes;
- Cherokee Nation;
- The Choctaw Nation of Oklahoma;
- Eastern Shawnee Tribe of Oklahoma;
- The Muscogee (Creek) Nation;
- Wyandotte Nation;
- Oneida Nation;
- Confederated Salish and Kootenai Tribes of the Flathead Reservation;

- Lummi Tribe of the Lummi Reservation;
- Port Gamble S'Klallam Tribes;
- Confederated Tribes of Siletz Indians of Oregon;
- Hoopa Valley Tribe;
- Redding Rancheria;
- Chippewa Cree Indians of the Rocky Boy's Reservation;
- Absentee-Shawnee Tribe of Indians of Oklahoma;
- Citizen Potawatomi Nation, Oklahoma;
- Kaw Nation, Oklahoma;
- Sac and Fox Nation, Oklahoma;
- Salt River Pima-Maricopa Indian Community of the Salt River Reservation;
- Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; and
- The Osage Nation.

III. Eligible Programs of the Department of the Interior Non-BIA Bureaus

Self-governance compacts may include programs, services, functions, or activities administered by the Department other than through the BIA that are otherwise available to Indian tribes or Indians and may also include other programs, services, functions, and activities, or portions thereof, administered by the Secretary of the Interior which are of special geographic, historical, or cultural significance to the participating Indian tribe requesting a compact. This grants the Department the discretion to fund programs that may coincidentally benefit Indians but that are national in scope and are not by definition programs for the benefit of Indians because of their status as Indians.

This section lists by bureau examples of the types of non-BIA programs, or portions thereof, that may be eligible for self-governance funding agreements because they are either “otherwise available to Indians” under title I of the Act and not precluded by any other law, or that may have “special geographic, historical, or cultural significance” to a participating Tribe. The list represents examples of the programs that may be available to Tribes under a self-governance funding agreement, and is neither complete, exhaustive, nor indicative of a final determination on any program.

The Department may include in funding agreements other programs or activities not listed below which, upon request of a self-governance Tribe, the Department determines to be eligible under section 403(b)(2) or 403(c) of the Act. Tribes interested in doing so are encouraged to begin discussions with the appropriate non-BIA bureau.

The Secretary of the Interior, the Secretary of Agriculture, and the

Secretary of Commerce have issued Joint Secretarial Order (S.O.) No. 3403 on fulfilling the trust responsibility to Tribes in the stewardship of Federal lands and waters. Pursuant to S.O. 3403, the Department is committed to facilitating agreements with Tribes for the collaborative and cooperative stewardship of Federal lands and waters.

A. Eligible Bureau of Land Management Programs

Congress tasked the Bureau of Land Management (BLM) with a mandate of managing public lands for a variety of uses such as energy development, livestock grazing, recreation, and timber harvesting while ensuring natural, cultural, and historic resources are maintained for present and future use. BLM carries out some of its public land management activities through contracts and cooperative agreements. These and other activities may be available for inclusion in self-governance funding agreements depending upon availability of funds, the need for specific services, and the self-governance Tribe's demonstration of a special geographic, cultural, or historical significance. Tribes may obtain further information on specific activities that may be available for inclusion in a self-governance funding agreement from the relevant BLM State office.

Some elements of the following non-exclusive list of BLM programs may be eligible for inclusion in a self-governance funding agreement:

- *Minerals Management Inspection, Enforcement, and Production.* Verification of Indian coal and sand and gravel operations is already available for contracting under title I of the Act and, therefore, may be available for inclusion in a funding agreement. In addition, in a study conducted pursuant to Secretarial Order 3377, the Department of the Interior Office of the Solicitor determined that the following functions are available for inclusion in a funding agreement: inspection and enforcement of Indian oil and gas operations; determining trust land locations; approving applications for permits to drill; securing and enforcing bonds (for surface of spill estate); and providing mineral assessments and valuation;

- *Cadastral Survey.* Tribal and allottee cadastral survey services are already available for contracting under title I of the Act and, therefore, may be available for inclusion in a funding agreement;

- *Cultural Heritage.* Cultural heritage activities such as research and inventory may be available in specific States;

- *Natural Resources Management.* Activities such as silvicultural treatments, timber management, cultural resource management, watershed restoration, environmental studies, tree planting, and tree thinning may be available in specific States;

- *Range Management.* Activities such as revegetation, noxious weed control, fencing, construction and management of range improvements, grazing management experiments, and range monitoring may be available in specific States;

- *Riparian Management.* Activities such as facilities construction, erosion control, and rehabilitation may be available in specific States;

- *Recreation Management.* Activities such as facilities construction and maintenance, and interpretive design and interpretive construction, and similar activities may be available in specific States;

- *Wildlife and Fisheries Habitat Management.* Activities such as construction and maintenance; implementation of statutory, regulatory, and policy or administrative plan-based species protection; and interpretive design and construction and similar activities may be available in specific States; and

- *Wild Horse Management.* Activities such as wild horse roundups, adoption, and disposition, including operation and maintenance of wild horse facilities, may be available in specific States.

B. Eligible Bureau of Reclamation Programs

The mission of the Bureau of Reclamation (Reclamation) is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public. Reclamation water resources projects provide water for agricultural, municipal, and industrial water supplies use; hydroelectric power generation; flood control; enhancement of fish and wildlife habitats; and outdoor recreation. To this end, most of Reclamation's activities involve the construction, operation, maintenance, and management of water resources projects and associated facilities, as well as research and development related to Reclamation's responsibilities. Upon the request of a self-governance Tribe, Reclamation will consider including programs or activities which Reclamation determines to be eligible under section 403(b)(2) or 403(c) of the Act in self-governance funding agreements.

Some elements of the following non-exclusive list of Reclamation water resource projects, which was developed with consideration of their proximity to identified self-governance Tribes, may be eligible for inclusion in a self-governance funding agreement:

- Klamath Project, California and Oregon;

- Trinity River Fishery, California;
- Central Arizona Project, Arizona; and

- Indian Water Rights Settlement Projects, as authorized by Congress.

C. Eligible Office of Natural Resources Revenue Programs

The Office of Natural Resources Revenue (ONRR) collects, accounts for, verifies, and distributes mineral revenues from both Federal and Indian mineral leases. ONRR also evaluates industry compliance with laws, regulations, and lease terms, and offers mineral-owning Tribes opportunities to become involved in ONRR programs that address the intent of Tribal self-governance, providing self-governance Tribes with good preparation for assuming other technical functions. ONRR program functions are generally available to Tribes pursuant to the Federal Oil and Gas Royalty Management Act of 1983 (FOGRMA; 30 U.S.C. 1701 *et seq.*).

The following ONRR program functions may be eligible for inclusion in a self-governance funding agreement:

- *Audit of Tribal Royalty Payments.*

Audit activities for Tribal leases, except for the issuance of orders, final valuation decisions, and other enforcement activities. (This program is offered as an option for Tribes already participating in ONRR cooperative audits);

- *Verification of Tribal Royalty Payments.* Compliance verification, monitoring activities, and production verification, except for the issuance of orders, final valuation decisions, and other enforcement activities;

- *Tribal Royalty Valuation.*

Preliminary analysis and recommendations for valuation, and allowance determinations and approvals; and

- *Royalty Internship Program.* An orientation and training program for auditors and accountants from mineral-producing Tribes to acquaint Tribal staff with royalty laws, procedures, and techniques. This program is recommended for Tribes that are considering a self-governance funding agreement but have not yet acquired mineral revenue expertise via a 30 U.S.C. 1732 cooperative agreement (FOGRMA; Pub. L. 97-451, section 202),

as this term is defined in FOGRMA and implementing regulations at 30 CFR 228.4.

D. Eligible National Park Service Projects

The mission of the National Park Service (NPS) is to preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations.

The NPS administers the National Park System, which provides resource park management technical, operational, and training assistance to Tribal Governments. NPS consists of 420+ national parks, monuments, historic sites, battlefields, seashores, lake shores and recreation areas. NPS units protect natural and cultural resources on these Federal lands and conducts a range of visitor services such as law enforcement, park maintenance, and interpretation of geology, history, and natural and cultural resource management.

NPS projects may be eligible for inclusion in a self-governance funding agreement. Proximity to an NPS unit is not a barrier for entering into such an agreement and should be based on shared stewardship goals where Tribal interests are shared with unit operations. All NPS units sit on Indigenous homelands and bear Indigenous interests and unique oral histories.

The list below is not all-inclusive, but is representative of the types of elements of programs which may be eligible for Tribal participation through self-governance funding agreements.

1. Archaeological Surveys;
2. Climate Change Planning, Mitigation, and Adaptation projects;
3. Comprehensive Management Planning;
4. Cultural Landscape Study and Maintenance;
5. Cultural Resource Management Projects;
6. Ethnographic Studies;
7. Erosion Control;
8. Fire Protection and Training;
9. Post-fire stabilization and Rehabilitation Projects;
10. Gathering Baseline Subsistence Data—Alaska;
11. Hazardous Fuel Reduction;
12. Housing Construction and Rehabilitation;
13. Interpretation and Education—to include programs, signage, vendors, demonstrations, multi-media;
14. Interpreting Tribal History;
15. Janitorial Services;
16. Preservation and Perpetuation of Language & Tribal Lifeways;

- 17. Maintenance;
- 18. Management and Care of Museum Collections;
- 19. Natural Resource Management Projects;
- 20. Operation and maintenance of Campgrounds, Serpentine, Marinas, and other administrative facilities;
- 21. Preservation and Sharing of Cultural and Indigenous Knowledge;
- 22. Range Assessment—Alaska;
- 23. Reindeer Grazing—Alaska;
- 24. Road and Trail Maintenance, Repairs, and Upgrades;
- 25. Shelter Cabin Upgrades;
- 26. Solid Waste Collection and Disposal;
- 27. Trail Construction and Rehabilitation;
- 28. Visitor Center Services;
- 29. Youth Programs;
- 30. Watershed Assessments, Restoration and Maintenance;
- 31. Beringia Research;
- 32. Elwha and other River Restoration projects;
- 33. Recycling Programs;
- 34. Visitor Center Services; and
- 35. Historic Preservation Activities.

E. Eligible U.S. Fish and Wildlife Service Programs

The mission of the U.S. Fish and Wildlife Service (Service) is to conserve, protect, and enhance fish, wildlife, and their habitats for the continuing benefit of the American people. The Service's primary responsibilities involve migratory birds, endangered species, freshwater and anadromous fisheries, and certain marine mammals. The Service has continuing cooperative relationships with a number of Indian Tribes regarding the National Wildlife Refuge System and the Service's fish hatcheries. Any self-governance Tribe may contact a national wildlife refuge or national fish hatchery directly concerning participation in Service programs under the Tribal Self-Governance Act.

The following non-exclusive list of Service programs is representative of the types of programs that may be eligible for inclusion in a self-governance funding agreement:

- *Subsistence programs within the State of Alaska.* Evaluate and analyze data for annual subsistence regulatory cycles and other data trends related to subsistence harvest needs and facilitate Tribal Consultation to ensure that title VII terms of the Alaska National Interest Lands Conservation Act (ANILCA; Pub. L. 96–487) are being met, as well as activities fulfilling the terms of title VIII of ANILCA;
- *Technical Assistance, Restoration, and Conservation.* Conduct planning

and implementation of population surveys, habitat surveys, restoration of sport fish, capture of depredating migratory birds, and habitat restoration activities;

- *Endangered Species Programs.* Conduct activities associated with the conservation and recovery of threatened or endangered species protected under the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*) or candidate species under the ESA. These activities may include, but are not limited to, cooperative conservation programs, development of recovery plans and implementation of recovery actions for threatened and endangered species, and implementation of status surveys for high-priority candidate species;

- *Education Programs.* Provide services in interpretation, outdoor classroom instruction, visitor center operations, and volunteer coordination both on and off national wildlife refuge lands in a variety of communities and assist with environmental education and outreach efforts in local villages;

- *Environmental Contaminants Program.* Conduct activities associated with identifying and removing toxic chemicals, to help prevent harm to fish, wildlife, and their habitats. The activities required for environmental contaminant management may include, but are not limited to, analysis of pollution data, removal of underground storage tanks, specific cleanup activities, and field data gathering efforts;

- *Wetland and Habitat Conservation Restoration.* Provide services for construction, planning, and habitat monitoring and activities associated with conservation and restoration of wetland habitat;

- *Fish Hatchery Operations.* Conduct activities to recover aquatic species listed under the ESA, restore native aquatic populations, and provide fish to benefit national wildlife refuges and Tribes. Such activities may include, but are not limited to tagging, rearing, and feeding of fish; disease treatment; and clerical or facility maintenance at a fish hatchery; and

- *National Wildlife Refuge Operations and Maintenance.* Conduct activities to assist the National Wildlife Refuge System, a national network of lands and waters for conservation, management, and restoration of fish, wildlife and plant resources and their habitats within the United States. Activities that may be eligible for a self-governance funding agreement may include, but are not limited to construction, farming, concessions, maintenance, biological program efforts, habitat management, fire management,

and implementation of comprehensive conservation planning.

F. Eligible U.S. Geological Survey Programs

The U.S. Geological Survey (USGS) is a scientific research bureau whose mission is to monitor, analyze, and predict current and evolving Earth-system interactions and deliver actionable information at scales and timeframes relevant to decision makers. This information is usually publicly available and includes reports, maps, databases, and descriptions and analyses of the water, plants, animals, energy, and mineral resources, land surface, underlying geologic structure, and dynamic processes of the earth. The USGS does not manage lands or resources. Self-governance Tribes may potentially assist the USGS in the data acquisition and analysis components of USGS's activities.

The list below is not all-inclusive but provides examples of program elements that have been and may be eligible for inclusion in a self-governance funding agreement:

- Collection of UAS imagery suitable for Structure-from-Motion (SfM) photogrammetry; and
- Collection of baseline sediment flux data, digital grain size analysis, fluvial geomorphic conditions, occurring during and following dam removal.

G. Eligible Bureau of Trust Funds Administration Programs

Secretarial Order 3384 authorized the establishment of the Bureau of Trust Funds Administration (BTFA), which reports to the Office of the Assistant Secretary—Indian Affairs. BTFA is responsible for the management (receipting, investing, disbursing, reconciling and reporting) of the monetary assets of American Indians held in trust by the Department of the Interior. BTFA also maintains the official archive of American Indian Records. This program safeguards millions of original historic documents that detail the Federal government's treaty obligation to Native Americans.

A Tribe operating under self-governance may include the following programs, services, functions, and activities or portions thereof, in a funding agreement:

- *Beneficiary Processes Program (Individual Indian Money Accounting Technical Functions).* The memorandum of understanding (MOU) between the Tribe/Consortium and BTFA outlines the roles and responsibilities for the performance of the BTFA program by the Tribe/Consortium. If those roles and

responsibilities are already fully specified in the existing funding agreement with the Office of Self-Governance (OSG), an MOU is not necessary. To the extent that the parties desire specific program standards, an MOU will be negotiated between the Tribe/Consortium and BTFA, which will be binding on both parties and attached and incorporated into the OSG funding agreement. If a Tribe/Consortium decides to assume the operation of a BTFA program, the new funding for performing that program will come from BTFA program dollars. A Tribe's newly assumed operation of the BTFA program(s) will be reflected in the Tribe's OSG funding agreement.

H. Eligible Appraisal and Valuation Services Office Programs

The mission of the Appraisal and Valuation Services Office (AVSO) is to provide credible, timely, and efficient valuation services to ensure the Department's fiduciary responsibilities are met for Tribes and beneficiaries in trust and restricted-fee real property transactions, and to uphold public trust in Federal real property transactions. AVSO provides appraisal, valuation, mineral evaluation, and real property consulting expertise to Indian beneficiaries, Federal clients, and other stakeholders in accordance with the highest professional and ethical standards and is responsible for all real property appraisal and valuation services within the Department of the Interior. AVSO is comprised of three regions (Western, Central and Eastern) serving all of Indian Country as well as all DOI bureaus, agencies and offices. AVSO's Mineral Evaluations Division is tasked with providing mineral assessments and evaluations for DOI.

These and other activities may be available for inclusion in self-governance funding agreements depending upon availability of funds, the need for specific services, and the self-governance Tribe's demonstration of a special geographic, cultural, or historical significance. Tribes may obtain further information on specific activities that may be available for inclusion in a self-governance funding agreement.

Some elements of the following non-exclusive list of AVSO programs, functions, services and activities may be eligible for inclusion in a self-governance funding agreement:

- Appraisal and valuation functions for Indian trust and restricted fee real property;
- Appraisal review function for appraisals prepared for Departmental use;

- Appraisal and valuation functions for Federal real property;
- Appraisals and evaluation functions for Indian and Federal minerals; and
- Real property consultation services.

The MOU between the Tribe/Consortium and AVSO outlines the roles and responsibilities for the performance of the AVSO program by the Tribe/Consortium. An MOU will be negotiated between the Tribe/Consortium and AVSO, which will be binding on both parties and attached and incorporated into the OSG funding agreement. If a Tribe/Consortium decides to assume the operation of an AVSO program, the new funding for performing that program will come from AVSO program dollars. A Tribe's newly-assumed operation of an AVSO program will be reflected in the Tribe's OSG funding agreement.

IV. Principles Governing Non-BIA Self-Governance Programs Eligible for Inclusion in Self-Governance Funding Agreements

Based on feedback from Consultation, the Department includes in this year's **Federal Register** Notice general guidance on principles governing non-BIA self-governance programs eligible for inclusion in self-governance funding agreements. As a foundational matter, self-governance compacts may include Federal programs, services, functions, or activities administered by the Department other than through the Bureau of Indian Affairs that are otherwise available to Indian tribes or Indians. Self-governance compacts may also include other programs, services, functions, and activities, or portions thereof which are of special geographic, historical, or cultural significance to the participating Indian tribe requesting a compact. The Department has interpreted this language as granting the government discretion to fund programs that may coincidentally benefit Indians but that are national in scope and are not by definition programs for the benefit of Indians because of their status as Indians.

Pursuant to S.O. 3403, the Departments' agencies have a directive to facilitate agreements with Tribes to collaborate in the co-stewardship of Federal lands and waters and to strengthen Tribal homelands. Pursuant to Executive Order 13175, in implementing the Act the Department supports Tribal sovereignty and self-determination and encourages Indian Tribes to develop their own policies to achieve the objectives of the Act for non-BIA Programs. Where possible, the Department will defer to Indian Tribes to establish standards for non-BIA

Programs. Together, these policy documents demonstrate, and the Department reiterates, a desire to further inclusion of non-BIA programs in self-governance funding agreements.

V. Programmatic Target for Fiscal Year 2025

The programmatic target for Fiscal Year 2025 provides that, upon request of a self-governance Tribe, each non-BIA bureau will negotiate funding agreements for its eligible programs beyond those already negotiated.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2024–30252 Filed 12–18–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[256A2100DD/AAKC001030/
A0A51010.999900]

Notice of Deadline for Submitting Completed Applications To Begin Participation in the Tribal Self-Governance Program in Fiscal Year 2026 or Calendar Year 2026

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of application deadline.

SUMMARY: The Office of Self-Governance (OSG) establishes a March 1, 2025, deadline for Indian tribes/consortia to submit completed applications to begin participation in the tribal self-governance program in fiscal year 2026 or calendar year 2026.

DATES: Completed application packages must be received by the Director, Office of Self-Governance, by March 1, 2025.

ADDRESSES: Submit applications to Sharee M. Freeman, Director, Office of Self-Governance, Department of the Interior, Mail Stop 3259- MIB, 1849 C Street NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT:

Vickie Hanvey, Office of Self-Governance, (mail to: Vickie.Hanvey@bia.gov); Telephone (918) 931–0745. 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.

SUPPLEMENTARY INFORMATION: Under 25 U.S.C. 5362(b) of the Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination (PROGRESS Act), the Secretary, acting through the Director of the Office of Self-Governance, may select not more than

50 new Indian Tribes per year from those eligible tribes. The application deadline listed in the **DATES** section is predicated upon providing the parties enough time to complete funding agreement negotiations in advance of the fiscal year or calendar year start date of the 2026 funding agreement. The PROGRESS Act mandates that copies of the funding agreements be sent at least 90 days before the proposed effective date to each Tribe that is served by the Bureau of Indian Affairs and wants to participate in a funding agreement. Initial negotiations with a Tribe/consortium located in a region and/or agency which has not previously been involved with self-governance negotiations will take approximately 2 months from start to finish. Agreements for an October 1 to September 30 funding year need to be signed and submitted by July 1. Agreements for a January 1 to December 31 need to be signed and submitted by October 1.

Purpose of Notice

Under 25 U.S.C. 5362(c), which supersedes the eligibility criteria in 25 CFR part 1000, subpart B, to be eligible to participate in self-governance, an Indian Tribe must:

- (1) successfully complete the planning phase outlined below;
- (2) request participation in self-governance by resolution or other official action by the Tribal governing body; and
- (3) demonstrate for the 3 fiscal years preceding the date on which the Tribe requests participation, fiscal stability and financial management capability as evidenced by the Indian Tribe having no uncorrected significant and internal audit exceptions in the required annual audit of its self-determination or self-governance agreements with any Federal agency.

An Indian Tribe seeking to begin participation in self-governance must complete the planning phase. The planning phase must:

- (1) be conducted to the satisfaction of the Indian Tribe; and
- (2) include:
 - (i) legal and budgetary research; and
 - (ii) internal Tribal governing planning, training, and organizational preparation.

Applicants should be guided by the referenced requirements in preparing their applications to begin participation in the tribal self-governance program in fiscal year 2026 and calendar year 2026. Copies of these requirements may be obtained from the information contact person identified in this notice.

Tribes/consortia wishing to be considered for participation in the tribal self-governance program in fiscal year 2026 or calendar year 2026 must respond to this notice, except for those tribes/consortia which are one of the 142 tribal entities with signed self-governance agreements.

Information Collection

This information collection is authorized by OMB Control Number 1076–0143, Tribal Self-Governance Program, which expires February 28, 2026.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2024–30289 Filed 12–18–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[256A2100DD/AAKC001030/
A0A51010.999900]

Proclaiming Certain Lands as Reservation for Kickapoo Traditional Tribe of Texas

AGENCY: Bureau of Indian Affairs,
Interior.

ACTION: Notice of reservation
proclamation.

SUMMARY: This notice informs the public that the Assistant Secretary—Indian Affairs proclaimed approximately 199.73 acres, more or less, an addition to the reservation of the Kickapoo Traditional Tribe of Texas.

DATES: This proclamation was made on December 13, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Carla Clark, Bureau of Indian Affairs, Division of Real Estate Services, 1001 Indian School Road NW, Box #44, Albuquerque, New Mexico 87104, carla.clark@bia.gov, (505) 563–3132.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual.

A proclamation was issued according to the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 5110) for the lands described below. The lands are proclaimed to be the Kickapoo Traditional Tribe of Texas Reservation for the Kickapoo Traditional Tribe of Texas in Maverick County, Texas.

Kickapoo Traditional Tribe of Texas Reservation, Maverick County, Texas, Legal Descriptions Containing 199.73 Acres, More or Less

Bowles Property 840 ST 1004

The land is described as surface and surface rights only in and to a 199.73 acres tract of land described as a tract of land lying in Maverick County located in the following original surveys:

Original Grantee, G.C.&S.F.R.R. Co.

Survey 1, Abstract 1008, acres 114.07;

Original Grantee, Winchester Kelso,

Survey 2, Abstract 1301, acres 83.38;

Original Grantee, Adolph Haun,

Survey 33, Abstract 143, acres 2.28 for a combined total of 199.73 surface acres.

Described as a 199.73 acres tract in conveyance document to the Kickapoo Traditional Tribe of Texas recorded in Volume 667, Pages 370-*et seq.* of the Maverick County Official Public Records, Maverick County, Texas and being further described by metes and bounds as follows: (the bearings are geodetic north (true north), distances and areas shown hereon are surface, the scale factor to convert from grid to surface is 1.00009324879955236, corners called for as being set are marked on the ground with 1/2" steel stakes with plastic identifications caps stamped "DIRKSEN/6260" attached unless otherwise noted or shown).

Commencing from the ostensible east corner of the Winchester Kelso, Survey 2, Abstract 1301;

Thence S44°50'15" W 172 feet with the southeast line of Survey 2;

Thence N45°09'44" W 1157 feet to a steel stake set for The Point of Beginning in the northwest intersection of Rosita Valley Road with El Indio Highway for a northeast corner of the herein described tract;

Thence S44°41'21" W 3428.67 feet with the north right of way line of Rosita Valley Road to a steel stake found at the southeast corner of Tract 1, Block 9 of the Riverside Acres Subdivision as shown on the plat recorded in Envelope 72, Side A of the Maverick County Plat Records for an east corner of the herein described tract;

Thence N45°10'44" W 1466.07 feet to a steel stake found marked "RPLS 4134" at north corner of said Tract 1, Block 9 for a reentrant corner of the herein described tract;

Thence S44°36'03" W 6965.15 feet, with the north line of said Riverside Acres Subdivision at 6914.50 feet passing a steel stake set in line for a reference and continuing to a point on the left bank of the Rio Grande River for the southwest corner of the herein described tract;

Thence with the left bank of the Rio Grande River for the following seven (7) calls;

1. N03°02'46" W 123.41 feet to a point;
2. N04°59'23" W 153.66 feet to a point;
3. N04°30'58" W 131.66 feet to a point;
4. N00°46'17" W 234.25 feet to a point;
5. N11°40'21" E 64.20 feet to a point;
6. N00°07'16" E 126.70 feet to a point;
7. N04°39'17" W 14.59 feet to a point;

Thence N44°35'56" E 8001.79 feet at 50.00 feet passing a steel stake set on line for reference and continuing to a 3/4" steel stake found for a northeast corner of the herein described tract;

Thence S45°10'29" E 1343.42 feet to a steel stake found for a reentrant corner of the herein described tract;

Thence N44°38'46" E 1616.04 feet to a steel stake set in the south right of way line of El Indio Highway for a northeast corner of the herein described tract;

Thence S59°44'57" E 759.81 to the Point of Beginning containing 199.73 acres of land with the herein described boundary as survey by Dirksen Engineering of December 8, 2015. The above-described land contains a total of 199.73 acres, more or less, which are subject to all valid rights, reservations, rights-of-way, and easements of record.

The above-described lands contain a total of 199.73 acres, more or less, which are subject to all valid rights, reservations, rights-of-way, and easements of record.

This proclamation does not affect title to the lands described above, nor does it affect any valid existing easements for public roads, highways, public utilities, railroads and pipelines, or any other valid easements or rights-of-way or reservations of record.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2024–30294 Filed 12–18–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[256A2100DD/AAKC001030/
A0A501010.999900]

HEARTH Act Approval of Kickapoo Tribe of Oklahoma Residential Leasing Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) approved the Kickapoo Tribe of Oklahoma Residential Leasing Ordinance under the Helping Expedite and Advance Responsible Tribal

Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into residential leases without further BIA approval.

DATES: BIA issued the approval on December 16, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Carla Clark, Bureau of Indian Affairs, Division of Real Estate Services, 1001 Indian School Road NW, Albuquerque, NM 87104, carla.clark@bia.gov, (702) 484–3233.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal Leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Kickapoo Tribe of Oklahoma.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48

(December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108, preempts State and local taxation of permanent improvements on trust land.

Confederated Tribes of the Chehalis Reservation v. Thurston County, 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe v. Jones*, 411 U.S. 145 (1973)). Similarly, section 5108 preempts State taxation of rent payments by a lessee for leased trust lands, because “tax on the payment of rent is indistinguishable from an impermissible tax on the land.” *See Seminole Tribe of Florida v. Stranburg*, 799 F.3d 1324, 1331, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe v. Bracker*, 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of “traditional notions of Indian self-government,” requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72,447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to “allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities.” 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes “flexibility to adapt lease terms to suit [their] business and cultural needs” and to “enable [Tribes] to approve leases quickly and efficiently.” H. Rep. 112–427 at 6 (2012).

Assessment of State and local taxes would obstruct these express Federal

policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan v. Bay Mills Indian Community*, 572 U.S. 782, 810 (2014) (Sotomayor, J., concurring) (determining that “[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding”). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 810–11 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA’s surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to 25 CFR part 162.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or 25 CFR part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Kickapoo Tribe of Oklahoma.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2024–30295 Filed 12–18–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[256A2100DD/AACC003300/
A0H901010.999900]

Blackfeet Tribe of the Blackfeet Indian Reservation; Amendment to Regulation and Control of Liquor

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes an amendment to the Liquor Ordinance of the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana (Tribe).

DATES: This ordinance shall take effect on January 21, 2025.

FOR FURTHER INFORMATION CONTACT: Ms. Jo-Ellen Cree, Tribal Operations Officer, Rocky Mountain Regional Office, Bureau of Indian Affairs, 2021 Fourth Avenue North, Billings, Montana 59101, *Jo-Ellen.Cree@bia.gov*, Telephone: (406) 247–7964 or (406) 247–7988, Fax: (406) 247–7566.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 5886, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor control ordinances for the purpose of regulating liquor transactions in Indian country.

This notice is published in accordance with the delegated authority by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the Blackfeet Tribal Business Council duly adopted Ordinance No. 73 by Tribal Resolution No. 504–2024 on July 8, 2024.

Bryan Newland,

Assistant Secretary—Indian Affairs.

Blackfeet Tribal Ordinance #73, as Amended

Regulation and Control of Liquor

Part I. General Provisions

1.0 Declaration of Public Policy-Subject Matters of Regulation

(A) It is hereby declared to be the public policy of the Blackfeet Tribe to effectuate and ensure the entire control of the sale and distribution of all alcoholic beverages within the Blackfeet Indian Reservation, subject to the inherent sovereign power of the Blackfeet Nation and the power delegated to the Tribe by the United States Congress and concurrently with the State of Montana.

(B) This code is an exercise of the police powers of the Blackfeet nation and the power delegated pursuant to Title 18, section 1161 of the United States Code, in and for the protection of the welfare, health, peace, morals and safety of the people of the Blackfeet Nation and residents of the Blackfeet Indian Reservation.

(C) It is further the policy of the Blackfeet nation to effectuate the economic rights of members of the Blackfeet Nation, as guaranteed by Article VIII, Section 2 of the Blackfeet Constitution. This policy is implemented herein by limiting the issuance of new licenses in some cases¹ to enrolled members of the Blackfeet Nation or business entities which are at least fifty-one percent (51%) owned by enrolled members of the Blackfeet Nation.

2.0 Sale of Alcoholic Beverages Privilege, Not Right

A license for the sale or distribution of alcoholic beverages within the Blackfeet Indian Reservation is a privilege which the Blackfeet Nation may grant or deny and is not a right to which any person or entity is entitled.

Part 2. Retail Sales Restrictions

1.0 Unlawful Sales and Other Transactions

(A) It shall be unlawful for any licensee, his/her employee or employees, or any other person to sell, deliver, or give away, or cause or permit to be sold, delivered, or given away any alcoholic beverage to any person:

1. Under twenty-one (21) years of age²; or

2. Who is obviously, actually, or apparently intoxicated.

(B) It shall be unlawful for any person or entity to sell or distribute alcoholic beverages within the exterior boundaries of the Blackfeet Indian Reservation without first obtaining a license pursuant to this Ordinance.

(C) It shall be mandatory under this law for all licensees to display in a prominent place in their premises a placard stating fully the consequences for violations of this law by persons under twenty-one (21) years of age.³

2.0 Sale and Distribution of Alcoholic Beverages Unlawful

It shall be unlawful for a licensed person or business entity to sell or

¹ Resolution No. 325–87, “Approving Various Amendments Change #1” June 17, 1987.

² Resolution No. 214–2011, Amending Ordinance 73, Social Host Law and Penalty, May 5, 2011.

³ Resolution No. 214–2011, Amending Ordinance 73, Social Host Law and Penalty, May 5, 2011.

distribute alcoholic beverages within the exterior boundaries of the Blackfeet Indian Reservation, provided that the licensee complies with the provisions of this Ordinance, concurrently with the laws of the State of Montana.

3.0 Closing Hours for Licensed Retail Establishments

All licensed establishments wherein alcoholic beverages are offered for sale, or given away at retail shall be closed:

(A) Each day between 2:00 a.m. and 8 a.m.

(B) Easter Sunday between 8:00 a.m. and 2:00 p.m. (all day)

(C) From 6:00 p.m. December 24 (Christmas Eve) to 6:00 p.m. December 25 (Christmas Day).

(D) There will be no sales of alcoholic beverages, including sales at stores, bars, restaurants, and taverns within the Blackfeet Reservation during North American Indian Days and Heart Butte Society Celebration, beginning at 8:00 a.m. Thursday and ending at 8:00 a.m. the following Monday.⁴

(E) Any Blackfeet Reservation High School Graduation, 8:00 a.m. and 2:00 a.m. (all day).⁵

(F) Any Blackfeet Reservation High School Prom, 8:00 a.m. and 2:00 a.m. (all day)⁶

(G) Blackfeet Community College Graduation, 8:00 a.m. and 2:00 a.m. (all day);⁷ and,

(H) During the K–12 Academic School Year within the Blackfeet Reservation, Monday through Friday each day, from 8:00 a.m. to 5 p.m.⁸

The Blackfeet Tribal Business Council retains discretionary authority to close licensed retail establishments in recognition of Indian religious ceremonies, after giving due notice. Provided, however, that when a licensed retail establishment is operated in conjunction with a restaurant, hotel, or other lawful business other than the sale of intoxicating alcoholic beverages, then such other lawful business need not be closed, but only the part where of such alcoholic beverages are sold.

⁴ 2008 Referendum Vote Language to close sales during North American Indian Days and Heart Butte Society Celebration; however, does not reference amendment to Ordinance #73.

⁵ Resolution No. 504–2024 “Amending Ordinance #73 Regulation and Control of Liquor, Regarding Retail Hours During K–12 School Year, High School Graduations, High School Proms and Blackfeet Community College Graduation” July 8, 2024.

⁶ Resolution No. 504–2024.

⁷ Resolution No. 504–2024.

⁸ Resolution No. 504–2024, and Resolution No. “Amending Resolution No. 504–2024 Amending Ordinance #73 Clarifying Weekend Sales During Academic School Year on the Blackfeet Reservation” August 21, 2024.

4.0 Sale of Alcoholic Beverages During Closed Hours

It shall be unlawful for any licensed Tribal establishments to sell, offer for sale, or give away alcoholic beverages during the hours when the licensed retail establishments are required by this Ordinance to be closed or otherwise refrain from the sale of alcoholic beverages.

5.0 Lapse of License for Non-Use

(A) Any retail license issued pursuant to this Ordinance (including any retail license to sell alcoholic beverages for off premises consumption) not actually used in a going establishment for ninety (90) days shall automatically lapse. Upon determining the fact of nonuse, the Tribal Council shall cancel such license of record and no portion of the fee paid therefore shall be refundable.

(B) The provisions of this section shall not apply to the license of any licensee whose premises are operated on a seasonal basis in connection with a bona fide resort, park hotel, tourist facility from the Tribal Business Council to close the business.

(C) The Tribal Council may, in its discretion, waive the effects of this section for a licensee who failed to use his license in a going establishment for ninety (90) days should the Council find that said lapse was reasonably beyond the control of the licensee.

6.0 Tribal License Automatically Revoked With Loss of State License

Pursuant to federal law, the regulation of transactions involving alcoholic beverages within the Indian Reservation is a matter of concurrent jurisdiction between the various Indian tribes and the States in which their reservations are located. Thus, to validly engage in the business of selling or distributing alcoholic beverages on Indian reservations a licensee must possess both the Tribal and state license.

(A) Any Tribal license issued pursuant to this Ordinance will be automatically revoked ninety (90) days after the Tribal Council receives notification from proper State officials that the licensee's state license has been revoked or has otherwise expired, and that all state appeals processes have been exhausted.

Part 3. License Administration

1.0 License Classification

(A) The issuance of licenses for the retail sale of alcoholic beverages within the Blackfeet Indian Reservation shall be based upon the following classifications:

CLASS 1. *All Beverage License*: This license enables the licensee to sell liquor, beer, wine, and other alcoholic beverages within the boundaries of the Blackfeet Reservation.

CLASS 2. *On-Premise Retail Beer License With Available Wine Sales Amendment*: This license enables the licensee to sell beer for on-premises consumption. For an additional fee, a wine amendment is available. The licensee must make an initial showing that the sale of beer for on-premises consumption is supplementary to a restaurant or prepared food business. Non-retention of the beer license, for any reason, will mean automatic loss of the wine license amendment.

CLASS 3. *Off-Premises Retail Beer License With Available Wine Sales Amendment*: This license enables the licensee to sell beer and wine with an amendment, in the original package for off premises consumption only. The licensee must make an initial showing that the license will be used in conjunction with the business operated primarily as a bona fide grocery store or drugstore.

(B) The issuance of new licenses in class 1 and 2⁹ shall be limited to enrolled members of the Blackfeet Indian Nation or business entities which are at least fifty-one (51%) owned and operated by an enrolled member of the Blackfeet Indian Nation.

CLASS 4. *Special Licenses*: this license consists of special permission enabling the licensee to sell beer or wine to the patrons of some preplanned community event, to be consumed within the enclosure where the event is held. Allowable events include company picnics, conventions, fairs, civil entertainments, and sporting events.

2.0 Beer Retailer's License—Application and Issuance—Check of Books of Account and Premises by Tribe

(A) Any person desiring to have and possess beer and wine for sale under this Ordinance for the purpose of selling it at retail shall first apply to the Tribal Council for a license to do so and tender with said application the license fee provided for.

(B) Upon being satisfied, from such application or otherwise, that the applicant is qualified as provided, the Tribal Council shall issue a license to such person or applicant, which license shall at all times be prominently displayed in the place of business of the applicant.

⁹ Resolution No. 325–87, “Approving Various Amendments Change #2” June 17, 1987.

(C) If the Tribal Council finds that the applicant is not qualified, no license shall be granted, and the license fee tendered shall be promptly returned.

(D) The Tribal Council shall have the right and is hereby given the authority to make, at any time an examination of the books of any such retailer and his premises and otherwise check his methods of conducting business in so much as it regards his retail liquor license, through independent licensed auditors.

3.0 Retailer Beer License for On-Premises Consumption—Wine License Amendment—Limit on Number of Licenses

(A) Except as otherwise provided by law, a license to sell beer at retail for on-premises consumption, or beer and wine at retail for on-premises consumption, in accordance with the provisions of this Ordinance, may be issued to any person, firm or corporation who is approved by the Tribal Council as a fit and proper person, firm or corporation to sell beer, except that:

1. in the town of Browning, and within a distance of five (5) miles from the city limits of Browning, not more than one (1) license for every 1000 persons residing in the above-described area shall be issued and said license may not be used in conjunction with a retail all-beverage license.

2. in the unincorporated town of East Glacier Park and within a distance of five (5) miles from the limits of East Glacier Park not more than one (1) license for every 1000 persons residing in the described area, shall be issued and said license may not be used in conjunction with the retail all-beverage license.

3. the number of retail beer licenses for on-premises consumption, which may be issued by the Tribal Council, excluding those provided for in subsections (1) and (2) above, shall be determined on the limitation of no more than one (1) per 750 persons in that area and provided further that, in the exercise of its sound discretion, the Tribal Council first determines that the issuance of said license is a required is required by public convenience and necessity.

(B) Retail beer licenses, or beer and wine licenses, of issue on January 1, 1985, and which are in excess of the foregoing limitations shall be renewable, but no new licenses may be issued in violation of such limitations.

(C) An applicant for a license to sell beer, or beer and wine for on-premises consumption, at retail, must make a satisfactory showing that the sale of beer

or beer and wine for consumption on-premises would be supplemental to the applicant's primary business activity of operating a restaurant or other prepared food business.

(D) Any licensee possessing an on-premises retail beer license may apply for an on-premises retail wine license amendment. An applicant to sell wine for on-premises consumption at retail, must first possess a valid retail on-premises beer license provided, however, that this requirement shall not prevent an applicant from applying for an on-premises beer license and the retail on-premises wine license simultaneously. Non-retention of the retail beer license, for whatever reason, shall mean automatic loss of the amendment.

A person holding a retail on-premises beer and wine license may sell beer and wine for consumption on or off the premises.

4.0 Retail Beer and Wine License for Off-Premises Consumption Only Discretionary Authority to Issue¹⁰

(A) A retail license to sell beer or wine, or both in the original package for off-premises consumption only may be issued to any person, firm, or corporation to sell beer or wine, or both, and whose premises proposed for licensing are operated as bona fide grocery store or drugstore.

(B) The number of such licenses which the Tribal Council may issue is not limited but shall be determined by the Tribal Council in the exercise of its sound discretion, grant or deny any application for any such license or suspend or revoke any such license for cause.

(C) [deleted-as per instructions in Resolution 328–87]¹¹

5.0 Beer License Transfers

(A) A transfer of any beer retailer's license, including transfer of a beer license with the wine license amendment, may be made upon application to the Tribal Council with the consent of the Council, provided that the transferee qualifies under this Ordinance, and subject to the following limitations:

1. Transfer of a license for on-premises consumption¹² which was issued after January 1, 1985, as a new license with Tribal member preference, may be made only to another enrolled member of the Blackfeet Nation or a

business entity which is 51% owned by an enrolled member of the Blackfeet Nation.

2. Transfer of any other beer retailers license may be made to any qualified applicant and will not be limited to Tribal member preference.¹³

6.0 All-Beverage License-Quotas

(A) Except as otherwise provided by law, a license to sell beer, wine and liquor at retail (an all-beverage license) in accordance with the provisions of this Ordinance, may be issued to any person approved by the Tribal Council as a fit and proper person to sell such beverages, except that the number of all-beverage licenses with the Tribal Council may issue shall be limited as follows:

1. There shall be no more than four (4) Class 1 all-beverage licenses for the Town of Browning and within a five (5) mile radius of the town limits. An additional license will be available with each increase of 1,000 persons residing in the above-described area.

2. There shall be no more than one (1) Class 1 all-beverage license for the unincorporated town of East Glacier Park and within a five (5) mile distance from its limits, for every 1,000 persons residing in the said area.

3. The number of all-beverage licenses which the Tribal Council may issue for premises situated outside the area identified in (1) and (2) above, may not be more than one license for every 750 persons residing on the Blackfeet Indian Reservation, excluding the population of the area identified in (1) and (2) above.

(B) Retail all-beverage licenses of issue on January 1, 1985, and which are in excess of the foregoing limitations shall be renewable, but no new licenses may be issued in violation of such limitations.

(C) Any original license issued pursuant to this section shall be issued only upon the Tribal Council having first determined, upon a hearing held pursuant to this Ordinance, that the issuance of said license is justified by public convenience and necessity.

(D) Transfers of all beverage licenses which were of issue prior to January 1, 1985, will not be limited to Tribal member preference, and may otherwise be made to any qualified applicant.

7.0 Census

The most recent census of the Blackfeet nation shall be the basis upon which the limitations outlined in this Ordinance shall be determined.

¹⁰ Resolution No. 325–87, “Approving Various Amendments Change #3” June 17, 1987.

¹¹ Resolution No. 325–87, “Approving Various Amendments Change #4” June 17, 1987.

¹² Resolution No. 325–87, “Approving Various Amendments Change #5 (A)(1)” June 17, 1987.

¹³ Resolution No. 325–87, “Approving Various Amendments Change #5 (A)(2)” June 17, 1987.

8.0 Special License To Sell Beer and Wine—Application and Issuance

(A) any association or corporation conducting a picnic, convention, fair, community entertainment, or sporting event shall be in the sound discretion of the Tribal Council be entitled to a special permit to sell beer and wine to the patrons of such event to be consumed within the enclosure where the event is to be held.

(B) An application for a special license shall be presented at least three (3) days in advance of the start of the proposed event and shall describe the location of the enclosure where the event is to be held.

(C) The application shall be accompanied by the amount of the license fee and a written statement of approval of the premises where the event is to be held issued by (sic) law enforcement agency that has jurisdiction over the premises and the patrons.

(D) The license issued as a special license and authorizes the sale of beer and wine only on the date and during the period stated in the application and approval.

Part 4. Licensing Criteria and Procedure

1.0 License as Privilege—Criteria for Decision on Application

(A) A license under this Ordinance is a privilege which the Blackfeet nation may grant to, or deny, any applicant and is not a right to which any applicant is entitled.

(B) Except as provided herein, in the case of a license that permits on premises consumption, the Tribal Council must find in every case in which it issues a new license, or in which it approves the transfer of a license that:

1. In the case of the issuance of a new Class 1 or Class 2¹⁴ license, that the applicant is an enrolled member of the Blackfeet Indian Nation, or if the applicant is a firm or corporation, that the applicant is at least 51% owned by an enrolled member of the Blackfeet Indian Nation.

2. The applicant is financially responsible.

3. The applicant will not have an interest in more than one establishment licensed for all-beverage sales.

4. The applicant's past record and present status as a seller of alcoholic beverages and as a businessman and citizen demonstrates that he is likely to operate his establishment in compliance with all applicable Tribal laws.

5. The applicant is not under the age of twenty-one (21) years.

6. The applicant has obtained the necessary Tribal business license.

7. The applicant has not been convicted of a felony, or if the applicant has been convicted of a felony, that his rights have been restored.

8. In the case of the transfer of a license originally issued as a new Class 1 or Class 2¹⁵ license after January 1, 1985, that the applicant is an enrolled member of the Blackfeet Indian Nation, or if the applicant is a firm or corporation, that at least 51% of the firm or corporation is owned by enrolled members of the Blackfeet Indian Nation.

(C) The requirements of this subsection will apply to all new licenses and transfers occurring after January 1, 1985, in Class 1, Class 2 and Class 3 licenses, except as otherwise provided in specific subsections.

2.0 Application and Investigation

(A) Prior to the issuance of any license under this ordinance, the applicant shall file with the Tribal Council, an application in writing, signed by the applicant and containing such statements relative to the applicant and the premises where the alcoholic beverage is to be sold, as may be required by the Tribal Council, including, but not limited to the following:

1. The name, age and place or residence of the applicant.

2. The location of the premises where the license will be issued.

3. In the case of a firm or corporation, the names of all partners and shareholders in the firm or corporation; the percentage of ownership held by each partner or shareholder; the relationship, if any between the partners or shareholders (husband, wife, son, brother-in-law, etc.); and whether or not each shareholder of partner is an enrolled member of the Blackfeet Indian Nation.

4. In the case of an individual applicant, whether the applicant is an enrolled member of the Blackfeet Indian Nation.

5. Financial records and reports of the applicant. The application shall be verified by the affidavit of the person making the same before a person authorized to administer oaths.

(B) Upon receipt of a completed application of a license under this Ordinance, accompanied by the necessary license fee, as further required in this Ordinance, the Tribal Council shall within thirty (30) days make a

complete and thorough investigation of all matters pertaining to the application and shall determine whether the applicant is qualified to receive a license and whether the applicant's premises are fit to carry on the business and that Tribal law will be complied with.

(C) Upon proof that the applicant has made any false statement on the application, the application may be denied or if issued, the license may be revoked.

3.0 Notice of Application—Publication-Protest

(A) When an application has been filed with the Tribal Council to sell alcoholic beverages at retail or to transfer such license, the Tribal Council shall promptly publish in a newspaper of general circulation within the Blackfeet Indian Reservation, a notice that such applicant has made application for such license and that protests against the issuance of a license to the applicant may be mailed to a named Tribal administrator within ten (10) days after the final notice is published. Notice of application for either transfer or sale shall be published once a week for 4 consecutive weeks' notice may be substantially as follows:

Notice of Application for Transfer of or for Retail Sale of Alcoholic Beverages

Notice is hereby given that on the ____ day of ____, 198__, one (name of applicant) filed an application for a license to engage in the retail sale of alcoholic beverages within the boundaries of the Blackfeet Indian Reservation.

The license is to be used at (describe location of premises where alcoholic beverages will be sold), and protests, if there are any, against the issuance of such license may be mailed to ____, Blackfeet Nation, Browning, MT 59417 on or before the ____ day of ____, 198__.

Dated: _____.

(B) Each applicant shall, at the time of filing his application, pay to the Blackfeet Nation an amount sufficient to cover the costs of publication of the notice.

(C) If the Tribal Council receives no written protests, it may issue a license without holding a public hearing if written protests against the issuance of the license or transfer of an existing license are received, the Tribal Council shall hold a public hearing in Browning at the Blackfeet Tribal Offices.

Additional public hearings may be held at the discretion of the Tribal Council.

¹⁴ Resolution No. 325–87, “Approving Various Amendments Change #6 (B)(1)” June 17, 1987.

¹⁵ Resolution No. 325–87, “Approving Various Amendments Change #6 (B)(8)” June 17, 1987.

4.0 Protests and Hearing—Posting and Contents of License—Privilege—Expiration

(A) No license may be issued until after the date set in the notice for hearing protests.

(B) Every license issued under this Ordinance shall contain:

1. The name of the person (sic) whom it was issued.

2. The location of the premises, by street number or other appropriate description, where the license is to be used.

3. Other information such as the Tribal Council shall deem necessary. Each license must be posted in a conspicuous place on the premises wherein the business authorized under the license is to be conducted. Such license shall be exhibited upon request to any authorized representative of the Tribal Council or to any peace officer of the Blackfeet Nation or Bureau of Indian Affairs.

(C) Any license issued under this Ordinance shall be considered a personal privilege to the license named in the license and shall be good until the expiration of the license unless sooner revoked or suspended.

5.0 Transfer-By Sale—In Case of Death of Licensee—From Premises to Premises

(A) Except as otherwise provided in this Ordinance, no license for the retail sale of alcoholic beverages shall be transferred or sold. Nor shall said license be issued for any place of business not described in the license without first making an application to and receiving the approval of the Tribal Council.

(B) A license for the retail sale of alcoholic beverages may be transferred to the executor or administrator of the estate of any business of selling alcoholic beverages under a license, and in such event a license may descend or be disposed of with the business to which it is applicable under the appropriate probate proceedings.

(C) A license to sell alcoholic beverages at retail may be transferred to a qualified purchaser upon a bona fide sale of the business operated under that license. No transfer of any license as to person or location shall be effective until approval by the Tribal Council, and any licensee, transferee or proposed transferee who operates or attempts to operate under any supposedly transferred license shall be considered as operating without a license to operate the business to be transferred, under the license, pending final approval, providing an application for transfer has been filed with the Tribal Council.

6.0 Denial of License—Public Safety and Welfare

(A) The Tribal Council may deny the issuance of any license for the retail sale of alcoholic beverages if it determines that the premises proposed for licensing cannot be properly policed by local authorities.

(B) Normally a license under this Ordinance be issued if the Tribal Council finds upon the evidence presented at the hearing, that the welfare of the people residing in the vicinity of the place which such license is desired will be adversely and seriously affected and the public interest will not be served by issuance of such license.

7.0 Expiration of License

(A) Each July 1st, the Tribal Council shall issue licenses to holders of retail licenses to sell alcoholic beverages within the Blackfeet Reservation on an annual basis and as such fees as are prescribed by law, such licenses are subject to revocation or suspension as provided for in Part 4, Section 8 of this Ordinance after midnight on June 30th of the licensing year for which the license fee has not been paid, if the annual license fees are not paid. Initial licenses issued under this Ordinance shall be issued at the annual rate, for a period ending June 30, 1986, regardless of when issued.

8.0 Renewal—Revocation or Suspension—Penalty

(A) The Tribal Council may upon its own motion, and shall upon the written, verified complaint of any person, investigate the action and operation of any retail seller of alcoholic beverages licensed under this Ordinance.

(B) If the Tribal Council, after investigation, shall have reasonable cause to believe that any such licensee has violated the provisions of this Ordinance, it may, in its discretion, and in addition to other penalties prescribed:

1. Reprimand the licensee; or
2. Suspend a license for a period not to exceed three (3) months; or
3. Revoke the license of any such licensee; or
4. Refuse to grant a renewal of such license upon the expiration thereof; or
5. Impose a civil penalty not to exceed One Thousand, Five Hundred Dollars (\$1,500), subject to the right to a hearing in the Blackfeet Tribal Court. The affected licensee may seek a stay of the imposition of the fine provided the licensee files a petition for hearing on the fine with the Blackfeet Tribal Court within ten (10) working days of the date

of the licensee is notified of the fine. Failure to file a petition within the required time shall result in loss of the Tribal Court's jurisdiction to review the fine pursuant to this Ordinance.

9.0 Judicial Review Concerning Alcoholic Beverage Laws

(A) Any interested party shall have the right to seek judicial review of any decision of the Tribal Council concerning the issuance, transfer, suspension, or revocation of any license to sell at retail alcoholic beverages within the Blackfeet Reservation by the Blackfeet Tribal Court.

(B) Judicial review under this provision will be limited to a review of the record of the prior proceedings on the affected license. The Court will be limited to determining:

1. Whether the Tribal Council abused its discretion by acting arbitrarily or capriciously; or
2. Whether the Tribal Council's decision is supported by the record of the case and the facts contained therein; or

3. Whether the Tribal Council's decision is consistent with the applicable provisions of the law.

(C) The Tribal Council's decision shall be final unless modified or reversed by the Tribal Court.

10. Training for Responsible Alcohol Sales and Services (RASS) ¹⁶

All retail liquor establishments prior to receiving a liquor license or a renewal of such license on the Blackfeet Reservation shall certify that all employees of such establishment have received Responsible Alcohol Sales and Service training also referred to as RASS, which training is given by the Montana Department of Revenue. Any new employee of such establishment shall receive such training within thirty (30) days of employment. The establishment shall keep a roster of all employees, including names and date of training, which shall be open for inspection by agents of the Blackfeet Tribe.

Failure to obtain such training for employees as set forth above, shall subject the liquor establishment to a civil penalty of \$500.00 per employee and/or the possible suspension of that establishment's liquor license until such time as the establishment is in compliance with this Ordinance.

The penalties collected as set out above shall be used solely for the purpose of funding the activities of the Blackfeet DUI Task Force, with \$100.00

¹⁶ Resolution No. 212–2011, Amending Ordinance 73, Implementing RASS, May 5, 2011.

of such penalty going to the Blackfeet Department of Commerce, for administration and enforcement of this Ordinance and that both the DUI Task Force and the Department of Commerce shall keep a strict accounting of the receipt and disbursal of such funds.

Part 5. Licensing Fees

1.0 Retail Sales License and Special License Fees

(A) Each retail beer, or retail beer and wine license, under the provisions of this Ordinance, shall pay an annual license fee as follows:

2. Retail on-premises beer license, Two Hundred Dollars (\$200); with wine license amendment, an additional Two Hundred Dollars (\$200).

3. For a license to sell beer at retail for off-premises consumption only, Two Hundred Dollars (\$200); for a wine license amendment to sell at retail for off premises consumption only, and additional Two Hundred Dollars (\$200).

(B) The fee of special license to sell beer and wine at certain gatherings shall be computed at a rate of Thirty-Five Dollars (\$35.00) a day for 2 or more days, but in no case less than Seventy-Five Dollars (\$75.00).

(C) The fee for licensees licensed as a Class 1, all-beverage retail sellers of alcoholic beverages shall be Five Hundred Dollars (\$500.00).

(D) The license fee provided for in this Ordinance are exclusive of and in addition to other license fees chargeable by the Blackfeet Nation for the privilege of carrying on business within the Blackfeet Indian Reservation.

(E) In addition to other license fees, the Tribal Council may require a licensee to pay a late fee of thirty percent (30%) of any license fee delinquent on July 1st of the renewal year, and sixty percent (60%) of any license fee delinquent of August 1st of the renewal year, and one hundred percent (100%) of any license fee delinquent on September 1st of the renewal year.

Part 6. Violations and Enforcement

1.0 Investigations—Search Warrants—Seizure and Forfeiture of Unlawful Alcoholic Beverages and Conveyance Devices

(A) The Tribal Council may employ or appoint investigators or prosecuting officers who, under the Council's discretion, will perform such duties as it may require, and who shall be paid such fees and expenses as the Council may fix.

(B) Upon information or oath by any investigator appointed under this Ordinance or any Tribal or Bureau of

Indian Affairs police officer showing reasonable cause to believe that alcoholic beverages are being illegally sold or kept for sale or for any unlawful purpose in any building or premises, it shall be lawful for the Tribal Court by warrant to authorize and empower the police officer or investigator or any other person named in the warrant to enter and search the building or premises and every part thereof and for that purpose to break open any lock, door, or fastening, to break open any closet, cupboard, box or other receptacle where alcoholic beverages may be concealed.

(C) The Tribal Council or any duly authorized representative thereof or any Tribal or Bureau of Indian Affairs police officer shall have the right at any time to make an examination of the premises of any retail licensee as to whether the laws of the Blackfeet nation are being complied with.

(D) Any investigator, duly appointed representative of the Blackfeet Tribal Council or any Tribal or Bureau of Indian Affairs police officer who finds an alcoholic beverage which he has reasonable cause to believe is had or kept by any person in violation of the provisions of this Ordinance may forthwith seize and remove the same and the packages in which the alcoholic beverage is kept, and upon a finding that the alcoholic beverages being kept or sold in violation of this Ordinance, the alcoholic beverage and all packages containing the same shall, in addition to other penalties prescribed by this Ordinance, be forfeited as a matter of law to the Blackfeet Nation.

Whenever a vehicle or other conveyance device of any kind is used to store or transport alcoholic beverages for purposes contrary to the provisions of this Ordinance, the vehicle or conveyance device may be seized force with. Upon a finding by the Tribal Court that the person in possession of the vehicle or conveyance device or person in charge of said vehicle or conveyance device was in violation of the provisions of this Ordinance, the Court may, in addition to any other possible penalties, declare in and by a decree that the vehicle or conveyance device, which has been seized, to be forfeited to the Blackfeet Nation.

2.0 When Force May Be Used in Seizure—Hearing Required in Forfeiture Cases

(A) Where alcoholic beverages are found by an investigator or Tribal or Bureau of Indian Affairs police officer on any premises or in any place in such quantities as to satisfy the investigator or police officer that such alcoholic

beverage is being had or kept contrary to the provisions of this Ordinance, it shall force if necessary and seize any alcoholic beverage found, including the packages in which it was had or kept, and immediately turn such alcoholic beverage over to the Tribal Council.

(B) In all cases where alcoholic beverages, or alcoholic beverages and vehicles and conveyance devices, are seized, the Tribal Council or its designated prosecuting officer shall commence an action in the Tribal Court against the seized alcoholic beverage, vehicle, or conveyance device, and the person or persons actually or apparently in possession or control thereof if any such person be presented at the time of the seizure. The alcoholic beverage shall be named as a defendant to the action.

(C) The complaint shall show the date and place of seizure, the name of the person or persons actually or apparently in or [sic] control thereof if any such person be present at the time of the seizure, the reason the Tribal Council claims the right to possess the alcoholic beverage or conveyance device, or both, and shall demand that all persons who claim any right to the possession of the alcoholic beverage or conveyance device, or both, shall show the nature of their claim or claims and that the Court declare the same to be contraband and that the Court order the contraband forfeited to the Blackfeet Nation.

(D) A summons shall be issued, served, or published as in all civil actions pursuant to the Tribal Law and Order Code, except that the Court summons shall be published in the local newspaper within the Blackfeet Indian Reservation.

(E) In every case in which an alcoholic or a conveyance device is seized by an investigator or police officer, it shall be his duty to forth with make or cause to be paid to the Tribal Council a report in writing of the particulars of the seizure.

3.0 Inspection of Carrier's Records—Unlawful for Carrier To Refuse

(A) For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this Ordinance, the Tribal Council or any person appointed by it in writing for the purpose, may inspect the freight and express books, and any other documents in the possession of any common carrier doing business within the exterior boundaries of the Blackfeet Indian Reservation, containing any information of record relating to any goods shipped, carried, received for shipment, or cosigned for shipment within the Reservation.

(B) Every common carrier and every official employee of any such company or common carrier who neglects or refuses to produce and subject for inspection any book, record, or document requested by the Tribal Council or its authorized representative, where that document relates to enforcement or administration under this Ordinance, shall be deemed in violation of this Ordinance and shall be subject to a fine of One Hundred Dollars (\$100.00) per day for each day during which the violation continues, not to exceed Five Thousand Dollars (\$5,000.00).

4.0 Violation of Code Civil Action in Tribal Court—Corrective Action Before Judicial Proceedings

(A) Every action charging a violation of the provisions of this Ordinance shall be brought by the Tribal Council or its prosecuting officer, in the name of the Blackfeet Tribe, against the licensee or other alleged violator in the Blackfeet Tribal Court as a civil action.

(B) Provided, however, that the Tribal Council may, in the exercise of its sound discretion, resolve any alleged violation only when alleged to have been committed, by an authorized licensee, at the administrative level through the collection of an appropriate fine amount, an undertaking of corrective measures by the licensee, or other allowed penalty. Should an alleged violator agree to administrative resolution of the complaint, he shall not be allowed to seek judicial review of the administrative resolution.

Part 7. Prohibitions and Penalties

1.0 Unlawful Transfer, Sale, and Possession of Alcoholic Beverages

(A) Except when in possession of fully issued Tribal license and as otherwise provided by this Ordinance no person shall, within the Blackfeet Indian Reservation, by himself or through others, keep for sale, or directly or indirectly sell or offer to sell, or to give any other person alcoholic beverages.

(B) This section shall not apply to the county sheriff, Tribal police, Bureau of Indian Affairs police, Blackfeet Tribal Council, or its authorized representative when in possession of alcoholic beverages under judicial process or to sale by said entities and persons when under judicial process.

2.0 Penalty for Sale of Alcoholic Beverages Without a License

Any person who has not been issued a license for the retail sale of any alcoholic beverages under this

Ordinance who sells or keeps for sale any alcoholic beverage has committed a violation, and upon a finding thereof is punishable by a civil penalty of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00).

3.0 Providing Alcoholic Beverages to Intoxicated Persons Prohibited

(A) No retail seller of alcoholic beverages licensed pursuant to this Ordinance may, either through themselves or an agent, sell any alcoholic beverages or permit alcoholic beverages to be sold to any person apparently under the influence of alcohol.

(B) Any retail seller of alcoholic beverages who is licensed pursuant to this Ordinance who sells or allows to be sold alcoholic beverages to a person obviously intoxicated, is deemed to have violated this Ordinance and upon a finding thereof is punishable of a civil penalty of up to Five Hundred Dollars (\$500.00) for each infraction.

(C) No person may give alcoholic beverages to a person apparently under the influence of alcohol.

4.0 Age Limit on Sale of Alcoholic Beverages, Social Host Law—Penalty for Violation

(A) No person shall sell, give, purchase, or otherwise supply alcoholic beverages to any person under the age of twenty-one (21) years of age or permit any person under that age to consume an alcoholic beverage, including cases of alcohol beverages given to a person under twenty-one (21) years of age by his/her parent or guardian, and not adult shall knowingly provide a place for underage drinkers to consume alcohol, regardless of whether or not that adult provides the alcohol.

(B) The penalty for violation of this Section shall be the same as for the offense of Contributing the Delinquency of a Minor, in Chapter 7, *Blackfeet Law and Order Code of 1967, as amended*. Chapter 14. Section 5.¹⁷

(C) Any person who violates this provision may, upon finding thereof, be punished through a civil penalty or a fine of not less than Two Hundred Fifty Dollars (\$250.00) for each violation.

(D) Provided, however, should the drinking age for the State of Montana be changed, the drinking age stated in this Ordinance will automatically be changed to reflect the new change.

5.0 Miscellaneous Prohibitions—Penalty

(A) All licenses to sell at retail alcoholic beverages[sic] pursuant to this Ordinance are hereby prohibited from engaging in the following activities:

1. From engaging in pawnbroking or taking goods or materials in hock; or
2. Lending money or engaging in similar activity to indigent persons solely for the purpose of enabling them to purchase alcoholic beverages in his establishment; or
3. From allowing the consumption of alcoholic beverages on his premises which were purchased for off-premises consumption only; or
4. From allowing fighting or threatening to fight on his premises or from generally failing to keep order in his premises.

(B) Any licensee found to be in violation of any of the provisions of this section shall be deemed to have violated this Ordinance and is subject to a civil penalty of not less than Three Hundred Dollars (\$300.00) for each separate violation.

6.0 Firearms Not Allowed on Premises

(A) There shall be no firearms or other dangerous weapons allowed at any time on the premises where alcoholic beverages are being sold at retail, with the exception of licensed firearms for the maintenance of order, firearms possessed by duly authorized peace officers, and firearms maintained by the licensee for protection of himself, his agents, and invitees.

(B) Any person found in possession of other dangerous weapons on a premises where beverages are being sold at retail shall thereof in court, be subject to a civil fine of not less than Two Hundred Fifty Dollars (\$250.00).

7.0 Minors Not Allowed-Eating Establishments Exception

(A) Minors shall not be allowed in any establishment where alcoholic beverages are sold for on-premises consumption, except where a restaurant or other prepared food business is operated in conjunction therewith.

(B) Any licensee who is found to have violated this provision shall be deemed to have violated this Ordinance and be subject to a civil fine of not less than Two Hundred Fifty Dollars (\$250.00) for each violation.

8.0 Sale of Alcoholic Beverages From Drive-In Windows or Similar Devices Prohibited

(A) It is the public policy of the people of the Blackfeet Nation to stop the carnage that is taking place on the highways of the Blackfeet Reservation,

¹⁷ Resolution No. 214–2011, Amending Ordinance 73, Social Host Law and Penalty, May 5, 2011.

and which is occurring as a result of the high number of drinking drivers. It has been statistically proven that drinking drivers account for a significant percentage of all highway deaths and accidents. It is the public policy of the people of the Blackfeet Nation to prevent drinking and driving, not to encourage or facilitate such action.

(B) It shall be unlawful and a violation of this Ordinance to sell or offer to sell alcoholic beverages through drive-up windows or other similar devices which would allow the retail purchaser to purchase alcoholic beverages while remaining in his vehicle. Drive-up windows and other similar devices are hereby declared to be public nuisances and thus subject to injunction to prevent uses in violation of this Ordinance.

(C) A licensee found to have violated this provision shall be subject to a civil penalty of not less than One Thousand Dollars (\$1,000.00) and not more than Five Thousand Dollars (\$5,000.00).

9.0 Penalty for Violating Ordinance-Revocation of License

(A) If any retail licensee is convicted of a violation under this Ordinance, his license shall be immediately revoked or in the discretion of the Tribal Council such other sanction may be imposed as is authorized by this Ordinance. Any person violating the provisions of this Ordinance shall, upon finding thereof, be deemed guilty and be subject to such fine or penalty as is provided in this Ordinance.

(B) A person under the age of twenty-one (21) years¹⁸ who is found to have violated any provision of this Ordinance shall be subject to a One Hundred Dollar (\$100.00) civil penalty for each offense.

10.0 Officer or Agent, of Firm or Corporation, and Occupant of Premises Deemed Party to Violation

(A) Where a violation of this Ordinance is committed by a corporation or firm, the officer or agent in charge of the premises where the violation was committed shall be deemed to be a party to the violation and shall be personally liable to [sic] the penalties prescribed for the offense as principal offender.

(B) Upon proof of the fact that a violation of this Ordinance has been committed by any person in the employ of the occupant of any house or premises, or by any guest of the occupant of any premises where the violation was committed, the occupant

of the premises shall be personally liable for the penalties prescribed for the violation as principal offender, notwithstanding the fact that the occupant did not commit the violation or authorize its commission.

(C) Nothing in sections (A) and (B) above will relieve the person actually committing the offense for liability, therefore.

11.0 Injunction Actions

(A) Upon the determination of the Tribal Council, in the exercise of its sound discretion, an injunction and immediate temporary restraining order may be sought against any retail licensee requesting that he be prohibited from further sales of alcoholic beverages and that his business as enacted activities be immediately suspended.

(B) The action may be started by the Tribal Council filing a petition in the Tribal Court, verified by affidavit, showing the need for immediate measures and showing that the licensee has been notified.

(C) If the Court finds that the circumstances present a public nuisance or that the public health and welfare has been or in endangered it shall issue a temporary restraining order and schedule a show cause hearing no later than five (5) working days from the date the temporary order is issued.

(D) The temporary restraining order will dissolve of its own force and effect on the fifth day if the Tribe fails to go forward on its petition on the day set for the hearing.

12.0 Delegation of Authority

The Blackfeet Tribal Council hereby reserves the right to delegate any of the powers and duties stated in this Ordinance to any agency of the Blackfeet Tribe. In the event of such a delegation, the Tribal Council shall promptly notify all interested persons by proper publication of which activities or duties have been delegated and to which agency the delegation was made.

13.0 Federal Laws Applicable

The Federal Indian Liquor Laws remain applicable to any act or transaction not authorized by this Ordinance and not otherwise in compliance with Federal law, violators may be subject to federal prosecution.

Part 8. Regulation of Wholesalers, Brewers, and State Liquor Stores

1.0 Brewers License To Sell Products—License Fee

(A) It shall be unlawful for any brewer of beer, wherever located, to sell his product within the exterior boundaries

of the Blackfeet Reservation without first obtaining a license and paying the appropriate fee as provided by this Ordinance.

(B) Every brewer who is licensed to do business within the State of Montana, may obtain a license to sell his product within the Blackfeet Indian Reservation by making application with the Blackfeet Tribal Council and submitting a fee of Five Hundred Dollars (\$500.00) therewith.

(C) Upon being satisfied that the applicant is duly licensed by the State of Montana, and otherwise of good moral character, the Tribal Council shall issue such a license to the applicant.

2.0 Wholesale Distribution of Beer and Wine—License Required—Fee

(A) It shall be unlawful for any person or firm to sell, offer to sell, or possess for sale any beer, or wine, or both, for wholesale distribution, within the exterior boundaries of the Blackfeet Reservation without first obtaining license and paying the appropriate fee as required by this Ordinance.

(B) Any person desiring to possess and sell beer for wholesale or wine for wholesale, or both, under the provisions of this Ordinance shall apply to the Tribal Council for a license to do so, submitting with his application his annual license fee of One Thousand Dollars (\$1,000.00).

(C) Upon being satisfied that the applicant is a good moral character, has sufficient capital and is otherwise a law-abiding citizen, the Tribal Council shall issue the license to the applicant.

(D) If the Tribal Council shall determine that the license should not be granted, the applicant shall be promptly notified, and his license fee returned.

(E) This provision does not apply to stores owned or operated by the State of Montana as State Liquor Stores.

3.0 State Liquor Store—Limit—Fee

(A) There shall be one (1) State Liquor Store on the Blackfeet Indian Reservation. Said store shall not sell alcoholic beverages on the Blackfeet Indian Reservation, whether at wholesale or retail, without first obtaining a license pursuant to this Ordinance and paying the appropriate fee.

(B) Upon application by the State of Montana and the tendering of a One Thousand Dollars (\$1,000.00) license therewith, Tribal Council shall issue a license to the State Liquor Store which will enable said store to sell alcoholic beverages at wholesale and at retail.

¹⁸ Resolution No. 214–2011, Amending Ordinance 73, Social Host Law and Penalty, May 5, 2011.

4.0 *Renewal—Suspension—Revocation—Expiration*

Licenses issued to wholesale distributors of alcoholic use, brewers, and the State Liquor Store, pursuant to this Part, shall be subject to expiration, renewal, revocation, and suspension pursuant to the provisions of Part 4, Sections 7, 8 and 9.

5.0 *Violators—Enforcement*

The provisions of this Part may be enforced pursuant to the provisions of Part 6, Sections 1 through 6 of this Ordinance, including those provisions providing for the seizure and forfeiture of contraband alcoholic beverages and conveyance devices which are used in violation of this Ordinance.

Part 9. Effective Date and Repeal

1.0 *Effective Date*

This Ordinance shall be effective upon approval by the Bureau of Indian Affairs and publication as required by law.

2.0 *Repeal of Prior Ordinances and Resolutions*

This Ordinance No. 73 hereby repeals all prior ordinances and resolutions which regulate or purport to regulate the sale and distribution of alcoholic beverages within the Blackfeet Indian Reservation including Ordinance No. 6A. This Ordinance as amended, is controlling.

[FR Doc. 2024–30255 Filed 12–18–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–39226; PPWOCRADIO, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before December 7, 2024, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by January 3, 2025.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line “Public Comment on <property or proposed district name, (County) State>.” If you

have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT:

Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov*, 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before December 7, 2024. Pursuant to section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

ALABAMA

Montgomery County

Peacock Tract Historic District, (The Civil Rights Movement in Montgomery, Alabama, 1850–1984 MPS), The district includes all or part of the following blocks: 1000 block Aaron Street 800–1000 blocks Adeline Street 2000 block Beach Street 800–1100 blocks Bragg Street 1100 block Broughton Street 600–700 block Bullock Street, Montgomery, MP100011302.

ARIZONA

Maricopa County

Tal’-Wi-Wi Ranch, 9801 N Litchfield Rd. and 9816 N Litchfield Rd., El Mirage vicinity, SG100011259.

ARKANSAS

Baxter County

Domino Shed, 9736 Arkansas Highway 14, Big Flat, SG100011298.
Uncle Willie Huffines Park, 11812 Arkansas Highway 14, Big Flat vicinity, SG100011299.

Benton County

Bentonville Post Office, 201 NE 2nd Street, Bentonville, SG100011312.

Clark County

John Duke Wells Health, Physical Education, and Recreation Building, 1192 M.H. Russell Drive, Arkadelphia, SG100011297.
Ross, Jane, House, 1049 Henderson Street, Arkadelphia, SG100011313.

Hot Spring County

L’ Eau Fraiss Creek Bridge, L’Eau Fraiz Road over L’ Eau Fraiss Creek, Malvern, SG100011291.

Polk County

Old U.S. 71 Ouachita River Bridges, Polk County Road 109 over the Ouachita River, Acorn, SG100011300.

Pulaski County

Steele-Dortch General Store, (Cotton and Rice Farm History and Architecture in the Arkansas Delta MPS), 4815 Arkansas Highway 161 South, Scott, MP100011294.
West 12th Street Overpass, West 12th Street over the Union Pacific Railroad Line, Little Rock, SG100011295.
West 14th Street Overpass, West 14th Street over the Union Pacific Railroad Line, Little Rock, SG100011296.
Tanner, James W. and Billie, House, (Arkansas Designs of E. Fay Jones MPS), 12821 Ridgehaven Road, Little Rock, MP100011314.

Searcy County

Brush Creek Bridge, Center Street over Brush Creek, Marshall, SG100011301.

CALIFORNIA

Alameda County

Southern Pacific 16th Street Station and 16th Street Tower, (African Americans in California, 1850–1974 MPS), 1798 16th Street, 1601 Wood Street and 1709 Wood Street (1405 Wood Street), Oakland, MP100011288.

Santa Barbara County

Saint Paul African Methodist Episcopal Church, Santa Barbara, (African Americans in California, 1850–1974 MPS), 502 Olive Street, Santa Barbara, MP100011289.

COLORADO

Pitkin County

Berger Cabin, 835 West Main Street, Aspen, SG100011303.

KANSAS

Reno County

Bernard’s Restaurant and Catering, 2100 South Bonebrake Street, Hutchinson, SG100011284.

Shawnee County

Mount Auburn Cemetery, (African American Resources in Topeka, Shawnee County, Kansas MPS), 916 Southeast California Avenue, Topeka, MP100011285.
Second Missionary Baptist Church, (African American Resources in Topeka, Shawnee County, Kansas MPS), 416 and 424 NW Laurent Street, Shawnee, MP100011286.

KENTUCKY**Bullitt County**

Camp Crescendo, 1480 Pine Tavern Rd.,
Lebanon Junction, SG100011306.

Fayette County

Luigart Malt House, 110 Luigart Court, 754–
758 North Limestone, Lexington,
SG100011307.

Jefferson County

Armour & Co. Branch House, 201 E Main St.,
Louisville, SG100011308.

Jessamine County

Glass Mill Complex, 1995 Glass Mill Road,
Wilmore, SG100011310.

Kenton County

The Lubber House, 1205 Lee Street,
Covington, SG100011311.

OHIO**Cuyahoga County**

Fellowship Missionary Baptist Church,
(Twentieth-Century African American
Civil Rights Movement in Ohio MPS), 1754
E 55th Street, Cleveland, MP100011262.

SOUTH CAROLINA**Colleton County**

Ruffin High and Elementary School, 155
Patriot Lane, Ruffin, SG100011263.

Richland County

Bellevue-Newman's Field-Gracelynn Terrace
Historic District (Boundary Increase),
Roughly bounded by Bull Street, Elmwood
Avenue, Sumter Street, Marion Street and
Grace Street, Columbia, BC100011282.

WISCONSIN**Milwaukee County**

100 East Building, 100 East Wisconsin
Avenue, Milwaukee, SG100011290.

Waukesha County

Clintonville Federal Savings and Loan
Association, 60 10th Street, Clintonville,
SG100011304.

A request for removal has been made
for the following resource(s):

ALABAMA**Dallas County**

Jackson, Sullivan & Richie Jean, House, (Civil
Rights Movement in Selma, Alabama
MPS), 1416 Lapsley Ave., Selma,
OT13001033.

ARKANSAS**Perry County**

South Fourche LaFave River Bridge, (Historic
Bridges of Arkansas MPS), AR 7, Hollis
vicinity, OT04001044.

Pulaski County

Bush House, (Thompson, Charles L., Design
Collection TR), 1516 Ringo St., Little Rock,
OT82000877.

MISSOURI**Buchanan County**

Livestock Exchange Building, 601 Illinois
Ave., St. Joseph, OT04000342.

Jackson County

National Garage, 1100–1110 McGee St.,
Kansas City, OT00000436.
Exchange Building, 1201–1207 Grand Blvd.,
Kansas City, OT03000524.
Knickerbocker Apartments, 501–535
Knickerbocker Place, Kansas City,
OT03000525.
Holy Name Catholic Church, 2800 E 23rd St.,
Kansas City, OT03000964.
Blackstone Hotel, 817 Cherry St., Kansas
City, OT03001057.
Alana Apartment Hotel, 2700–2706 Troost
Ave. and 1015 E 27th St., Kansas City,
OT06000543.
Smith and Sons Manufacturing Company
Building, (Railroad Related Historic
Commercial and Industrial Resources in
Kansas City, Missouri MPS), 1400–26
Guinotte Ave., Kansas City, OT07001290.
Kansas City Public Library and Board of
Education Building, 1211 McGee St.,
Kansas City, OT100001350.
Imperial Brewing Company Brewery,
(Railroad Related Historic Commercial and
Industrial Resources in Kansas City,
Missouri MPS), 2825 Southwest Blvd.,
Kansas City, OT11000011.
Wiltshire Apartment Hotel, The, (Working-
Class and Middle-Income Apartment
Buildings in Kansas City, Missouri MPS),
703 E 10th St., Kansas City, OT14000377.
Grand Avenue Garage, 718 Grand Ave.,
Kansas City, OT14001238.
Westminster Congregational Church, 3600
Walnut St., Kansas City, OT80002369.
Fowler, Henry T., House, (Armour Boulevard
MRA), 3 E Armour Blvd., Kansas City,
OT83001004.
Ivanhoe Masonic Temple, 2301 E Linwood
Blvd. and 3201 Park Ave., Kansas City,
OT85000942.
Temple Block Building, 531 Walnut, Kansas
City, OT85001344.
Gloyd Building, 921 Walnut, Kansas City,
OT85001610.

An additional documentation has
been received for the following
resource(s):

DISTRICT OF COLUMBIA**District of Columbia**

Lockkeeper's House, C & O Canal Extension
(Additional Documentation), SW corner of
17th St. and Constitution Ave. NW,
Washington, AD73000218.

KENTUCKY**Bourbon County**

Millersburg Historic District (Additional
Documentation), Roughly bounded by
College Ave., Miller, Second, and Trigg
Sts., Millersburg, AD86000697.

Jefferson County

Roosevelt, Theodore, Elementary School
(Additional Documentation), 222 N 17th
St., Louisville, AD82002719.

OHIO**Lake County**

Boyce, Julia F. Country Estate (Additional
Documentation), 37813–19 Euclid Ave.,
Willoughby, AD100009151.

SOUTH CAROLINA**Richland County**

Bellevue-Newman's Field-Gracelynn Terrace
Historic District (Additional
Documentation), Roughly bounded by
Sumter St., Anthony Ave., Bull St., and
Elmwood Ave., Columbia, AD97001206.

Nomination(s) submitted by Federal
Preservation Officers:

The State Historic Preservation
Officer reviewed the following
nomination(s) and responded to the
Federal Preservation Officer within 45
days of receipt of the nomination(s) and
supports listing the properties in the
National Register of Historic Places.

COLORADO**Grand County**

First Creek Ski Cabin, West of Highway 40
on Berthoud Pass near First Creek, Winter
Park vicinity, SG100011315.

Authority: Section 60.13 of 36 CFR
part 60.

Sherry A. Frear,

*Chief, National Register of Historic Places/
National Historic Landmarks Program.*

[FR Doc. 2024–30214 Filed 12–18–24; 8:45 am]

BILLING CODE P**DEPARTMENT OF THE INTERIOR****National Park Service**

[NPS–MWR–INDU–38253;
PS.SMWLA0016.00.1]

**Minor Boundary Revision at Indiana
Dunes National Lakeshore; Correction**

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The National Park Service
published a document in the **Federal
Register** of February 28, 2011,
concerning a minor boundary revision
at Indiana Dunes National Lakeshore,
now known as Indiana Dunes National
Park. The document contained an
incorrect map date and reference
number.

FOR FURTHER INFORMATION CONTACT: Lori
Warner, Acting Chief, *lori_warner@
nps.gov*, National Park Service, Interior
Regions 3, 4, 5, Land Resources Program
Center, 601 Riverfront Drive, Omaha,
Nebraska, 68102, telephone (402) 661–
1706.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of February 28, 2011, in FR Doc. 2011–4352, on page 10915, in the second column, in the **SUMMARY** section, the map date, “October 2009” and reference number, “314/80,013” are corrected to read: “February 2010” and “626/101,023.”

Herbert Frost,

Regional Director, Interior Regions 3, 4, 5.

[FR Doc. 2024–30206 Filed 12–18–24; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–751 and 731–TA–1729 (Preliminary)]

Erythritol from China; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–751 and 731–TA–1729 (Preliminary) pursuant to the Tariff Act of 1930 (“the Act”) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of erythritol from China, provided for in subheading 2905.49.40 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the government of China. Unless the Department of Commerce (“Commerce”) extends the time for initiation, the Commission must reach preliminary determinations in antidumping and countervailing duty investigations in 45 days, or in this case by January 27, 2025. The Commission’s views must be transmitted to Commerce within five business days thereafter, or by February 3, 2025.

DATES: December 13, 2024.

FOR FURTHER INFORMATION CONTACT: Celia Feldpausch (202) 205–2387, Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting

the Commission’s TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to petitions filed on December 13, 2024, by Cargill, Incorporated, Wayzata, Minnesota.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission’s Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission’s rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission’s rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Office of Investigations will hold a staff conference in connection with the preliminary phase of these investigations beginning at 9:30 a.m. on Friday, January 3, 2025. Requests to appear at the conference should be emailed to preliminaryconferences@usitc.gov (DO NOT FILE ON EDIS) on or before Tuesday, December 31, 2024. Please provide an email address for each conference participant in the email. Information on conference procedures, format, and participation, including guidance for requests to appear as a witness via videoconference, will be available on the Commission’s Public Calendar (Calendar (USITC) | United States International Trade Commission). A nonparty who has testimony that may aid the Commission’s deliberations may request permission to participate by submitting a short statement.

Please note the Secretary’s Office will accept only electronic filings during this time. Filings must be made through the Commission’s Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Written submissions.—As provided in §§ 201.8 and 207.15 of the Commission’s rules, any person may submit to the Commission on or before 5:15 p.m. on January 8, 2025, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than 4:00 p.m. on Thursday, January 2, 2025. All written submissions must conform with the provisions of § 201.8 of the Commission’s rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission’s rules. The Commission’s *Handbook on Filing Procedures*, available on the Commission’s website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission’s procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to § 207.3 of the Commission’s rules, any person

submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: December 13, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–30201 Filed 12–18–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–746–747 and 731–TA–1724–1725 (Preliminary)]

Overhead Door Counterbalance Torsion Springs From China and India

Determinations

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of overhead door counterbalance torsion springs from China and India, provided for in subheadings 7308.90.95, 7320.20.50, 8412.80.10, and 8412.90.90 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (“LTFV”) and to be subsidized by the governments of China and India.²

¹ The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

² 89 FR 92901 (November 25, 2024); 89 FR 92895 (November 25, 2024).

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (“Commerce”) of affirmative preliminary determinations in the investigations under §§ 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under §§ 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Any other party may file an entry of appearance for the final phase of the investigations after publication of the final phase notice of scheduling. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations. As provided in section 207.20 of the Commission's rules, the Director of the Office of Investigations will circulate draft questionnaires for the final phase of the investigations to parties to the investigations, placing copies on the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>), for comment.

Background

On October 29, 2024, IDC Group, Inc., Minneapolis, Minnesota, Iowa Spring Manufacturing, Inc., Adel, Iowa, and Service Spring Corp., Maumee, Ohio, filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of overhead door counterbalance torsion springs from China and India and LTFV imports of overhead door counterbalance torsion springs from China and India. Accordingly, effective October 29, 2024, the Commission instituted countervailing duty investigation Nos. 701–TA–746–747 and

antidumping duty investigation Nos. 731–TA–1724–1725 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of November 4, 2024 (89 FR 87598). The Commission conducted its conference on November 19, 2024. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on December 13, 2024. The views of the Commission are contained in USITC Publication 5572 (December 2024), entitled *Overhead Door Counterbalance Torsion Springs from China and India: Investigation Nos. 701–TA–746–747 and 731–TA–1724–1725 (Preliminary)*.

By order of the Commission.

Issued: December 13, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–30086 Filed 12–18–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–721 and 731–TA–1689 (Final)]

Alkyl Phosphate Esters From China; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–721 and 731–TA–1689 (Final) pursuant to the Tariff Act of 1930 (“the Act”) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of alkyl phosphate esters from China, provided for in subheading 2919.90.50 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the

Department of Commerce ("Commerce") to be sold at less-than-fair-value and subsidized by the government of China.

DATES: December 4, 2024.

FOR FURTHER INFORMATION CONTACT:

Celia Feldpausch (202) 205-2387 and Laurel Schwartz (202) 205-2398, Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of these investigations, Commerce has defined the subject merchandise as “. . . halogenated and non-halogenated phosphorus-based esters with a phosphorus content of at least 6.5 percent (per weight) and a viscosity between 1 and 2000 mPa.s (at 20–25 °C).

Merchandise subject to these investigations primarily includes Tris (2-chloroisopropyl) phosphate (TCPP), Tris (1,3-dichloroisopropyl) phosphate (TDCP), and Triethyl Phosphate (TEP).

TCPP is also known as Tris (1-chloro-2-propyl) phosphate, Tris (1-chloropropan-2-yl) phosphate, Tris (monochloroisopropyl) phosphate (TMCP), and Tris (2-chloroisopropyl) phosphate (TCIP). TCPP has the chemical formula $C_9H_{18}Cl_3O_4P$ and the Chemical Abstracts Service (CAS) Nos. 1244733-77-4 and 13674-84-5. It may also be identified as CAS No. 6145-73-9.

TDCP is also known as Tris (1,3-dichloroisopropyl) phosphate, Tris (1,3-dichloro-2-propyl) phosphate, Chlorinated tris, tris {2-chloro-1-(chloromethyl ethyl)} phosphate, TDCPP, and TDCIPP. TDCP has the chemical formula $C_9H_{15}Cl_6O_4P$ and the CAS No. 13674-87-8.

TEP is also known as Phosphoric acid triethyl ester, phosphoric ester, flame retardant TEP, Tris(ethyl) phosphate, Triethoxyphosphine oxide, and Ethyl phosphate (neutral). TEP has the chemical formula $(C_2H_5O)_3PO$ and the CAS No. 78-40-0.

Imported alkyl phosphate esters are not excluded from the scope of these investigations even if the imported alkyl

phosphate ester consists of a single isomer or combination of isomers in proportions different from the isomers ordinarily provided in the market.

Also included in these investigations are blends including one or more alkyl phosphate esters, with or without other substances, where the alkyl phosphate esters account for 20 percent or more of the blend by weight.

Alkyl phosphate esters are classified under statistical reporting number 2919.90.5050 of the Harmonized Tariff Schedule of the United States (HTSUS). Imports may also be classified under HTSUS statistical reporting numbers 2919.90.5010 and 3824.99.5000. The HTSUS provisions are for convenience and customs purposes. The written description of the scope is dispositive.”

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by Commerce that certain benefits which constitute subsidies within the meaning of § 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China of alkyl phosphate esters, and that such products are being sold in the United States at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on April 23, 2024, by ICL-IP America, Inc., St. Louis, Missouri.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on March 27, 2025, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Thursday, April 10, 2025. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before Friday, April 4, 2025. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear via videoconference must include a statement explaining why the witness cannot appear in person; the Chairman, or other person designated to conduct the investigations, may in their discretion for good cause shown, grant such a request. Requests to appear as remote witness due to illness or a positive COVID-19 test result may be submitted by 3 p.m. the business day prior to the hearing. Further information about participation in the hearing will be posted on the Commission's website at <https://www.usitc.gov/calendarpad/calendar.html>.

A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to

appear at the hearing and make oral presentations should attend a prehearing conference, if deemed necessary, to be held at 9:30 a.m. on Monday, April 7, 2025. Parties shall file and serve written testimony and presentation slides in connection with their presentation at the hearing by no later than noon on April 9, 2025. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is 5:15 p.m. on April 3, 2025. Parties shall also file written testimony in connection with their presentation at the hearing, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is 5:15 p.m. on April 17, 2025. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before 5:15 p.m. on April 17, 2025. On May 9, 2025, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before 5:15 p.m. on May 13, 2025, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless

the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: December 13, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–30170 Filed 12–18–24; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On December 10, 2024, the Department of Justice lodged a proposed consent decree with the United States District Court for the Southern District of Illinois in the lawsuit entitled *United States and State of Illinois v. City of Cahokia Heights*, Civil Action No. 24–2591.

The United States and State of Illinois filed a complaint against the City of Cahokia Heights (the “City”). The complaint alleges that the City has discharged sewage from its sewage collection system into the local waterways without a permit, in violation of the Clean Water Act (“CWA”). Under the proposed consent decree filed along with the complaint, the City will implement comprehensive changes to its sewer system intended to bring the City into compliance with the CWA, including capital improvement projects, and changes to its operation and maintenance practices.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. City of Cahokia Heights*, D.J. Ref. No. 90–5–1–1–12434. All comments must be submitted no later than sixty (60) days after the publication date of this notice.

Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the consent decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Laura Thoms,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2024–30056 Filed 12–18–24; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request, Partners for Reentry Opportunities in Workforce Development (PROWD) Evaluation, New Collection

AGENCY: Office of the Assistant Secretary for Policy, Chief Evaluation Office, Department of Labor.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents is properly assessed. Currently, the Department of Labor is soliciting comments concerning the collection of

data about the Partners for Reentry Opportunities in Workforce Development (PROWD) Evaluation. A copy of the proposed Information Collection Request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before February 18, 2025.

ADDRESSES: You may submit comments by either one of the following methods: *Email:* ChiefEvaluationOffice@dol.gov; *Mail or Courier:* Evan Murphy, Chief Evaluation Office, OASP, U.S. Department of Labor, Room S-2312, 200 Constitution Avenue NW, Washington, DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and OMB Control Number identified above for this information collection. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Evan Murphy by email at ChiefEvaluationOffice@dol.gov or by phone at (202) 693-0224.

SUPPLEMENTARY INFORMATION:

I. *Background:* The U.S. Department of Labor (DOL), in partnership with the Department of Justice (DOJ) Bureau of Prisons (BOP), awarded the Partners for Reentry Opportunities in Workforce Development (PROWD) grants to provide employment-related reentry

services to people exiting the federal prison system. DOL's Chief Evaluation Office (CEO) has partnered with the Employee and Training Administration's Reentry Employment Opportunity (REO) Program to conduct an independent evaluation of the PROWD grants. This study will provide DOL, BOP, grantees, and other constituents with knowledge about the implementation and impact of grantees awarded PROWD grants in Fall 2023, including how grantees are preparing people exiting federal prisons to find and maintain good jobs after release. DOL CEO is working with an evaluation team led by Mathematica and their partners RTI International and Abt Global. This **Federal Register** Notice provides the opportunity to comment on proposed data collection instruments that will be used in the impact evaluation:

1. *Impact study participant baseline survey.* This 15-minute survey will be administered by PROWD grantee staff to up to 3,000 individuals enrolling in services at two stages in service delivery: in the BOP prisons and residential reentry centers (RRCs), for a total of up to 6,000 responses (2,000 responses a year annualized across three years). The survey will ask about basic demographic information and personal identifiers needed for record linking, employment history, and criminal justice history, and if completing the survey at the RRC, what PROWD or other employment services they received in the BOP correctional institution.

II. *Desired Focus of Comments:* Currently, the Department of Labor is soliciting comments concerning the

above data collection for the Partners for Reentry Opportunities in Workforce Development (PROWD) Evaluation. DOL is particularly interested in comments that do the following:

- evaluate whether the proposed collection of information is necessary for the proper performance functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's burden estimate of the proposed information collection, including the validity of the methodology and assumptions;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology—for example, permitting electronic submissions of responses.

III. *Current Actions:* At this time, the Department of Labor is requesting clearance for the impact study participant baseline survey.

Type of Review: New information collection request.

OMB Control Number: 1290-0NEW.

Affected Public: Individuals or households.

Comments submitted in response to this request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

ESTIMATED ANNUAL BURDEN HOURS

Type of instrument (form/activity)	Number of respondents	Number of responses per respondent	Total number of responses	Average burden time per response (hours)	Estimated burden hours
Impact study participant baseline survey	¹ 1,000	2	2,000	.25	500
Total	1,000	.....	2,000	.....	500

¹ Assumes approximately 3,000 program participants will complete the baseline survey up to two times over the three-year clearance period.

Alix Gould-Werth,
Chief Evaluation Officer, U.S. Department of Labor.
[FR Doc. 2024-30205 Filed 12-18-24; 8:45 am]
BILLING CODE 4510-HX-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-0925; NRC-2023-0087]

Cimarron Environmental Response Trust; Cimarron Facility; Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering amending Special Nuclear Materials (SNM) License No. SNM-928, which is held by the Cimarron Environmental Response Trust (CERT) for activities at the site of the former Cimarron Fuel Fabrication Facility (Cimarron site) in Logan County, Oklahoma. The license amendment would approve a revision to

the site decommissioning plan developed by Environmental Properties Management, LLC (EPM) to address remaining groundwater contamination at the Cimarron site. The NRC staff is issuing an environmental assessment (EA) and finding of no significant impact (FONSI) associated with the proposed amendment.

DATES: The EA and FONSI referenced in this document are available on December 19, 2024.

ADDRESSES: Please refer to Docket ID NRC-2023-0087 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0087. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION**

CONTACT section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

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

FOR FURTHER INFORMATION CONTACT: Christine Pineda, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6789; email: Christine.Pineda@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering amending license no. SNM-928, held by the CERT,

for NRC-regulated activities at the site of the former Cimarron Fuel Fabrication Facility located near Cimarron City along the Cimarron River in Logan County, Oklahoma. On October 7, 2022, EPM submitted a request to the NRC for a license amendment that would approve revision 3 of the site decommissioning plan. Revision 3 of the decommissioning plan details EPM's plans to install, operate, and dismantle a groundwater treatment system at the site.

As required in section 51.21 of title 10 of the *Code of Federal Regulations* (10 CFR), "Criteria for and identification of licensing and regulatory actions requiring environmental assessments," the NRC developed an EA for the proposed license amendment, which would incorporate the revised decommissioning plan into the license. Based on the results of the EA, the NRC has determined not to prepare an environmental impact statement for the proposed amendment and is issuing a FONSI.

II. Summary of Environmental Assessment

Description of the Proposed Action

The proposed Federal action is amending the license to incorporate a revised decommissioning plan that details EPM's plans to construct, operate, and dismantle a groundwater treatment system. The proposed groundwater treatment operation would reduce concentrations of uranium in groundwater to 6.7 becquerels per liter (Bq/L) (180 picocuries per liter [pCi/L]), as required in condition 27(b) of license no. SNM-928. The establishment of this criterion assumed the use of groundwater as a drinking water source and for the raising of produce (plants and livestock) by a resident farmer. Treated groundwater would be reinjected to the ground or discharged to the Cimarron River. After groundwater treatment is complete, EPM would conduct monitoring, dismantle the treatment system, and perform a final status survey before requesting NRC license termination. The entire groundwater treatment process would take about 16 years. Remediation would be completed in about 12.5 years, followed by about 3 years of groundwater monitoring, dismantling activities, and the development and implementation of a final status survey.

The proposed license amendment to approve the decommissioning plan would also authorize the possession of technetium-99 (Tc-99), which is present in the groundwater. Because treatment of the groundwater would likely result

in the concentration of Tc-99 in the treatment media, the addition of Tc-99 to the license would allow the licensee to possess and dispose of contaminated material containing both uranium and Tc-99 as low-level radioactive waste.

The proposed action is in accordance with the licensee's application dated October 7, 2022, as supplemented by letters dated November 3, 2023; November 15, 2023; and December 8, 2023.

Need for the Proposed Action

The purpose of the NRC's proposed action is to amend the license to incorporate the revised decommissioning plan, which details EPM's plans to conduct groundwater cleanup activities to ensure that the site will comply with NRC decommissioning criteria and standards in 10 CFR part 20, "Standards for Protection Against Radiation," for protection of the public and the environment. Groundwater remediation is needed so that the NRC can ultimately release the site from and terminate license no. SNM-928.

Environmental Impacts of the Proposed Action

The NRC staff assessed the impacts of the proposed action on land use; historical and cultural resources; visual and scenic resources; climatology, meteorology and air quality; geology, minerals, and soils; water resources; ecological resources; socioeconomic conditions; noise; traffic and transportation; public and occupational health and safety; and waste management. The NRC staff concluded that, as detailed in the revised decommissioning plan, construction, operation, and decommissioning of the proposed groundwater remediation system would have a beneficial impact on groundwater quality and would not have significant impacts on land use, visual and scenic resources, the geologic environment, surface water resources, air quality, noise, socioeconomic conditions, public and occupational health, transportation, and waste generation and management. The NRC staff concluded, after consultation with the Oklahoma State Historic Preservation Office and the Oklahoma Archaeological Survey and receiving input from Native American Tribes, that the proposed action would not cause effects on resources that are eligible for listing on the National Register of Historic Places and that no Tribal cultural resources have been identified or are known to exist on the site. In consultation with the Oklahoma Ecological Services Field Office of the

U.S. Fish and Wildlife Service and the Oklahoma Department of Environmental Quality (DEQ), the NRC staff concluded that the proposed action may affect but is not likely to adversely affect terrestrial threatened or endangered species, would not affect the aquatic threatened or endangered species, and may modify but is not likely to adversely modify critical habitat for two species of fish. Finally, the staff found that the proposed decommissioning activities would not have disproportionate and adverse human health and environmental effects on minority and low-income populations living near the Cimarron site. The proposed action would result in the remediation of uranium to concentration limits required by the NRC, specified in license condition 27(c). In addition, the proposed action would result in the removal of some Tc-99 from groundwater, but the concentrations of Tc-99 in groundwater are already below the NRC limit. The Oklahoma DEQ plans to work with EPM during and after the proposed action to further address Tc-99, as well as nitrate and fluoride levels in the groundwater. After groundwater remediation for uranium is complete and the NRC license is terminated, EPM would follow any controls that may be established by the Oklahoma DEQ for future land use or groundwater use.

Environmental Impacts of the Alternatives to the Proposed Action

The NRC staff considered the “no-action alternative.” Under the no-action alternative, the NRC would not approve the revised decommissioning plan as proposed and EPM would need to prepare and submit a new plan for review. Site maintenance activities would continue in the meantime. The impacts from the no-action alternative ultimately would be similar to the impacts of the proposed action described in the EA, albeit delayed by the amount of time needed to revise, review, and approve a new groundwater treatment plan.

Agencies and Persons Consulted

The NRC provided the draft EA in June 2024 to the Oklahoma DEQ for review and comment. The Oklahoma DEQ provided clarifying comments regarding the State’s role during and after the NRC-licensed decommissioning activities to further ensure public health and safety at the site, clarification regarding limits to be established in the permit for discharges of treated groundwater to the Cimarron River, clarification regarding State Tc-99 limits in discharges and in groundwater, and corrections. The EA reflects changes the NRC staff made to address these State comments.

As described in the “Environmental Impacts of the Proposed Action” section of this notice, during the preparation of

the EA the NRC staff consulted with the Oklahoma State Historic Preservation Office, the Oklahoma Archaeological Survey, and the U.S. Fish and Wildlife Service. The EA reflects the information received from these agencies to address cultural and historic resources and threatened and endangered species.

Throughout the development of the EA, the NRC staff communicated with Native American Tribes. While no Tribes requested formal consultation, several Tribes requested to be kept informed of the status of the NRC’s review. Section 4.2 of the EA details the NRC’s communications with Tribes over the course of this review.

III. Finding of No Significant Impact

The NRC staff prepared the EA as part of its review of the proposed action. On the basis of the EA, the NRC finds that there would be no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a FONSI is appropriate. In accordance with 10 CFR 51.32(a)(4), this FONSI incorporates the EA by reference.

IV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document description	ADAMS accession No.
Environmental Assessment for Revised Decommissioning Plan Proposal to Remediate Groundwater at the Cimarron Site in Logan County, Oklahoma, dated November 2024.	ML24334A062.
Cimarron Environmental Response Trust Facility Decommissioning Plan—Revision 3, dated October 7, 2022	ML22286A041 (Package).
Response to NRC Request for Additional Information for the EA, dated November 3, 2023	ML23319A252.
Response to NRC Request for Additional Information Related to Nuclear Criticality Safety, dated November 15, 2023.	ML23319A203.
Response to NRC Request for Additional Information for the SER, dated December 8, 2023	ML23346A262.
NRC Form 374—Materials License SNM-928, Amendment 21, dated February 14, 2011	ML110270373.
Email to State of Oklahoma Requesting Review of Draft EA, dated May 31, 2024	ML24316A012.
State of Oklahoma Comments on Draft EA, dated August 2, 2024	ML24218A172.
State of Oklahoma Letter to NRC—National Pollutant Discharge Elimination System Permit Discharge Limits, dated October 11, 2024.	ML24309A252.

Dated: December 13, 2024.
For the Nuclear Regulatory Commission.
Robert Sun,
*Chief, Environmental Project Management
Branch 2, Division of Rulemaking,
Environmental, and Financial Support, Office
of Nuclear Material Safety and Safeguards.*
[FR Doc. 2024–30215 Filed 12–18–24; 8:45 am]
BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION
Licensing Support Network Advisory Review Panel; Charter Renewal
AGENCY: Nuclear Regulatory Commission.
ACTION: Notice of charter renewal.
SUMMARY: The Licensing Support System Advisory Review Panel was established by the U.S. Nuclear Regulatory Commission (NRC) as a Federal Advisory Committee in 1989. Its

purpose was to provide advice on the fundamental issues of design and development of an electronic information management system to be used to store and retrieve documents relating to the licensing of a geologic repository for the disposal of high-level radioactive waste, and on the operation and maintenance of the system. This electronic information management system was known as the Licensing Support System.
FOR FURTHER INFORMATION CONTACT: Russell E. Chazell, Office of the

Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: (301) 415-7469 or at Russell.Chazell@nrc.gov.

SUPPLEMENTARY INFORMATION: In November 1998, the Commission approved amendments to title 10 *Code of Federal Regulations* part 2 that renamed the Licensing Support System Advisory Review Panel as the Licensing Support Network Advisory Review Panel (LSNARP). The Licensing Support Network (LSN) was shut down in 2011 and the document collection was submitted to the Office of the Secretary. The document collection was made publicly available in the NRC's Agencywide Documents Access and Management System in August 2016 and contains over 3.69 million documents associated the proposed high-level waste facility at Yucca Mountain. Membership on the Panel will continue to be drawn from those whose interests could be affected by the use of the LSN document collection, including the Department of Energy, the NRC, the State of Nevada, the National Congress of American Indians, affected units of local governments in Nevada, the Nevada Nuclear Waste Task Force, and nuclear industry groups. Federal agencies with expertise and experience in electronic information management systems may also participate on the Panel.

The NRC has determined that renewal of the charter for the LSNARP until December 16, 2026, is in the public interest in connection with duties imposed on the Commission by law. This action is being taken in accordance with the Federal Advisory Committee Act after consultation with the Committee Management Secretariat, General Services Administration.

Dated at Rockville, Maryland, this 16th day of December, 2024.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2024-30240 Filed 12-18-24; 8:45 am]

BILLING CODE 7590-01-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a

domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1036 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-793, K2025-792.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024-30145 Filed 12-18-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1026 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-781, K2025-780.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024-30156 Filed 12-18-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 527 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-765, K2025-764.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024-30120 Filed 12-18-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 995 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2025–745, K2025–744.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30092 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1017 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–769, K2025–768.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30133 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1055 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–812, K2025–811.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30188 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1038 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–795, K2025–794.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30147 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal

Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1007 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–757, K2025–756.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30123 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1021 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–774, K2025–773.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30137 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 13, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 534 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–818, K2025–818.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30199 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1023 to Competitive Product List*. Documents are available at

www.prc.gov, Docket Nos. MC2025–776, K2025–775.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30153 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P**POSTAL SERVICE****Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1027 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–782, K2025–781.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30157 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1012 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–762, K2025–761.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30128 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1037 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–794, K2025–793.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30146 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal

Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1002 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-752, K2025-751.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30099 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1058 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-816, K2025-816.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30191 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1040 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-797, K2025-796.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30173 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 13, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 535 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2025-824, K2025-824.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30200 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1020 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-773, K2025-772.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30136 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1001 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–751, K2025–750.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30098 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.
DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1054 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–811, K2025–810.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30187 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal

Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1056 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–813, K2025–812.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30189 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1019 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–772, K2025–771.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30135 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1016 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–768, K2025–767.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30132 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract*

1030 to Competitive Product List. Documents are available at www.prc.gov, Docket Nos. MC2025–785, K2025–784.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30139 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 525 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–738, K2025–737.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30106 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 9, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 521 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–724, K2025–723.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30102 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 996 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–746, K2025–745.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30093 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a

domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 13, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1060 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–819, K2025–819.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30193 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 13, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1061 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–820, K2025–820.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30194 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 992 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–741, K2025–740.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30089 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1033 to Competitive Product List*.

Documents are available at www.prc.gov, Docket Nos. MC2025–789, K2025–788.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30142 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1015 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–767, K2025–766.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30131 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 524 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–737, K2025–736.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30105 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1018 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–771, K2025–770.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30134 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal

Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 13, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1062 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-821, K2025-821.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30195 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 528 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-766, K2025-765.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30148 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1025 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-780, K2025-779.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30155 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 532 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2025-792, K2025-791.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30171 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 13, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1063 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-822, K2025-822.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30196 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1034 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–790, K2025–789.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30143 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.
DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1057 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–814, K2025–813.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30190 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal

Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1000 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–750, K2025–749.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30097 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1006 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–756, K2025–755.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30122 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1011 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–761, K2025–760.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30127 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract*

1014 to Competitive Product List. Documents are available at www.prc.gov, Docket Nos. MC2025–764, K2025–763.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30130 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12-P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 522 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–735, K2025–734.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30103 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1039 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–796, K2025–795.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30172 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1009 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–759, K2025–758.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30125 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal

Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1029 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–784, K2025–783.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30159 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1041 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–798, K2025–797.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30174 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12-P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1032 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–788, K2025–787.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30141 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract*

1028 to Competitive Product List.

Documents are available at www.prc.gov, Docket Nos. MC2025–783, K2025–782.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30158 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1051 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–808, K2025–807.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30184 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 531 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–787, K2025–786.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30151 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1035 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–791, K2025–790.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30144 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1042 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-799, K2025-798.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30175 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1047 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-804, K2025-803.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30180 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 523 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-736, K2025-735.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30104 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1046 to Competitive Product List*. Documents are available at

www.prc.gov, Docket Nos. MC2025-803, K2025-802.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30179 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1043 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-800, K2025-799.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30176 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 993 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–742, K2025–741.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30090 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 994 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–744, K2025–743.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30091 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a

domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1052 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–809, K2025–808.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30185 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 991 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–740, K2025–739.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30088 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 990 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–739, K2025–738.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30087 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 530 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2025–779, K2025–778.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30150 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1022 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–775, K2025–774.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30138 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 998 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–748, K2025–747.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30095 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1024 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–777, K2025–776.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30154 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal

Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1013 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–763, K2025–762.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30129 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 13, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1064 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–823, K2025–823.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30197 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 533 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–815, K2025–815.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30198 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1044 to Competitive Product List*. Documents are available at

www.prc.gov, Docket Nos. MC2025–801, K2025–800.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30177 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P**POSTAL SERVICE****Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1005 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–755, K2025–754.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30121 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 526 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–743, K2025–742.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30119 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 529 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–778, K2025–777.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30149 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to

the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1049 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-806, K2025-805.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30182 Filed 12-18-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1004 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-754, K2025-753.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30101 Filed 12-18-24; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1031 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-786, K2025-785.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30140 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract*

1010 to Competitive Product List. Documents are available at www.prc.gov, Docket Nos. MC2025-760, K2025-759.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30126 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1048 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-805, K2025-804.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024-30181 Filed 12-18-24; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1050 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–807, K2025–806.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30183 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 999 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–749, K2025–748.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30096 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1053 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–810, K2025–809.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30186 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1003 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–753, K2025–752.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30100 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 997 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–747, K2025–746.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–30094 Filed 12–18–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 10, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1008 to Competitive Product List*.

Documents are available at www.prc.gov, Docket Nos. MC2025–758, K2025–757.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30124 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1059 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–817, K2025–817.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30192 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 19, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 12, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1045 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–802, K2025–801.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–30178 Filed 12–18–24; 8:45 am]
BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101910; File No. SR–NYSEARCA–2024–111]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the NYSE Arca Options Fee Schedule

December 13, 2024.

Pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 (“Act”) ² and Rule 19b–4 thereunder, ³ notice is hereby given that, on December 11, 2024, NYSE Arca, Inc. (“NYSE Arca” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE Arca Options Fee Schedule (“Fee Schedule”) regarding the charges applicable to Manual executions by NYSE Arca Market Makers. The Exchange proposes to implement the fee change effective December 11, 2024. ⁴ The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of

the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Fee Schedule regarding the fee for Manual executions by NYSE Arca Market Makers (“Market Makers”). Currently, Market Makers are charged \$0.35 per contract for Manual executions. ⁵ The Exchange proposes to increase the fee for Market Makers' Manual executions to \$0.50 per contract. The proposed change is intended to more closely align the Exchange's fee for Manual transactions by Market Makers with fees charged by at least one other competing exchange. ⁶ Although the proposed change would increase the fee for Manual transactions for Market Makers, the Exchange believes Market Makers will continue to quote actively to participate in transactions on the Trading Floor as they do today, thereby promoting trading opportunities and competition on the Trading Floor to the benefit of all market participants.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act, ⁷ in general, and further the objectives of Sections 6(b)(4) and (5) of the Act, ⁸ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its

⁵ See Fee Schedule, NYSE Arca OPTIONS: TRADE-RELATED CHARGES FOR STANDARD OPTIONS, TRANSACTION FEE FOR MANUAL EXECUTIONS—PER CONTRACT.

⁶ See Nasdaq PHLX, Options 7 Pricing Schedule, Section 4 (providing for \$0.50 per contract fee for Market Maker manual transactions).

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(4) and (5).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

⁴ The Exchange previously filed to amend the Fee Schedule on November 29, 2024 (SR–NYSEARCA–2024–105), for December 2, 2024 effectiveness, and withdrew such filing on December 11, 2024.

facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The proposed change is reasonable, equitable, and not unfairly discriminatory. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options securities transaction services that constrain its pricing determinations in that market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”⁹

There are currently 18 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.¹⁰ Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in October 2024, the Exchange had 12.55% market share of executed volume of multiply-listed equity and ETF options trades.¹¹ In such a low-concentrated and highly competitive market, no single options exchange possesses significant pricing power in the execution of option order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules.

The Exchange believes the proposed change is reasonable because, although it would increase the fee for Market Maker Manual executions, it is designed to bring the Exchange’s fee closer into

alignment with a similar fee charged on at least one other competing exchange with a trading floor.¹² In addition, although Market Makers would continue to be subject to a Manual transaction fee greater than those charged to other market participants, the proposed fee is reasonable, on balance, given various other incentives available only to Market Makers.¹³ The Exchange also believes the proposed change, although it would increase the fee applicable to Market Makers’ Manual transactions, would not discourage Market Makers from conducting Manual executions on the Exchange, thereby continuing to attract volume and liquidity to the Exchange generally and to the benefit all market participants (including those that do not participate in Manual executions) through increased opportunities to trade.

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits and is not unfairly discriminatory, as it applies equally to all similarly-situated market participants on an equal and non-discriminatory basis. The proposal is based on the type of business transacted on the Exchange, and Market Makers are not obligated to engage in Manual transactions. Market Makers benefit from having access to interact with orders that are made available in open outcry on the Trading Floor, and the Exchange believes that the proposed increased fee for Market Makers’ Manual transactions is designed to balance the need to attract both Market Makers’ and other market participants’ orders to the Trading Floor. Although the proposed change would increase the fee for Market Makers’ Manual transactions, the Exchange believes Market Makers would continue to quote actively so that they may participate in Manual transactions as they do today, thereby promoting competition and maintaining market quality for all market participants. The Exchange also believes that increasing fees for Manual executions by Market Makers, but not for other market participants, represents an equitable, non-discriminatory allocation of fees on balance because Market Makers continue to be entitled to various incentives not available to other market participants.¹⁴

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the

Exchange’s statement regarding the burden on competition.

B. Self-Regulatory Organization’s Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed change would be consistent with charges for similar business on at least one other market. As a result, the Exchange believes that the proposed change furthers the Commission’s goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes “more efficient pricing of individual stocks for all types of orders, large and small.”¹⁵

Intramarket Competition. The proposed change is designed to continue to promote the use of the Exchange as a primary trading venue, and, specifically, to encourage competition on the Trading Floor. The proposed change is designed to balance the need to attract both Market Makers’ and other market participants’ orders to the Trading Floor. The Exchange believes that the proposed change to the fee applicable to Manual executions by Market Makers would not discourage them from continuing to conduct Manual executions on the Exchange because interacting with orders that are made available in open outcry on the Trading Floor promotes additional opportunities for quality executions. To the extent that this purpose is achieved, all of the Exchange’s market participants should benefit from the continued market liquidity. Enhanced market quality and increased transaction volume that results from the increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange. The Exchange also believes that increasing fees for Manual transactions by Market Makers relative to other market participants does not impose an undue burden on competition because, as noted above, Market Makers have access to other incentives in the Fee Schedule not available to other market participants.¹⁶

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily favor one of the 17 competing option exchanges if they

⁹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (“Reg NMS Adopting Release”).

¹⁰ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics>.

¹¹ Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of ETF-based options, *see id.*, the Exchange’s market share in multiply-listed equity and ETF options increased slightly from 12.19% for the month of October 2023 to 12.55% for the month of October 2024.

¹² See note 6, *supra*.

¹³ See, e.g., Fee Schedule, Market Maker Incentives for SPY and MARKET MAKER PENNY AND SPY POSTING CREDIT TIERS.

¹⁴ See *id.*

¹⁵ See Reg NMS Adopting Release, *supra* note 9, at 37499.

¹⁶ See note 13, *supra*.

deem fee levels at a particular venue to be excessive. Based on publicly-available information, and excluding index-based options, no single exchange currently has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.¹⁷ Therefore, no exchange currently possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in October 2024, the Exchange had 12.55% market share of executed volume of multiply-listed equity and ETF options trades.¹⁸

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees to be more closely aligned with fees charged by at least one other market with a Trading Floor for similar transactions.¹⁹ The Exchange also believes that the proposed change would continue to promote competition between the Exchange and other execution venues because continued Market Maker activity on the Trading Floor would encourage liquidity, thereby maintaining market quality on the Exchange and encouraging orders to be sent to the Exchange for execution. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market quality and increased opportunities for price improvement.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)²⁰ of the Act and subparagraph (f)(2) of Rule 19b-4²¹ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of

investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²² of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEARCA-2024-111 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSEARCA-2024-111. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication

submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSEARCA-2024-111 and should be submitted on or before January 9, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-30165 Filed 12-18-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101906; File No. SR-NASDAQ-2024-080]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Transaction Pricing Schedule of Supplemental Credits at Equity 7, Section 118(a)

December 13, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that, on December 2, 2024, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's schedule of credits, at Equity 7, Section 118(a). Specifically, the Exchange proposes to amend the Supplemental Credit to member for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) that provide liquidity.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

¹⁷ See note 10, *supra*.

¹⁸ See note 11, *supra*.

¹⁹ See note 6, *supra*.

²⁰ 15 U.S.C. 78s(b)(3)(A).

²¹ 17 CFR 240.19b-4(f)(2).

²² 15 U.S.C. 78s(b)(2)(B).

²³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's schedule of credits, at Equity 7, Section 118(a). Specifically, the Exchange proposes to amend the Supplemental Credit to member for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) that provide liquidity. Currently, members that execute a combined volume of at least 5 million shares average daily volume (ADV) through midpoint orders and M-ELO orders during the month are eligible to receive \$0.00015 credit per share executed. The rule also states that this credit cannot be combined with M-ELO Supplemental Credit A.

The proposed amendment seeks to further clarify that M-ELO Supplemental Credit B cannot be combined with QMM Tier 2 Program \$0.0029 discounted remove fee as defined in Equity 7, Section 114(e). The revised language would state that "\$0.00015 (may not be combined with M-ELO Supplemental Credit A or with the QMM Tier 2 Program \$0.0029 discounted remove fee set forth in Section 114(e)).

This proposed change will apply to Tapes A, B, and C. The Exchange periodically reviews its fee and credit structures to ensure clarity and alignment with its overall pricing strategy. The purpose of the proposed amendment is to avoid confusion regarding whether members can receive M-ELO Supplemental Credit B and M-ELO Supplemental Credit A or QMM Tier 2 Program \$0.0029 discounted remove fee set forth in Section 114(e). The Exchange has never intended for participants to receive both the M-ELO Supplemental Credit B and either M-ELO Supplemental Credit A or QMM Tier 2 Program \$0.0029 discounted

remove fee simultaneously. Instead, members have been required to choose the credit for which they qualify, based on the applicable conditions outlined in the fee schedule.

The proposed rule change does not alter the current operation of the fee program but instead codifies the Exchange's existing interpretation, ensuring clarity and consistency in the application of its rules. This codification is part of the Exchange's commitment to maintaining a transparent and straightforward fee schedule and reducing potential misunderstandings among market participants. Further, the amendment aims to eliminate potential overlap between the M-ELO Supplemental Credit B and the QMM Tier 2 Program \$0.0029 discounted remove fee. With this clarification, the Exchange intends to maintain a fair and balanced credit program. The amendment is also designed to ensure that the Exchange's credit programs remain competitive and equitable while avoiding unnecessary complexity in its application.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,³ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,⁴ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed amendment furthers these objectives by clarifying the application of the M-ELO Supplemental Credit B. The amendment avoids confusion regarding whether members can receive both the M-ELO Supplemental Credit B and either M-ELO Supplemental Credit A or QMM Tier 2 Program \$0.0029 discounted remove fee set forth in Section 114(e). This clarification ensures that the credit program operates fairly and promotes equitable principles that does not unfairly discriminate against market participants.

Additionally, the Exchange notes that it has not interpreted its fee schedule to permit members to combine the credits mentioned above. This proposed amendment simply codifies this existing interpretation, ensuring that the fee schedule accurately reflects the Exchange's intent. By codifying this interpretation, the Exchange reduces the

risk of misinterpretation and provides clear guidance to market participants, supporting just and equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed amendment will not impose any burden on competition that's unnecessary or inappropriate in furtherance of the purposes of the Act. The amendment is administrative in nature and does not alter the substantive requirements for earning the M-ELO Supplemental Credit B. As a result, the change ensures consistency and fairness in the application of the Exchange's credit program and does not disadvantage any specific group of market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.⁵

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or

³ 15 U.S.C. 78f(b).

⁴ 15 U.S.C. 78f(b)(4) and (5).

⁵ 15 U.S.C. 78s(b)(3)(A)(ii).

• Send an email to rule-comments@sec.gov. Please include file number SR–NASDAQ–2024–080 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–NASDAQ–2024–080. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NASDAQ–2024–080 and should be submitted on or before January 9, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–30161 Filed 12–18–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35417; 812–15666]

Coatue CTEK Fund and Coatue Management, L.L.C.

December 13, 2024.

AGENCY: Securities and Exchange Commission (“Commission” or “SEC”).

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the “Act”) for an exemption from sections 18(a)(2), 18(c) and 18(i) of the Act, under sections 6(c) and 23(c) of the Act for an exemption from rule 23c–3 under the Act, and for an order pursuant to section 17(d) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end investment companies to issue multiple classes of shares and to impose asset-based distribution and/or service fees and early withdrawal charges.

APPLICANTS: Coatue CTEK Fund and Coatue Management, L.L.C.

FILING DATES: The application was filed on December 5, 2024.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC’s Secretary at Secretaries-Office@sec.gov and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on January 7, 2025, and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission’s Secretary.

ADDRESSES: The Commission: Secretaries-Office@sec.gov. Applicants: Philippe Laffont, Coatue CTEK Fund, compliance@coatue.com, with copies to Nicole M. Runyan, P.C., Kirkland & Ellis LLP, nicole.runyan@kirkland.com and Jessica L. Patrick, Kirkland & Ellis LLP, jessica.patrick@kirkland.com.

FOR FURTHER INFORMATION CONTACT:

Trace W. Rakestraw, Senior Special Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel’s Office).

SUPPLEMENTARY INFORMATION: For Applicants’ representations, legal analysis, and conditions, please refer to Applicants’ application, dated December 5, 2024, which may be obtained via the Commission’s website by searching for the file number at the top of this document, or for an Applicant using the Company name search field on the SEC’s EDGAR system. The SEC’s EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC’s Public Reference Room at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–30068 Filed 12–18–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101905; File No. SR–IEX–2024–28]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Bylaws of the Exchange’s Parent Corporation To Add Provisions Permitting the Board of Directors, in Its Sole Discretion, To Invite One or More Observers To Attend and Participate in Board Meetings in a Non-Voting Capacity and to Make a Conforming Change to the Bylaws

December 13, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on December 3, 2025, the Investors Exchange LLC (“IEX” or the “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

⁶ 17 CFR 200.30–3(a)(12).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Act,³ and Rule 19b-4 thereunder,⁴ the Exchange is filing with the Commission a proposed rule change to amend the bylaws (the "Bylaws") of IEX Group, Inc. ("Group"), the Exchange's parent corporation, to add provisions permitting the Group Board of Directors (the "Group Board"), in its sole discretion, to invite one or more observers to attend and participate in Group Board meetings in a non-voting capacity ("Board Observers") and to make a conforming change to the Bylaws. The Exchange has designated this proposal as non-controversial and provided the Commission with the notice required by Rule 19b-4(f)(6)(iii) under the Act.⁵

The text of the proposed rule change is available at the Exchange's website at www.iextrading.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Group Bylaws⁶ to codify an existing arrangement whereby the Group Board, at its sole discretion, may invite Board Observers to attend meetings of the Group Board in a non-voting capacity. The proposed amendment is intended to set forth and delineate the rights, responsibilities and obligations of Board

Observers with respect to such meetings. The Exchange is also proposing to make a non-substantive conforming change to the Group Bylaws, as described below.

The Exchange makes this proposal to codify an existing arrangement in which the Group Board may, from time to time, invite certain parties, including representatives of some Group shareholders, to attend Group Board meetings as non-voting "Board Observers." At Group Board meetings, the Board Observers are permitted to contribute to any discussions, in particular discussions about which they have relevant expertise. The Group Board, as appropriate, exercises its discretionary right to exclude these Board Observers from applicable Group Board materials, meetings or specific portions of meetings if the conversation involves attorney-client privileged matters, or matters that are confidential, proprietary, or otherwise concern information deemed by the Group Board to be inappropriate to share with the Board Observers. IEX notes that it is not novel to allow non-voting persons to attend board meetings as observers. For example, BOX Exchange allows observers to attend its board meetings, and MEMX allows certain shareholders to appoint non-voting board observers who may participate in its board meetings.⁷

IEX proposes to codify this arrangement in order to delineate the rights, responsibilities and obligations of Board Observers. Specifically, IEX proposes to amend Article IV, Section 26 as follows:

- Add "(a) General" to the beginning of the existing text to reflect the addition of the proposed new paragraph (b).
- Add paragraph (b) which would read in full: "(b) Board Observers. The Board of Directors may, from time to time and, in its sole discretion, invite one or more observers to attend and participate in meetings of the Board of Directors in a non-voting capacity ("Board Observers"). Board Observers shall hold in confidence any and all information so provided. Board Observers may be excluded from access to any material or meeting or portion thereof if the Board of Directors determines in good faith, upon the advice of counsel, that such exclusion is reasonably necessary to preserve the attorney-client privilege, to protect highly confidential proprietary information, or for other similar reasons, including, but not limited to, sensitive regulatory information,

regulatory independence or other similar regulatory matters relating to Investors' Exchange LLC or otherwise. The Board of Directors shall, as promptly as practicable, take such actions as are necessary and appropriate to exclude any Board Observer upon the Board of Directors becoming aware that any of the bad actor disqualifying events described in Rule 506(d)(1)(i)-(viii) of the Securities Act of 1933, or any of the statutory disqualifications described in Section 3(a)(39) of the 1934 Act apply to such Board Observer, and such exclusion may be lifted in the event the Board of Directors determines that the applicable bad actor or statutory disqualifications no longer apply to such Board Observer. For so long as the Corporation shall control Investors' Exchange LLC, each Board Observer shall, in connection with such Board Observer's attendance and participation in meetings of the Board of Directors be subject to Article VII of these Bylaws, and in furtherance of the applicability of Article VII to such Board Observers, the Board of Directors may exclude such Board Observer from applicable materials or meetings or portions thereof. Notwithstanding the preceding sentence or anything set forth in these Bylaws to the contrary, nothing in these Bylaws or the applicability of Article VII shall be interpreted to expand the role or position of a Board Observer beyond the scope of attending and participating in meetings at the invitation of the Board of Directors or to otherwise give Board Observers any right or authority to take any action on behalf of the Corporation. No present or past stockholder, employee, beneficiary, agent, customer, creditor, regulatory authority (or member thereof) or other person or entity shall have any rights against any Board Observer under this Section 26(b).

As set forth in the proposed new paragraph (b) of Section 26 of the Group Bylaws, the Group Board may, from time to time and in its sole discretion, invite one or more Board Observers to attend and participate in meetings of the Group Board in a non-voting capacity. Board Observers shall hold in confidence any and all information provided to them at Group Board meetings. Additionally, Board Observers may be excluded from access to any material or meeting or portion thereof if the Group Board determines in good faith, upon the advice of counsel, that such exclusion is reasonably necessary to preserve the attorney-client privilege, to protect highly confidential proprietary information, or for other similar reasons, including, but not limited to, sensitive regulatory information, regulatory independence or other similar regulatory matters relating to the Exchange or otherwise.

The proposed amendment further provides that the Group Board shall, as promptly as practicable, take such actions as are necessary and appropriate to exclude any Board Observer upon the Group Board becoming aware that any

³ 15 U.S.C. 78s(b)(1).

⁴ 17 CFR 240.19b-4.

⁵ 17 CFR 240.19b-4(f)(6)(iii).

⁶ Group governance documents, including the Group Bylaws, are accessible on the Group website at <https://www.iex.io/legal/governance>. These documents are also accessible on the Exchange's website at <https://www.iexexchange.io/resources/regulation/governance>.

⁷ See Section 5.02 of the Bylaws of BOX Exchange LLC, available at <https://boxexchange.com/assets/BOX-Exchange-Bylaws-221004.pdf>; Section 8.13 of Seventh Amended and Restated LLC Agreement of MEMX Holdings LLC (March 17, 2023), available at <https://info.memxtrading.com/wp-content/uploads/2023/03/MEMX-SeventhAmendedandRestatedLLCA-3.17.23.pdf>.

of the “bad actor” disqualifying events described in Rule 506(d)(1)(i)–(viii) under the Securities Act of 1933,⁸ or any of the statutory disqualifications described in Section 3(a)(39) of the Act⁹ apply to such Board Observer, with the additional provision that such exclusion may be lifted in the event the Group Board determines that the applicable bad actor events or statutory disqualification no longer apply to such Board Observer.

As proposed, the amended Group Bylaws further provide that, for so long as Group shall control the Exchange, each Board Observer shall, in connection with such Board Observer’s attendance and participation in meetings of the Group Board, be subject to Article VII of the Group Bylaws¹⁰ and, in furtherance of the applicability of Article VII to such Board Observers, the Group Board may exclude such Board Observer from applicable materials or meetings or portions thereof.¹¹ However, notwithstanding the foregoing provision or anything set forth in the Group Bylaws to the contrary, nothing in the Group Bylaws or the applicability of Article VII shall be interpreted to expand the role or position of a Board Observer beyond the scope of attending and participating in meetings at the invitation of the Group Board, or to otherwise give Board Observers any right or authority to take any action on behalf of Group.

⁸ 17 CFR 230.506(d)(i)–(viii).

⁹ 15 U.S.C. 78c(a)(39).

¹⁰ Article VII of the Group Bylaws, “SRO Functions of Investors’ Exchange LLC,” addresses the obligations of Group and the Group Board with respect to the regulatory independence of the Exchange in its capacity as a self-regulatory organization pursuant to Section 6 of the Act, 15 U.S.C. 78f. These include Section 34 (Non-Interference), pertaining to the preservation of the independence of the Exchange’s self-regulatory function; Section 35 (Confidentiality), requiring that Group maintain the confidentiality of all information in its possession pertaining to the Exchange’s self-regulatory functions; Section 36 (Books and Records), requiring Group books and records to be maintained within the United States and deeming any of its books and records to be records of the Exchange to the extent they pertain to the Exchange’s self-regulatory functions and subject to Commission oversight; Section 37 (Cooperation with the Securities and Exchange Commission); Section 38 (Consent to Jurisdiction) requiring consent to the jurisdiction of the federal courts, the Commission and the Exchange in any action of proceeding involving the activities of the Exchange under the federal securities laws, rules and regulations; and Section 39 (Consent to Application), requiring Group to take reasonable steps to cause its officers, directors, employees and agents to consent in writing to the applicability of Article VII of the Bylaws to their activities related to the Exchange.

¹¹ IEX notes that BOX and MEMX similarly require their board observers to meet the same confidentiality requirements that are imposed upon its board members. See *supra* note 8.

Finally, the proposed amendment states that no present or past stockholder, employee, beneficiary, agent, customer, creditor, regulatory authority (or member thereof) or other person or entity shall have any rights against any Board Observer under proposed Section 26(b). This provision is intended to clarify that the proposed amendments do not expand the role or position of a Board Observer beyond the scope of attending and participating in meetings and does not permit present or past stockholders, employees, beneficiaries, agents, customers, creditors, regulatory authorities (or members thereof) or other persons or entities to bring claims against Board Observers.

The Exchange is also proposing to make a non-substantive conforming change to the Group Bylaws to: (i) rename the document by adding “Amended and Restated” to the header and (ii) delete the words “Adopted November 30, 2015” from the header and replace them with the words “Amended December 3, 2024”.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹² in general, and furthers the objectives of Section 6(b)(1) of the Act in particular,¹³ in that it continues to assure that the Exchange is so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its Exchange members and persons associated with its Exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange.

The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act¹⁴ in that they are intended to, *inter alia*, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest. Additionally, the proposed amendment is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As noted in the Purpose section, the proposed amendment to the Group

Bylaws is intended to foster clarity and transparency with respect to Board Observers attending Group Board meetings at the Group Board’s invitation and sole discretion, and to delineate the roles, responsibilities, and obligations of Board Observers with respect to such meetings. The proposed amendment contains detailed provisions to that effect, and also provides for instances where Board Observers’ participation in a particular meeting may be limited, or disallowed, as well as exclusion of an individual subject to a “bad actor” or statutory disqualification as described in the Purpose section. The Exchange believes that the inclusion of Board Observers, at the Group Board’s sole discretion and at its invitation, provides a valuable opportunity for other constituencies to participate in the work of the Group Board in a manner that safeguards the Exchange’s regulatory independence and its operation as a self-regulatory organization. The Exchange believes that the proposed amendments thereby fulfill the goals of Section 6(b) of the Act¹⁵ in that they are designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and national market system, and in general operate to protect investors and the public interest.

Additionally, as noted in the Purpose section, allowing board observers to attend holding company board meetings is not novel.¹⁶ Thus, this proposed rule change does not raise any new or novel issues that have not already been considered by the Commission.

Finally, IEX believes that the proposed non-substantive conforming changes to the header of the Bylaws further the purposes of the Act because they provide greater clarity and consistency to the Bylaws thereby reducing the potential for confusion by market participants.

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 Exchange Act. The proposed amendments relate to the rights, responsibilities and obligations of Board Observers at Group Board meetings and, as such, are concerned solely with the corporate governance of Group, the Exchange’s parent corporation, and do not present any issues that impact competition.

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(1).

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ 15 U.S.C. 78f(b).

¹⁶ See *supra* note 8.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A)¹⁷ of the Act and Rule 19b-4(f)(6)¹⁸ thereunder. Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6) thereunder.

The Exchange believes that the proposed rule change would not adversely affect investors or the public interest. In fact, the Exchange believes that the proposed amendments to the Group Bylaws operate to enhance investor protection and the public interest by providing clarity and transparency into the roles, responsibilities and obligations of Board Observers. The proposed amendments thus fulfill the purposes of Section 6(b)(1) of the Act, which requires that “. . . [s]uch exchange is so organized and has the capacity to be able to carry out the purposes of this chapter and to comply, and (subject to any rule or order of the Commission pursuant to section 78q(d) or 78s(g)(2) of this title) to enforce compliance by its members and persons associated with its members, with the provisions of this chapter, the rules and regulations thereunder, and the rules of the exchange.” Additionally, as discussed in the Purpose and Statutory Basis sections, this rule change proposal is not novel; at least two other exchanges, BOX and MEMX, also allow non-voting board observers to participate in board meetings, subject to similar confidentiality requirements to IEX's proposal.

The Exchange further believes that the proposed rule change would not impose a burden on competition because it is not intended to address competitive issues but rather is concerned solely with the corporate governance of Group, the Exchange's parent corporation. Accordingly, for the foregoing reasons,

this rule filing qualifies for immediate effectiveness as a “non-controversial” rule change under paragraph (f)(6) of Rule 19b-4.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁹ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-IEX-2024-28 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-IEX-2024-28. 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 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-IEX-2024-28, and should be submitted on or before January 9, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-30160 Filed 12-18-24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101911; File No. SR-IEX-2024-58]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing of Proposed Rule Change To Decommission QCC With Stock Orders and Complex QCC With Stock Orders

December 13, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on December 3, 2024, Nasdaq ISE, LLC (“ISE” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange to decommission Qualified Contingent Cross (“QCC”)

²⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁷ 15 U.S.C. 78s(b)(3)(A).

¹⁸ 17 CFR 240.19b-4(f)(6).

¹⁹ 15 U.S.C. 78s(b)(2)(B).

with Stock Orders³ and Complex QCC with Stock Orders.⁴

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/ise/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to decommission QCC with Stock Orders⁵ and Complex QCC with Stock Orders.⁶

Background

Today, ISE Members are able to transact QCC with Stock Orders and Complex QCC with Stock Orders subject to the provisions of Options 3, Section 12(e) and (f), respectively. The QCC with Stock Order (and Complex QCC with Stock Order) is a piece of functionality that facilitates the execution of the stock component of

qualified contingent trades in connection with the execution of a QCC Order on the Exchange. Specifically, a QCC with Stock Order is defined as a QCC Order⁷ entered with a stock component to be communicated to a designated broker-dealer for execution pursuant to Options 3, Section 12(e). A Complex QCC with Stock Order is defined as a QCC Complex Order entered with a stock component to be communicated to a designated broker-dealer for execution pursuant to Options 3, Section 12(f). Today, ISE Members desiring to execute an order with stock or an ETF component are required to enter into a brokerage agreement with a broker-dealer designated by the Exchange and are permitted to enter into such an agreement with one or more other broker-dealers to which the Exchange is able to route stock orders (this is also the case for a Complex QCC with Stock Order). Options 3, Section 12(e) and (f) describe how the stock component of QCC with Stock Orders and Complex QCC with Stock Orders, respectively, are executed on ISE. Since QCC Orders represent one component of a qualified contingent trade, each QCC Order must be paired with a stock transaction. When a Member enters a QCC Order, the Member is responsible for executing the associated stock component of the qualified contingent trade within a reasonable period of time after the QCC Order is executed.

QCC with Stock Order functionality is a voluntary piece of functionality that provides Members with an automated means of executing the stock component of a qualified contingent trade. Specifically, when a Member enters a QCC with Stock Order (or a Complex QCC with Stock Order), a QCC Order is entered on the Exchange. That QCC Order is automatically executed upon entry provided that the conditions of Options 3, Section 12(e) or (f), as applicable, are met. If the QCC Order (or Complex QCC Order) is executed, the Exchange will automatically communicate the stock component to the Member's designated broker-dealer for execution. Currently, Members that execute the options component of a qualified contingent trade entered as a QCC with Stock Order (or Complex QCC with Stock Order) remain responsible for the execution of the stock

component if they do not receive an execution from their designated broker-dealer. Although QCC Orders (and Complex QCC Orders) are eligible for automatic execution, it is possible that the QCC Order (or Complex QCC Order) may not be executable based on market prices at the time the order is entered. If the QCC Order (or Complex QCC Order) is not capable of being executed, the entire QCC with Stock Order, including both the stock and options components, is cancelled.

Proposal

At this time, the Exchange proposes to no longer offer Members the ability to execute QCC with Stock Orders or Complex QCC with Stock Orders on ISE. The Exchange was offering this functionality to Members on a voluntary basis to assist in their execution of qualified contingent trades. The Exchange notes that there has not been Member interest in this functionality for some time.⁸ There is no requirement that Members utilize QCC with Stock functionality, and Members will continue to be able to enter regular QCC Orders and Complex QCC Orders where the Exchange does not assist with the execution of the stock component of the trade and the Members do so themselves. After the Exchange decommissions the QCC with Stock functionality, Members would continue to be able to execute QCC Orders and Complex QCC Orders on the Exchange, provided that the Member would be responsible for executing the associated stock component of the qualified contingent trade in compliance with the requirements of the QCT exemption. The Exchange surveils for compliance with the QCT exemption.⁹ The

³ A QCC with Stock Order is a Qualified Contingent Cross Order, as defined in Options 3, Section 7(j), entered with a stock component to be communicated to a designated broker-dealer for execution pursuant to Options 3, Section 12(e). QCC with Stock Orders may only be entered through FIX and Precise. See Options 3, Section 7(t).

⁴ A Complex QCC with Stock Order is a Qualified Contingent Cross Complex Order, as defined in subparagraph (b)(6), entered with a stock component to be communicated to a designated broker-dealer for execution pursuant to Options 3, Section 12(f). See Options 3, Section 14(b)(15).

⁵ A QCC with Stock Order is a Qualified Contingent Cross Order, as defined in Options 3, Section 7(j), entered with a stock component to be communicated to a designated broker-dealer for execution pursuant to Options 3, Section 12(e). QCC with Stock Orders may only be entered through FIX and Precise. See Options 3, Section 7(t).

⁶ A Complex QCC with Stock Order is a Qualified Contingent Cross Complex Order, as defined in subparagraph (b)(6), entered with a stock component to be communicated to a designated broker-dealer for execution pursuant to Options 3, Section 12(f). See Options 3, Section 14(b)(15).

⁷ A Qualified Contingent Cross ("QCC") Order is comprised of an originating order to buy or sell at least 1,000 contracts that is identified as being part of a qualified contingent trade, as that term is defined in Supplementary Material .01 below, coupled with a contra-side order or orders totaling an equal number of contracts. QCC Orders will trade in accordance with Options 3, Section 12(c). See Options 3, Section 7(j).

⁸ There have been no trades utilizing QCC with Stock functionality in 2024 to date. There were less than 5 trades utilizing QCC with Stock functionality in the three prior years.

⁹ See Securities Exchange Act Release Nos. 57620 (April 4, 2008), 73 FR 19271 (April 9, 2008) ("QCT Exemptive Order"). See also Securities Exchange Act Release No. 54389 (August 31, 2006), 71 FR 52829 (September 7, 2006). The QCT Exemption applies to trade-throughs caused by the execution of an order involving one or more NMS stocks that are components of a "qualified contingent trade." As described more fully in the QCT Exemptive Order, a qualified contingent trade is a transaction consisting of two or more component orders, executed as principal or agent, where: (1) At least one component order is an NMS stock; (2) all components are effected with a product or price contingency that either has been agreed to by the respective counterparties or arranged for by a broker-dealer as principal or agent; (3) the execution of one component is contingent upon the execution of all other components at or near the same time; (4) the specific relationship between the component orders (e.g., the spread between the prices of the component orders) is determined at the time the contingent order is placed; (5) the component orders bear a derivative relationship to

Exchange provided Members notice of its intent to decommission this functionality.¹⁰ There have been no concerns from Members with respect to the decommission.

The Exchange proposes to remove rule text related to QCC with Stock Orders and Complex QCC with Stock Orders in Options 3, Section 7(t); Supplementary Material to Options 3, Section 7(d)(3); Options 3, Section 12(e) and (f); and Options 3, Section 14(b)(15).

The Exchange proposes to add a space after Supplementary Material .02 to Options 3, Section 7 before the title "Time in Force." This is a technical amendment.

Implementation

The Exchange intends to begin implementation of the proposed rule change on or before February 15, 2025. The Exchange will announce the date of the decommission to Members in an Options Technical Update.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹¹ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹² in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Specifically, the Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest because QCC with Stock Orders and Complex QCC with Stock functionality are currently offered to Members on a voluntary basis to assist in their execution of qualified contingent trades. Furthermore, Members that execute the options component of a Qualified Contingent Trade entered as a QCC with Stock Order or Complex QCC with Stock Order remain responsible for the execution of the stock component if they do not receive an execution from their designated broker-dealer. There is no requirement that Members utilize QCC with Stock or Complex QCC with

Stock Order functionality, and Members will continue to be able to enter regular QCC Orders and Complex QCC Orders where the Exchange does not assist with the execution of the stock component of the trade and the Members do so themselves. The Exchange surveils for compliance with the QCT exemption.¹³

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.

Decommissioning QCC with Stock Orders or Complex QCC with Stock Orders does not impose an undue burden on intra-market competition. No market participant would be able to submit a QCC with Stock Order or Complex QCC with Stock Order on ISE. There is no requirement that Members utilize QCC with Stock functionality, and Members will continue to be able to enter regular QCC Orders and Complex QCC Orders. Moreover, Members will still be able to execute QCC Orders and Complex QCC Orders on the Exchange using other means to ensure the execution of the stock component of those qualified contingent trades. The Exchange believes that it will continue to remain competitive with other options markets despite not offering this functionality.

Decommissioning QCC with Stock Orders or Complex QCC with Stock Orders does not impose an undue burden on inter-market competition as other options markets may offer this functionality to their Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section

19(b)(3)(A)(iii) of the Act¹⁴ and Rule 19b-4(f)(6) thereunder.¹⁵

A proposed rule change filed under Rule 19b-4(f)(6)¹⁶ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁷ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing.

The Exchange states that waiver of the operative delay would permit the Exchange to decommission QCC with Stock Orders and Complex QCC with Stock Orders prior to the year's end so that the Exchange can discontinue maintaining the infrastructure associated with the functionality. The Exchange states that after it decommissions the QCC with Stock functionality, Members will continue to be able to execute QCC Orders and Complex QCC Orders on the Exchange, provided that the Member would be responsible for executing the associated stock component of the qualified contingent trade in compliance with the requirements of the QCT exemption. The Exchange surveils for compliance with the QCT exemption.¹⁸ The Exchange states that neither QCC with Stock Orders nor Complex QCC with Stock Orders has been utilized in 2024.¹⁹ The Exchange further states that it provided Members notice of its intention to decommission the functionality, and that Members raised no concerns with respect to the decommissioning.²⁰ For these reasons, and because the proposal does not raise any new or novel issues, the Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.²¹

¹⁴ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁵ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁶ 17 CFR 240.19b-4(f)(6).

¹⁷ 17 CFR 240.19b-4(f)(6)(iii).

¹⁸ See *supra* note 9 and accompanying text.

¹⁹ See *supra* note 8.

²⁰ See *supra* note 10 and accompanying text.

²¹ For purposes only of waiving the 30-day operative delay, the Commission has also

one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or since cancelled; and (6) the Exempted NMS Stock Transaction is fully hedged (without regard to any prior existing position) as a result of the other components of the contingent trade.

¹⁰ See Options Trader Update #2024-65.

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(5).

¹³ See *supra* note 9.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) ²² of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-ISE-2024-58 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-ISE-2024-58. 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-ISE-2024-58 and should be submitted on or before January 9, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-30166 Filed 12-18-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101912; File No. SR-MRX-2024-47]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Decommission QCC With Stock Orders and Complex QCC With Stock Orders

December 13, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on December 3, 2024, Nasdaq MRX, LLC ("MRX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to decommission Qualified Contingent Cross ("QCC") with Stock Orders³ and Complex QCC with Stock Orders.⁴

²³ 17 CFR 200.30-3(a)(12), (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ A QCC with Stock Order is a Qualified Contingent Cross Order, as defined in subparagraph (j), entered with a stock component to be communicated to a designated broker-dealer for execution pursuant to Options 3, Section 12(e). QCC with Stock Orders may only be entered through FIX. See Options 3, Section 7(t).

⁴ A Complex QCC with Stock Order is a Qualified Contingent Cross Complex Order, as defined in

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/mrx/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to decommission QCC with Stock Orders⁵ and Complex QCC with Stock Orders.⁶

Background

Today, MRX Members are able to transact QCC with Stock Orders and Complex QCC with Stock Orders subject to the provisions of Options 3, Section 12(e) and (f), respectively. The QCC with Stock Order (and Complex QCC with Stock Order) is a piece of functionality that facilitates the execution of the stock component of qualified contingent trades in connection with the execution of a QCC Order on the Exchange. Specifically, a QCC with Stock Order is defined as a QCC Order⁷ entered with a stock

subparagraph (b)(6), entered with a stock component to be communicated to a designated broker-dealer for execution pursuant to Options 3, Section 12(f). See Options 3, Section 14(b)(15).

⁵ A QCC with Stock Order is a Qualified Contingent Cross Order, as defined in Options 3, Section 7(j), entered with a stock component to be communicated to a designated broker-dealer for execution pursuant to Options 3, Section 12(e). QCC with Stock Orders may only be entered through FIX. See Options 3, Section 7(t).

⁶ A Complex QCC with Stock Order is a Qualified Contingent Cross Complex Order, as defined in subparagraph (b)(6), entered with a stock component to be communicated to a designated broker-dealer for execution pursuant to Options 3, Section 12(f). See Options 3, Section 14(b)(15).

⁷ A Qualified Contingent Cross ("QCC") Order is comprised of an originating order to buy or sell at least 1000 contracts that is identified as being part of a qualified contingent trade, as that term is defined in Supplementary Material .01 below, coupled with a contra-side order or orders totaling an equal number of contracts. QCC Orders will

considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²² 15 U.S.C. 78s(b)(2)(B).

component to be communicated to a designated broker-dealer for execution pursuant to Options 3, Section 12(e). A Complex QCC with Stock Order is defined as a QCC Complex Order entered with a stock component to be communicated to a designated broker-dealer for execution pursuant to Options 3, Section 12(f). Today, MRX Members desiring to execute an order with stock or an ETF component are required to enter into a brokerage agreement with a broker-dealer designated by the Exchange and are permitted to enter into such an agreement with one or more other broker-dealers to which the Exchange is able to route stock orders (this is also the case for a Complex QCC with Stock Order). Options 3, Section 12(e) and (f) describe how the stock component of QCC with Stock Orders and Complex QCC with Stock Orders, respectively, are executed on MRX. Since QCC Orders represent one component of a qualified contingent trade, each QCC Order must be paired with a stock transaction. When a Member enters a QCC Order, the Member is responsible for executing the associated stock component of the qualified contingent trade within a reasonable period of time after the QCC Order is executed.

QCC with Stock Order functionality is a voluntary piece of functionality that provides Members with an automated means of executing the stock component of a qualified contingent trade. Specifically, when a Member enters a QCC with Stock Order (or a Complex QCC with Stock Order), a QCC Order is entered on the Exchange. That QCC Order is automatically executed upon entry provided that the conditions of Options 3, Section 12 (e) or (f), as applicable, are met. If the QCC Order (or Complex QCC Order) is executed, the Exchange will automatically communicate the stock component to the Member's designated broker-dealer for execution. Currently, Members that execute the options component of a qualified contingent trade entered as a QCC with Stock Order (or Complex QCC with Stock Order) remain responsible for the execution of the stock component if they do not receive an execution from their designated broker-dealer. Although QCC Orders (and Complex QCC Orders) are eligible for automatic execution, it is possible that the QCC Order (or Complex QCC Order) may not be executable based on market prices at the time the order is entered. If the QCC Order (or Complex QCC Order) is not capable of being executed,

the entire QCC with Stock Order, including both the stock and options components, is cancelled.

Proposal

At this time, the Exchange proposes to no longer offer Members the ability to execute QCC with Stock Orders or Complex QCC with Stock Orders on MRX. The Exchange was offering this functionality to Members on a voluntary basis to assist in their execution of qualified contingent trades. The Exchange notes that there has not been Member interest in this functionality since the Exchange introduced it.⁸ There is no requirement that Members utilize QCC with Stock functionality, and Members will continue to be able to enter regular QCC Orders and Complex QCC Orders where the Exchange does not assist with the execution of the stock component of the trade and the Members do so themselves. After the Exchange decommissions the QCC with Stock functionality, Members would continue to be able to execute QCC Orders and Complex QCC Orders on the Exchange, provided that the Member would be responsible for executing the associated stock component of the qualified contingent trade in compliance with the requirements of the QCT exemption. The Exchange surveils for compliance with the QCT exemption.⁹ The Exchange provided Members notice of its intent to decommission this functionality.¹⁰ There have been no concerns from

⁸ The MRX QCC with Stock functionality has never been utilized.

⁹ See Securities Exchange Act Release Nos. 57620 (April 4, 2008), 73 FR 19271 (April 9, 2008) ("QCT Exemptive Order"). See also Securities Exchange Act Release No. 54389 (August 31, 2006), 71 FR 52829 (September 7, 2006). The QCT Exemption applies to trade-throughs caused by the execution of an order involving one or more NMS stocks that are components of a "qualified contingent trade." As described more fully in the QCT Exemptive Order, a qualified contingent trade is a transaction consisting of two or more component orders, executed as principal or agent, where: (1) At least one component order is an NMS stock; (2) all components are effected with a product or price contingency that either has been agreed to by the respective counterparties or arranged for by a broker-dealer as principal or agent; (3) the execution of one component is contingent upon the execution of all other components at or near the same time; (4) the specific relationship between the component orders (e.g., the spread between the prices of the component orders) is determined at the time the contingent order is placed; (5) the component orders bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or since cancelled; and (6) the Exempted NMS Stock Transaction is fully hedged (without regard to any prior existing position) as a result of the other components of the contingent trade.

¹⁰ See Options Trader Update #2024-65.

Members with respect to the decommission.

The Exchange proposes to remove rule text related to QCC with Stock Orders and Complex QCC with Stock Orders in Options 3, Section 7(t); Supplementary Material to Options 3, Section 7(d)(3); Options 3, Section 12(e) and (f); Options 3, Section 14(b)(15); and Options 7, Section 3 in notes 1 and 3.

Implementation

The Exchange intends to begin implementation of the proposed rule change on or before February 15, 2025. The Exchange will announce the date of the decommission to Members in an Options Technical Update.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹¹ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹² in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Specifically, the Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest because QCC with Stock Orders and Complex QCC with Stock functionality are currently offered to Members on a voluntary basis to assist in their execution of qualified contingent trades. Furthermore, Members that execute the options component of a Qualified Contingent Trade entered as a QCC with Stock Order or Complex QCC with Stock Order remain responsible for the execution of the stock component if they do not receive an execution from their designated broker-dealer. There is no requirement that Members utilize QCC with Stock or Complex QCC with Stock Order functionality, and Members will continue to be able to enter regular QCC Orders and Complex QCC Orders where the Exchange does not assist with the execution of the stock component of the trade and the Members do so themselves. The Exchange surveils for compliance with the QCT exemption.¹³

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(5).

¹³ See *supra* note 9.

trade in accordance with Options 3, Section 12(c). See Options 3, Section 7(j).

any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Decommissioning QCC with Stock Orders or Complex QCC with Stock Orders does not impose an undue burden on intra-market competition. No market participant would be able to submit a QCC with Stock Order or Complex QCC with Stock Order on MRX. There is no requirement that Members utilize QCC with Stock functionality, and Members will continue to be able to enter regular QCC Orders and Complex QCC Orders. Moreover, Members will still be able to execute QCC Orders and Complex QCC Orders on the Exchange using other means to ensure the execution of the stock component of those qualified contingent trades. The Exchange believes that it will continue to remain competitive with other options markets despite not offering this functionality.

Decommissioning QCC with Stock Orders or Complex QCC with Stock Orders does not impose an undue burden on inter-market competition as other options markets may offer this functionality to their Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁴ and Rule 19b-4(f)(6) thereunder.¹⁵

A proposed rule change filed under Rule 19b-4(f)(6)¹⁶ normally does not become operative prior to 30 days after the date of the filing. However, pursuant

to Rule 19b-4(f)(6)(iii),¹⁷ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing.

The Exchange states that waiver of the operative delay would permit the Exchange to decommission QCC with Stock Orders and Complex QCC with Stock Orders prior to the year's end so that the Exchange can discontinue maintaining the infrastructure associated with the functionality. The Exchange states that after it decommissions the QCC with Stock functionality, Members will continue to be able to execute QCC Orders and Complex QCC Orders on the Exchange, provided that the Member would be responsible for executing the associated stock component of the qualified contingent trade in compliance with the requirements of the QCT exemption. The Exchange surveils for compliance with the QCT exemption.¹⁸ The Exchange states that neither QCC with Stock Orders nor Complex QCC with Stock Orders has been utilized on the Exchange.¹⁹ The Exchange further states that it provided Members notice of its intention to decommission the functionality, and that Members raised no concerns with respect to the decommissioning.²⁰ For these reasons, and because the proposal does not raise any new or novel issues, the Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.²¹

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²² of the Act to

determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-MRX-2024-47 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-MRX-2024-47. 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-MRX-2024-47 and should be submitted on or before January 9, 2025.

¹⁴ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁵ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁶ 17 CFR 240.19b-4(f)(6).

¹⁷ 17 CFR 240.19b-4(f)(6)(iii).

¹⁸ See *supra* note 9 and accompanying text.

¹⁹ See *supra* note 8.

²⁰ See *supra* note 10 and accompanying text.

²¹ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²² 15 U.S.C. 78s(b)(2)(B).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–30167 Filed 12–18–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101913; File No. SR–Phlx–2024–70]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Anti-Internalization Functionality in Equity 4, Rule 3307

December 13, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on December 4, 2024, Nasdaq PHLX LLC (“Phlx” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's anti-internalization functionality in Equity 4, Rule 3307.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/phlx/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of

the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Equity 4, Rule 3307(c) to offer increased functionality as it relates to anti-internalization. The Exchange's proposal is identical to the changes adopted in SR–NASDAQ–2024–064 with the exception of technical differences in the numbering convention.³ Specifically, the Exchange proposes to (i) allow participants that directly submit orders to the System as Members on the Exchange and submit orders to the System through Sponsored Access⁴ as a Sponsored Participant, to direct that quotes/orders entered into the System directly as a Member not execute against quotes/orders submitted as a Sponsored Participant; (ii) specify when anti-internalization will activate; (iii) introduce an anti-internalization strategy that uses the strategy of the removing order; and (v) make other clarifying changes.

Affiliate Anti-Internalization

Currently, Equity 4, Rule 3307(c) provides that market participants may direct that quotes/orders entered into the System not execute against either quotes/orders entered under the same MPID (“MPID Level AIQ”) or quotes/orders entered across MPIDs under Common Ownership (“Organization Level AIQ”).⁵ In addition, market participants using the OUCH order entry protocol may assign to orders entered through a specific order entry port a unique group identification modifier that will prevent quotes/orders with such modifier from executing against each other. Anti-internalization or self-match prevention functionality assists participants in reducing trading costs from unwanted executions potentially resulting from the interaction of executable buy and sell trading interest from the same firm.

The Exchange proposes to enhance its current self-match prevention functionality to allow participants that demonstrate (i) membership on the Exchange through which they directly submit orders to the System and (ii) participation as a Sponsored Participant whereby they submit orders to the System through Sponsored Access, to direct that quotes/orders entered into the System directly as a Member not execute against quotes/orders submitted as a Sponsored Participant (“Affiliate Level AIQ”).⁶ The proposed enhancement would be in addition to the other levels of self-match prevention offered today. Under the proposed rule change, the anti-internalization functionality would continue to be an optional feature. If a firm chooses to take advantage of self-match prevention, the firm would need to opt-in to the self-match prevention functionality, as is the case today.

The purpose of this proposed change is to extend self-match prevention functionality to prevent transactions between a firm's orders submitted directly to the System and through Sponsored Access. There are situations where an individual firm would choose to submit orders to the Exchange through different mechanisms. For instance, a firm may employ different trading strategies across different trading desks and choose to send orders for one strategy to the Exchange through a direct connection while the other strategy is sent through Sponsored Access. The proposed functionality would serve as an additional tool that participants may enable in order to assist with compliance with the various securities laws relating to potentially manipulative trading activity such as wash sales⁷ and self-trades.⁸ Additionally, the proposed functionality would provide firms an additional

⁶ The Exchange will require firms requesting to use Affiliate Level AIQ to complete an affidavit stating: (i) it is currently a Member of the Exchange that submits orders directly to the System, and (ii) it also submits orders to the System through a Sponsored Access arrangement.

⁷ A “wash sale” is generally defined as a trade involving no change in beneficial ownership that is intended to produce the false appearance of trading and is strictly prohibited under both the federal securities laws and FINRA rules. *See, e.g.*, 15 U.S.C. 78(a)(1); FINRA Rule 6140(b) (“Other Trading Practices”).

⁸ Self-trades are “transactions in a security resulting from the unintentional interaction of orders originating from the same firm that involve no change in beneficial ownership of the security.” FINRA requires members to have policies and procedures in place that are reasonably designed to review trading activity for, and prevent, a pattern or practice of self-trades resulting from orders originating from a single algorithm or trading desk, or related algorithms or trading desks. *See* FINRA Rule 5210, Supplementary Material .02.

²³ 17 CFR 200.30–3(a)(12), (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ *See* Securities Exchange Act Release No. 101520 (November 6, 2024), 89 FR 89677 (November 13, 2024) (Notice of Filing and Immediate Effectiveness of File No. SR–NASDAQ–2024–064).

⁴ *See* General 2, Section 22(a). Sponsored Access shall mean an arrangement whereby a member permits its customers to enter orders into the System that bypass the member's trading system and are routed directly to the Exchange, including routing through a service bureau or other third party technology provider.

⁵ For purposes of Equity 4, Rule 3307, the term “Common Ownership” shall mean participants under 75% common ownership or control.

solution to manage order flow by preventing undesirable executions where the firm submits orders in multiple formats (*i.e.*, direct connection or Sponsored Access). As is the case with the existing risk tools, participants, and not the Exchange, have full responsibility for ensuring that their orders comply with applicable securities rules, laws, and regulations. Furthermore, as is the case with the existing risk settings, the Exchange does not believe that the use of the proposed self-match prevention functionality can replace participant-managed risk management solutions.

Anti-Internalization Activation

The Exchange also proposes to provide that, unless participants designate otherwise, for anti-internalization to activate across orders, the orders must reflect the same anti-internalization level. For example, if an order has designated anti-internalization at an MPID level (*i.e.*, quotes/orders entered into the System shall not execute against quotes/orders entered under the same MPID), anti-internalization will only activate against another order designated with anti-internalization at an MPID level.

This is a departure from how anti-internalization activates today. Currently, anti-internalization activates across orders with different anti-internalization levels. For example, a resting order with MPID Level AIQ can have anti-internalization activated against it if an incoming order with Organization Level AIQ has the same Organization ID as the resting order. With the introduction of Affiliate Level AIQ, the anti-internalization levels must match across both orders for anti-internalization to be activated, in order to prevent erroneous activation of anti-internalization.⁹ However, the Exchange proposes to preserve current functionality by providing participants with the option to elect to have anti-internalization activated against any anti-internalization level.

“Use Remover” Strategy

The Exchange currently provides three versions of self-match prevention functionality to allow participants to choose how orders are handled in the event of a self-match situation: (1) decrement, (2) cancel oldest, and (3)

cancel newest. Under the first version (“decrement”), if the self-match orders have the same share size, both orders will cancel back to the customer. If the orders are not equivalent in size, the smaller order will cancel back to the originating customer and the larger order will decrement by the size of the smaller order. The remaining shares of the larger order will remain on the book. Under the second version (“cancel oldest”), the full size of the order residing on the book will cancel back to the customer if the incoming order would execute against it. The incoming order will remain intact with no changes. Under the third version (“cancel newest”), the full size of the order coming into the book will cancel back to the customer. The resting order will remain intact with no changes.

The Exchange proposes to add a new strategy (“use remover”), which would allow for a resting order to use the strategy of the removing order. If the use remover strategy is on an order, it will only have anti-internalization activated against it when it is the resting order and will never trigger anti-internalization against another order when it is the incoming order. The Exchange proposes to introduce the “use remover” strategy in order to maintain existing anti-internalization functionality that would otherwise become obsolete with the introduction of the default requirement for anti-internalization activation (*i.e.*, the orders must reflect the same anti-internalization level). As described above, currently, anti-internalization activates across orders with different anti-internalization levels. Currently, resting orders that have anti-internalization disabled are still subject to anti-internalization functionality, based on the anti-internalization selection of the incoming orders. For example, currently, if Firm 1 sends an order with anti-internalization disabled and then Firm 2 sends an order with Organization Level AIQ with a decrement strategy, anti-internalization would activate between the two orders based on the incoming order’s strategy because of the Organization Level AIQ. Assuming the Firm does not designate that anti-internalization activate across quotes/orders, the aforementioned example would no longer occur because Affiliate Level AIQ necessitates matching anti-internalization levels. The Exchange wishes to maintain such functionality as an option for participants and introduction of the use remover strategy would allow participants to choose to have a resting

order use the anti-internalization strategy of the removing order.

Taken together, the Exchange believes that the proposed anti-internalization enhancements would provide participants with more tailored self-trade functionality that allows them to manage their trading as appropriate based on the participant’s business needs.

Clarifying Changes

Lastly, the Exchange proposes to make several clarifying changes to Equity 4, Rule 3307(c) to promote clarity.

First, the Exchange proposes to codify which strategy prevails when anti-internalization strategies differ between two orders. Specifically, the Exchange proposes to provide that, when anti-internalization strategies differ between two orders, the strategy of the order removing liquidity will apply and the strategy of the resting order will be ignored. This is consistent with current Exchange and industry practice.

In addition, the Exchange proposes to modify the text introducing the various anti-internalization strategies to state that, “In each anti-internalization case, as described in this paragraph (c), a market participant may elect from the following strategies”, to make it clear that any strategy may be selected for each anti-internalization level. Relatedly, the Exchange proposes to delete language stating that, “The foregoing options may be applied to all orders entered under the same MPID, across MPIDs under Common Ownership, or, in the case of market participants using the OUCH order entry protocol, may be applied to all orders entered through a specific order entry port.” The Exchange believes that such language is redundant, as the modified introductory language makes it clear that the anti-internalization strategies may be applied to each anti-internalization level. Finally, the Exchange also proposes to add the names of the existing anti-internalization strategies (*i.e.*, Decrement, Cancel Oldest, and Cancel Newest) before the description of such strategies for clarity.

Implementation

The Exchange intends to introduce this new functionality by the first quarter of 2025. The Exchange will issue an Equities Trader Alert to provide notification of the change and relevant date prior to introducing the new functionality.

⁹For example, assume Firm 1 accesses the Exchange directly and as a Sponsored Participant via Firm 2. Assume Firm 1 sends an order as a Sponsored Participant through Firm 2 with Affiliate Level AIQ enabled. Assume Firm 2 then sends an order unrelated to Firm 1 with Organization Level AIQ. If the current behavior prevailed, anti-internalization would activate and the orders would not execute, resulting in an undesirable outcome.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹⁰ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹¹ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange believes that the proposed Affiliate Level AIQ functionality promotes just and equitable principles of trade by allowing individual firms to better manage order flow and prevent undesirable trading activity such as wash sales¹² or self-trades¹³ that may occur as a result of the velocity of trading in today's high-speed marketplace. The proposed Affiliate Level AIQ functionality does not introduce novel functionality, as the proposed amendment extends the current anti-internalization functionality to another trading relationship. For instance, a participant may operate trading desk 1 that accesses the Exchange via the Member's direct connection, as well as trading desk 2 that accesses the Exchange as a Sponsored Participant. While these desks may operate different trading strategies, a participant may desire to prevent these desks from trading versus each other in the marketplace because the orders are originating from the same entity. Here, participants may desire anti-internalization functionality on an Affiliate Level AIQ that will help them achieve compliance¹⁴ with regulatory rules regarding wash sales and self-trades in a very similar manner to the way that the current anti-internalization functionality applies to existing anti-internalization levels. The proposed Affiliate Level AIQ functionality will also assist participants in reducing trading costs from unwanted executions potentially resulting from the interaction of executable buy and sell trading interest from the same firm.

The Exchange believes that the other proposed changes, including modifying the default procedure for activating anti-internalization while preserving the current functionality as an option for

participants, adding the use remover strategy, and making clarifying changes, also promote just and equitable principles of trade by providing participants with more tailored self-trade functionality that allows them to manage their trading as appropriate based on the participant's business needs and providing clarity and transparency to the rules.

The Exchange also believes that the proposed rule change is fair and equitable and is not designed to permit unfair discrimination, in accordance with Section 6(b)(5) of the Act,¹⁵ as use of the proposed Affiliate Level AIQ functionality and related features of the proposal are optional, and use is not a prerequisite for trading on the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to enhance self-match prevention functionality provided to the Exchange's participants and will benefit participants that wish to protect their quotes and orders entered into the System directly as a Member against trading with quotes/orders submitted as a Sponsored Participant. The new functionality is also completely voluntary, and members that wish to use the current functionality (or opt out altogether) can also continue to do so. The Exchange does not believe that providing more flexibility to participants will have any significant impact on competition. In fact, the Exchange believes that the proposed rule change is evidence of the competitive environment where exchanges must continually improve their offerings to maintain competitive standing.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on

which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁶ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹⁷

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-Phlx-2024-70 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-Phlx-2024-70. 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

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(5).

¹² *Supra* note 7.

¹³ *Supra* note 8.

¹⁴ The Exchange reminds participants that while they may utilize anti-internalization to help prevent potential transactions such as wash sales or self-trades, participants, not the Exchange, are ultimately responsible for ensuring that their orders comply with applicable rules, laws, and regulations.

¹⁵ 15 U.S.C. 78f(b)(5).

¹⁶ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁷ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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-Phlx-2024-70 and should be submitted on or before January 9, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-30168 Filed 12-18-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35418; File No. 812-15554]

First Eagle Private Credit Fund and First Eagle Investment Management, LLC

December 13, 2024.

AGENCY: Securities and Exchange Commission ("Commission" or "SEC").

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from sections 18(a)(2), 18(c), 18(i) and section 61(a) of the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain closed-end management investment companies that have elected to be regulated as business development companies to issue multiple classes of shares with varying sales loads and asset-based distribution and/or service fees.

APPLICANTS: First Eagle Private Credit Fund and First Eagle Investment Management, LLC.

FILING DATE: The application was filed on March 4, 2024, and amended on July 3, 2024 and November 21, 2024.

HEARING OR NOTIFICATION OF HEARING:

An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at Secretarys-Office@sec.gov and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on January 7, 2025, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES: The Commission: Secretarys-Office@sec.gov. The Applicants: Sabrina Rusnak-Carlson sabrina.carlson@firsteagle.com; David P. O'Connor david.oconnor@firsteagle.com; and Christopher Healey christopher.healey@davispolk.com.

FOR FURTHER INFORMATION CONTACT: Stephan N. Packs, Senior Counsel, or Terri G. Jordan, Branch Chief, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and condition, please refer to Applicants' second amended and restated application, dated November 21, 2024, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC's Public Reference Room at (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-30069 Filed 12-18-24; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for a revision to the collection of information in Form 1086 described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before February 18, 2025.

ADDRESSES: Send all comments to Marybeth Kerrigan, Financial Analyst, Secondary Markets Division, Office of Financial Assistance, Small Business Administration, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Marybeth Kerrigan, Financial Analyst, Secondary Markets Division, Office of Financial Assistance, mary.kerrigan@sba.gov 202-205-7552, or Curtis B. Rich, Agency Clearance Officer, 202-205-7030, curtis.rich@sba.gov. A copy of the revised Form 1086 may be obtained without charge by request to mary.kerrigan@sba.gov.

SUPPLEMENTARY INFORMATION: SBA collects this information from lenders who participate in the secondary market program. The information is used to facilitate and administer secondary market transactions in accordance with 15 U.S.C. 634(f)(3) and to monitor the program for compliance with 15 U.S.C. 639(h).

Solicitation of Public Comments

SBA is seeking to amend Article II for clarity. SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

OMB Control Number: 3245-0185.
Title: Secondary Participation Guaranty Agreement.

¹⁸ 17 CFR 200.30-3(a)(12).

Description of Respondents: Small Business Lenders.

Form Number: SBA Forms 1502, 1086.

Total Estimated Annual Responses: 4,000.

Total Estimated Annual Hour Burden: 62,000.

Curtis Rich,

Agency Clearance Officer.

[FR Doc. 2024–30239 Filed 12–18–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20918 and #20919; PENNSYLVANIA Disaster Number PA–20018]

Administrative Disaster Declaration of a Rural Area for the Commonwealth of Pennsylvania

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative disaster declaration of a rural area for the Commonwealth of Pennsylvania dated December 13, 2024.

Incident: Tropical Storm Debby.

DATES: Issued on December 13, 2024.

Incident Period: August 8, 2024 through August 10, 2024.

Physical Loan Application Deadline Date: February 11, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: September 15, 2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT:

Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration of a rural area, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Clearfield, Indiana.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	5.625
Homeowners without Credit Available Elsewhere	2.813
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 209188 and for economic injury is 209190.

The Commonwealth which received an EIDL Declaration is Pennsylvania.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,
Administrator.

[FR Doc. 2024–30235 Filed 12–18–24; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12608]

Notice of Determinations; Culturally Significant Object Being Imported for Exhibition—Determinations: “The Ivory Comb: Lice and Literacy at Lachish” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary display in the exhibition “The Ivory Comb: Lice and Literacy at Lachish” at the Lynn H. Wood Archaeological Museum, Southern Adventist University, Collegedale, Tennessee, and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S.

Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Nicole L. Elkon,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2024–30071 Filed 12–18–24; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program Update, Naples Municipal Airport (APF), Naples, Florida

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the Noise Compatibility Program (NCP) Update submitted by the Naples Airport Authority (NAA) for the Naples Municipal Airport (the Airport). On December 9, 2021, the FAA determined that Noise Exposure Maps (NEMs) submitted by the NAA were in compliance with applicable requirements. The NCP Update was submitted to the FAA for review on June 14, 2023. After completing initial reviews, the FAA accepted the Noise Compatibility Program and initiated the review process on June 18, 2024. On December 9, 2024 the FAA approved the Naples Airport NCP Update. The NCP contains one noise abatement measure, three land use measures, and six program management measures for which the NAA seeks approval. The noise abatement measure proposed at the airport is related to revised flight procedures. No action is taken at this time on the proposed noise abatement measure as it requires further FAA

review. The FAA approved the nine other measures.

DATES: The effective date of the FAA's approval of the Naples Airport NCP Update is December 9, 2024.

FOR FURTHER INFORMATION CONTACT:

Peter Green, Federal Aviation Administration, FAA Southern Region, Office of Airports (ASO-610), 1701 Columbia Avenue, College Park, Georgia 30337, (404) 305-6718.

SUPPLEMENTARY INFORMATION: This notice announces the FAA's approval of the Noise Compatibility Program Update for the Naples Municipal Airport (the Airport), effective on December 9, 2024. Per United States Code section 49 U.S.C. 47504 and Title 14, Code of Federal Regulations (CFR) part 150, an airport sponsor who previously submitted a noise exposure map (NEM) may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport sponsor for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the NEMs. As required by 49 U.S.C. 47504, such programs must be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and the FAA. The FAA does not substitute its judgment for that of the airport sponsor with respect to which measures should be recommended for action. The FAA approval or disapproval of an airport sponsor's recommendations in its noise compatibility program are made in accordance with the requirements and standards pursuant to 49 U.S.C. 47504 and 14 CFR part 150, which is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of 14 CFR 150.23;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient

use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations of the FAA's approval of NCPs are delineated in 14 CFR 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, State, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental review of the proposed action. Approval does not constitute a commitment by the FAA to assist financially in the implementation of the noise compatibility program nor a determination that all measures covered by the NCP are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests must be submitted to the FAA Orlando Airports District Office at 8427 SouthPark Circle, Suite 524, Orlando, Florida 32819.

The Naples Airport Authority submitted the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study to the FAA, and the FAA determined that the NEMs for the Airport were in compliance with applicable requirements under 14 CFR part 150. The NEMs became effective December 9, 2021 (Noise Exposure Map Notice for Naples Municipal Airport, Naples, FL, 86 FR 71316 (December 15, 2021)). The NAA provided the FAA with the NCP, based on the accepted NEMs, on June 14, 2023. The NAA requested that the FAA review the submitted materials and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a NCP. The FAA initiated the formal review period, limited by law to a maximum of 180 days, on June 18, 2024 and published a Notice of Intent to review the NCP in the **Federal Register** on June 24, 2024 (Receipt of Noise Compatibility Program Update and Request for Review at Naples Airport (APF), Naples, FL, 89 FR 32531 (June 24, 2024)). The **Federal Register** Notice also announced the start of the 60-day public review period for the NCP and its documentation. The FAA received and considered comments from three interested parties during the public review period.

The Airport NCP is comprised of actions designed for phased implementation by airport management and adjacent jurisdictions within the next one to five years. The NAA

requested that the FAA evaluate and approve this material as a noise compatibility program as described in 49 U.S.C. 47504. The FAA began its review of the program on June 18, 2024, and was required by a provision of 49 U.S.C. 47504 to approve or disapprove the program within 180 days, other than the use of new or modified flight procedures for noise control. The FAA's failure to approve or disapprove such program within the 180-day period is deemed an approval of such program.

The submitted program contains ten proposed measures to address aviation noise and noncompatible land uses. The FAA completed its review and determined that the procedural and substantive requirements of 49 U.S.C. 47504 and 14 CFR part 150 were satisfied. A Record of Approval for the overall program was issued by the FAA effective December 9, 2024.

The specific program elements and their individual determinations are as follows:

Noise Abatement Measure 1: Implement Procedures to Increase Glide Slope to Runway End 5—No Action Required At This Time.

Land Use Measure 1: Create a Residential Sound Insulation Program—Approved.

Land Use Measure 2: Encourage Comprehensive Planning; Consider Amendments to Zoning and Building Codes—Approved.

Land Use Measure 3: Purchase Aviation Easements—Approved.

Program Management Measure 1: Monitor Implementation of NCP Measures—Approved.

Program Management Measure 2: Design and Implement an Enhanced "Fly Quiet" Program—Approved.

Program Management Measure 3: Monitor Flight Tracks and Activity Trends—Approved.

Program Management Measure 4: Continue Purchase and Installation of NOMS—Approved.

Program Management Measure 5: Monitor and Determine Need for NEM and/or NCP Update—Approved.

Program Management Measure 6: Continue Community Education and Outreach—Approved.

These determinations are set forth in detail in the Record of Approval signed by the FAA Division Director, Airports Division, Southern Region on December 9, 2024. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above. The Record of Approval is also available on the Naples Airport Part 150 Study website at Noise

and Land Use Compatibility Study Documents—Fly Naples.

Issued in Orlando, FL, on December 12, 2024.

Juan C. Brown,

Manager, Orlando Airports District Office.

[FR Doc. 2024–29705 Filed 12–18–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Aviation Rulemaking Advisory Committee (ARAC) meeting.

SUMMARY: This notice announces a meeting of the ARAC.

DATES: The FAA will hold the meeting on Thursday, March 20, 2025, from 1 p.m. to 4 p.m. eastern time.

The FAA must receive requests to attend the meeting by Thursday, March 13, 2025.

The FAA must receive requests for accommodations to a disability by Thursday, March 13, 2025.

The FAA must receive any written materials for the meeting by Thursday, March 13, 2025.

ADDRESSES: The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, and virtually on Zoom. However, if the FAA is unable to hold the meeting in person due to circumstances outside of its control, the FAA will hold a virtual meeting, notifying registrants of the meeting details and posting any updates on the FAA Committee website. Members of the public who wish to observe the meeting must RSVP by emailing 9-awa-arac@faa.gov. General committee information, including copies of the meeting minutes, will be available on the FAA Committee website (https://www.faa.gov/regulations_policies/rulemaking/committees/documents/) at least one week in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Aliah Duckett, Federal Aviation Administration, Office of Rulemaking, 800 Independence Avenue SW, Washington, DC 20591, 9-awa-arac@faa.gov or (202) 267–6952. Any committee-related request should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

ARAC was established on January 22, 1991, under the Federal Advisory Committee Act (FACA) and pursuant to title 5 of the United States Code (5 U.S.C. Ch.10.), as a discretionary committee. The purpose of ARAC is to provide information, advice, and recommendations to the Secretary of Transportation, through the FAA Administrator, concerning rulemaking activities, such as aircraft operations, airman and air agency certification, airworthiness standards and certification, airports, maintenance, noise, and training.

II. Agenda

At the meeting, the agenda will cover the following topics:

- Welcome and Introductions
- Federal Advisory Committee Act (FACA) Statement
- Ratification of Minutes
- Status Updates and Recommendation Reports
 - Airman Certification System Working Group
 - Transport Airplane and Engine (TAE) Subcommittee
 - Flight Test Harmonization Working Group
 - Ice Crystals Icing Working Group
 - Engine and Powerplant Interface Working Group
- Any Other Business
- FAA Update on Regulatory Activities
- Adjourn

Detailed agenda information will be posted on the FAA Committee website address listed in the **ADDRESSES** section at least one week in advance of the meeting.

III. Public Participation

The meeting will be open to the public for virtual or in-person attendance on a first-come, first-served basis, as there is limited space. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section and provide the following information: full legal name, country of citizenship, and name of your industry association or applicable affiliation. Please indicate if you plan to observe the meeting in person or virtually. The FAA will email registrants the meeting access information in a timely manner prior to the start of the meeting.

The DOT is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the

FOR FURTHER INFORMATION CONTACT section of this notice no later than one week prior to the meeting.

The FAA is not accepting oral presentations at the meeting due to time constraints. Members of the public may present written statements to ARAC by providing a copy to the Designated Federal Officer via the email listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice no later than one week before the meeting. Advance submissions that become part of the committee deliberations will become part of the official record of the meeting.

Issued in Washington, DC, on December 16, 2024.

Brandon Roberts,

Executive Director, Office of Rulemaking.

[FR Doc. 2024–30249 Filed 12–18–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0212; FMCSA–2015–0322; FMCSA–2016–0007; FMCSA–2018–0050; FMCSA–2018–0052; FMCSA–2018–0053; FMCSA–2020–0050; FMCSA–2020–0051]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 10 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4001,

fmcsamedical@dot.gov. Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to www.regulations.gov. Insert the docket number (FMCSA–2014–0212, FMCSA–2015–0322, FMCSA–2016–0007, FMCSA–2018–0050, FMCSA–2018–0052, FMCSA–2018–0053, FMCSA–2020–0050, or FMCSA–2020–0051) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov. As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>, the comments are searchable by the name of the submitter.

II. Background

On October 25, 2024, FMCSA published a notice announcing its decision to renew exemptions for 10 individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (89 FR 85284). The public comment period ended on November 25, 2024, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level

that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria¹ to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based on its evaluation of the 10 renewal exemption applications and comments received, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8).

As of November 15, 2024, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (89 FR 85284):

Kevin Beamon (NY)
Gerald Klein (ID)
Troy Nichols (TX)
Henry Counts (MD)
Thomas Kline (PA)
Jeffrey T. Lang (PA)
Terry Hamby (NC)
Thomas Ork (NY)

The drivers were included in docket number FMCSA–2015–0322, FMCSA–2016–0007, FMCSA–2018–0050, FMCSA–2018–0052, FMCSA–2018–0053, FMCSA–2020–0050, or FMCSA–2020–0051. Their exemptions were applicable as of November 15, 2024 and will expire on November 15, 2026.

As of November 27, 2024, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (89 FR 85284):

Billy Hunter (KY); and Devyn Roberts (KY).

¹ These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

The drivers were included in docket number FMCSA–2020–0051. Their exemptions were applicable as of November 27, 2024 and will expire on November 27, 2026.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024–30085 Filed 12–18–24; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Decommissioning and Disposition of the National Historic Landmark Nuclear Ship Savannah; Notice of Public Meeting

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) announces a public meeting of the Peer Review Group (PRG). The PRG was established pursuant to the requirements of the National Historic Preservation Act (NHPA) and its implementing regulations to plan for the decommissioning and disposition of the Nuclear Ship Savannah (NSS). PRG membership is comprised of officials from the U.S. Department of Transportation, MARAD, the U.S. Nuclear Regulatory Commission (NRC), the Advisory Council on Historic Preservation (ACHP), and the Maryland State Historic Preservation Officer (SHPO) and other consulting parties. The public meeting affords the public an opportunity to participate in PRG activities, including reviewing and providing comments on draft deliverables. MARAD encourages public participation and provides the PRG meeting information below.

DATES: The meeting will be held on Tuesday, January 21, 2025, from 2:30 p.m. to 4 p.m. eastern standard time (EST). Requests to attend the meeting must be received by 5 p.m. EST one week before the meeting, Tuesday, January 14, 2025, to facilitate entry or to

receive instructions to participate online. Requests for accommodations for a disability must also be received one week before the meeting, Tuesday, January 14, 2025.

ADDRESSES: The meeting will be held onboard the NSS, online, or by phone. The NSS is located at Pier 13 Canton Marine Terminal, 4601 Newgate Avenue, Baltimore, MD 21124.

FOR FURTHER INFORMATION CONTACT: Erhard W. Koehler, (202) 680–2066 or via email at marad.history@dot.gov. You may send mail to N.S. Savannah/ Savannah Technical Staff, Pier 13 Canton Marine Terminal, 4601 Newgate Avenue, Baltimore, MD 21124, ATTN: Erhard Koehler.

SUPPLEMENTARY INFORMATION:

I. Background

The decommissioning and disposition of the NSS is an Undertaking under Section 106 of the NHPA. Section 106 requires that federal agencies consider views of the public regarding their Undertakings; therefore, in 2020, MARAD established a Federal docket at <https://www.regulations.gov/docket/MARAD-2020-0133> to provide public notice about the NSS Undertaking. The federal docket was also used in 2021 to solicit public comments on the future uses of the NSS. MARAD is continuing to use this same docket to take in public comment, share information, and post agency actions.

The NHPA Programmatic Agreement (PA) for the Decommissioning and Disposition of the NSS is available on the MARAD docket located at www.regulations.gov under docket id “MARAD–2020–0133.” The PA stipulates a deliberative process by which MARAD will consider the disposition of the NSS. This process requires MARAD to make an affirmative, good-faith effort to preserve the NSS. The PA also establishes the PRG in Stipulation II. The PRG is the mechanism for continuing consultation during the effective period of the PA and its members consist of the signatories and concurring parties to the PA, as well as other consulting parties. The PRG members will provide

individual input and guidance to MARAD regarding the implementation of stipulations in the PA. PRG members and members of the public are invited to provide input by attending bi-monthly meetings and reviewing and commenting on deliverables developed as part of the PA.

II. Agenda

The agenda will include (1) welcome and introductions; (2) program update; (3) status of PA stipulations; (4) other business; and (5) date of next meeting. The agenda will also be posted on MARAD’s website at <https://www.maritime.dot.gov/outreach/history/maritime-administration-history-program> and on the MARAD docket located at www.regulations.gov under docket id “MARAD–2020–0133.”

III. Public Participation

The meeting will be open to the public. Members of the public who wish to attend in person or online must RSVP to the person listed in the **FOR FURTHER INFORMATION CONTACT** section with your name and affiliation. Members of the public may also call-in using the following number: 312–600–3163 and conference ID: 930 866 814#.

Special services. The NSS is not compliant with the Americans with Disabilities Act (ADA). The ship has some capability to accommodate persons with impaired mobility. If you require accommodations to attend PRG meetings in-person, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The U.S. Department of Transportation is committed to providing all participants equal access to this meeting. If you need alternative formats or services such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

(Authority: 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. 2024–30265 Filed 12–18–24; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC’s Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC’s determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on December 16, 2024. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Sanctions Compliance, 202–622–2490; or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC’s website: <https://ofac.treasury.gov>.

Notice of OFAC Action

On December 16, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

BILLING CODE 4810–AL–P

Individuals:

1. CHOE, Chol Ryong (a.k.a. CH'OE, Ch'o'l-ryong), Dandong, China; DOB 12 Feb 1992; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Passport 745336612 (Korea, North) (individual) [NPWMD] (Linked To: KOREA KWANGSON BANKING CORP).

Designated pursuant to section 1(a)(iv) of Executive Order 13382 of June 28, 2005, "Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters," 70 FR 38567, 3 CFR, 2005 Comp., p. 170 (July 1, 2005) (E.O. 13382) for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, KOREA KWANGSON BANKING CORP, a person whose property and interests in property are blocked pursuant to E.O. 13382.

2. IM, Song Jin, Korea, North; DOB 13 Jul 1977; POB Moranbong District, Pyongyang, North Korea; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214 (individual) [DPRK4].

Designated pursuant to section 1(a)(iv) of Executive Order 13810 of September 20, 2017, "Imposing Additional Sanctions With Respect to North Korea," 82 FR 44705, 3 CFR, 2017 Comp., p. 379 (September 25, 2017) (E.O. 13810) for being a North Korean person.

3. KIM, Geum Cheol (Korean: 김금철) (a.k.a. "KIM, Geum Chol"; a.k.a. "KIM, Kum-Chol"), Korea, North; DOB 1961; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; President of Pyongyang University of Automation (individual) [DPRK2].

Designated pursuant to section 1(a)(ii) of Executive Order 13687 of January 2, 2015, "Imposing Additional Sanctions With Respect To North Korea," 80 FR 819, 3 CFR, 2015 Comp., p. 259 (January 6, 2015) (E.O. 13687) for being an official of the Government of North Korea.

4. PAK, Jong Chon (Korean: 박정천) (a.k.a. PAK, Jeong Cheon; a.k.a. PARK, Chong Chon; a.k.a. PARK, Jeong Cheon), Korea, North; DOB 18 Sep 1954; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214 (individual) [DPRK2].

Designated pursuant to section 1(a)(iii) of E.O. 13687 for being an official of the Workers' Party of Korea.

5. KIM, Yong Bok (Korean: 김영복) (a.k.a. "KIM, Yongbok"), Korea, North; DOB 27 Jul 1957; nationality Korea, North; alt. nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Passport 654420047 (Korea, North); President of Pyongyang University of Automation (individual) [DPRK2].

Designated pursuant to section 1(a)(ii) of E.O. 13687 for being an official of the Government of North Korea.

6. RO, Kwang Chol (Korean: 노광철) (a.k.a. "NO, Kwang Chol"; a.k.a. "RO, Gwang Chol"), Korea, North; DOB 22 Aug 1958; POB Nampo, Pyongannam-Do, North Korea; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Minister of the Ministry of People's Armed Forces (individual) [DPRK2].

Designated pursuant to section 1(a)(ii) of E.O. 13687 for being an official of the Government of North Korea.

7. KIM, Myong Jin (Korean: 김명진) (a.k.a. KIM, Myo'ng-chin), Beijing, China; DOB 18 Feb 1980; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214 (individual) [DPRK].

Designated pursuant to section 1(a)(ii)(F) of Executive Order 13551 of August 30, 2010, "Blocking Property of Certain Persons With Respect to North Korea," 75 FR 53837, 3 CFR, 2010 Comp., p. 242 (September 1, 2010) (E.O. 13551) for having acted or purported to act for or on behalf of, directly or indirectly, KOREA DAESONG BANK, a person whose property and interests in property are blocked pursuant to E.O. 13551.

8. JU, Chang Il (Korean: 주창일), Korea, North; DOB 15 Mar 1961; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Director of the Workers' Party of Korea Propaganda and Agitation Department (individual) [DPRK2].

Designated pursuant to section 1(a)(iii) of E.O. 13687 for being an official of the Workers' Party of Korea.

9. RI, Chang Ho (Korean: 리창호) (a.k.a. "LEE, Chang Ho"; a.k.a. "RHEE, Chang Ho"), Korea, North; DOB 1967; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Director of Korean People's Army, Reconnaissance General Bureau (individual) [DPRK2].

Designated pursuant to section 1(a)(ii) of E.O. 13687 for being an official of the Government of North Korea.

Entities:

1. DV INK LIMITED LIABILITY COMPANY (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕННОЙ ОТВЕТСТВЕННОСТЬЮ ДВ ИНК) (a.k.a. DV INK LLC (Cyrillic: ООО ДВ ИНК); a.k.a. DV INK ООО), D. 41A Kv. 117, ul. Leningradsksaya, Ussuriysk, Primorsky region 692512, Russia; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; alt. Secondary sanctions risk: See Section 11 of Executive Order 14024.; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Organization Established Date 11 May 2018; Tax ID No. 2511105487 (Russia); Registration Number 1182536014924 (Russia) [DPRK4] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(iii) of E.O. 13810 for having engaged in at least one significant importation from or exportation to North Korea of any goods, services, or technology.

Designated pursuant to section 1(a)(i) of Executive Order 14024 of April 15, 2021, "Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation," 86 FR 20249, 3 CFR, 2021 Comp., p. 542 (Apr. 15, 2021) (E.O. 14024) as amended by Executive Order 14114 of December 22, 2023, "Taking Additional Steps With Respect to the Russian Federation's Harmful Activities," 88 FR 89271, 3 CFR, 2023 Comp., p. 721 (Dec. 22, 2023) (E.O. 14114) for operating or having operated in the transportation sector of the Russian Federation economy.

2. VOSTOK TRADING LIMITED LIABILITY COMPANY (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕННОЙ ОТВЕТСТВЕННОСТЬЮ ВОСТОК ТРЕЙДИНГ) (a.k.a. LLC VOSTOK TRADING; a.k.a. VOSTOK TRADING

LLC (Cyrillic: ООО ВОСТОК ТРЕЙДИНГ); a.k.a. "EAST TRADING"), Kv. 10, 54 Volodarskogo Ulitsa, Ussuriysk, Primorsky Krai 692519, Russia; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; alt. Secondary sanctions risk: See Section 11 of Executive Order 14024.; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Organization Established Date 30 Apr 2015; Tax ID No. 2511092929 (Russia); Registration Number 1152511001785 (Russia) [DPRK4] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(iii) of E.O. 13810 for having engaged in at least one significant importation from or exportation to North Korea of any goods, services, or technology.

Designated pursuant to section 1(a)(i) of E.O. 14024 as amended by E.O. 14114 for operating or having operated in the transportation sector of the Russian Federation economy.

3. OKRYU TRADING COMPANY (Korean: 조선옥류무역회사) (a.k.a. KOREAN FOREIGN TRADE COMPANY OKRYU (Chinese Simplified: 朝鲜玉流贸易会社); a.k.a. KOREYSKAYA VNESHNETORGOVAYA KOMPANIYA OKRYU (Cyrillic: КОРЕЙСКАЯ ВНЕШНЕТОРГОВАЯ КОМПАНИЯ ОКРЮ); a.k.a. OKRYU TRADING CORPORATION; a.k.a. "OKRYU TRADE CO." (Cyrillic: "КОМПАНИЯ ОКРЮ")), Phyongchon District, Pyongyang, Korea, North; Rason, Korea, North; Email Address okryu@star-co.net.kp; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214 [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the construction, energy, financial services, fishing, information technology, manufacturing, medical, mining, textiles, or transportation industries in North Korea.

4. NOVOSIBIRSKOBLGAZ LIMITED LIABILITY COMPANY (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕННОЙ ОТВЕТСТВЕННОСТЬЮ НОВОСИБИРСКОБЛГАЗ) (a.k.a. NOVOSIBIRSKOBLGAZ LLC (Cyrillic: ООО НОВОСИБИРСКОБЛГАЗ)), 44 Tolmachevskaya, Novosibirsk 630052, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; alt. Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Organization Established Date 30 May 2007; Tax ID No. 5433168404 (Russia); Registration Number 1075475004241 (Russia) [DPRK4] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(iii) of E.O. 13810 for having engaged in at least one significant importation from or exportation to North Korea of any goods, services, or technology.

Designated pursuant to section 1(a)(i) of E.O. 14024 as amended by E.O. 14114 for operating or having operated in the transportation sector of the Russian Federation economy.

5. SIBREGIONGAZ, AO (a.k.a. SIBREGIONGAZ ZAO (Cyrillic: ЗАО СИБРЕГИОНГАЗ); a.k.a. ZAKRYTOE AKTSIONERNOE OBSHCHESTVO (Cyrillic: ЗАКРЫТОЕ АКЦИОНЕРНОЕ ОБЩЕСТВО СИБРЕГИОНГАЗ)), d. 82 ofis 104/ 4, Prospekt Krasny, Novosibirsk, Novosibirsk Region 630091, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 24 Jul 2003; Tax ID No. 5406258514 (Russia); Registration Number 1035402498999 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 as amended by E.O. 14114 for operating or having operated in the transportation sector of the Russian Federation economy.

6. GOLDEN TRIANGLE BANK (Hangul: 황금의 삼각주은행; Chinese Simplified: 金三角银行) (a.k.a. GOLDEN DELTA BANK; a.k.a. "GTB"), GTB Building, Namsan-Dong Rason, Namsan, Korea, North; Rajin-Songbong Free Economic and Trade Zone, Korea, North; SWIFT/BIC KGTBKPP1; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Organization Established Date Feb 1995; Target Type Financial Institution [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the construction, energy, financial services, fishing, information technology, manufacturing, medical, mining, textiles, or transportation industries in North Korea.

7. KOREA MANDAL CREDIT BANK (a.k.a. MANDAL CREDIT BANK; a.k.a. "ANSAN"; a.k.a. "KMCB"), P'yo'ngch'o'n District, Ansan 2-dong, Pyongyang, Korea, North; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Target Type Financial Institution [DPRK4].

Designated pursuant to section 1(a)(i) of E.O. 13810 for operating in the construction, energy, financial services, fishing, information technology, manufacturing, medical, mining, textiles, or transportation industries in North Korea.

Lisa M. Palluconi,
Acting Director, Office of Foreign Assets Control.

[FR Doc. 2024-30248 Filed 12-18-24; 8:45 am]

BILLING CODE 4810-AL-C

DEPARTMENT OF THE TREASURY

**Agency Information Collection
Activities; Submission for OMB
Review; Collection;**

Comment Request for Trust and Estate
Income Tax Returns and Related Forms

AGENCY: Departmental Offices, U.S.
Department of the Treasury.

ACTION: Notice.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other

Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA). The IRS is soliciting comments on Trust and Estate Income Tax Returns and Related Forms.

DATES: Comments should be received on or before January 21, 2025 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Copies of the submissions may be obtained from Melody Braswell by emailing PRA@treasury.gov, calling (202) 622-1035, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: Trust and Estate Income Tax Returns and related Forms.

OMB Number: 1545-0092.

Form Numbers: 1041, 1041 A, 1041 ES, 1041 ES (OCR), 1041 N, 1041 QFT, 1041 SCH D, 1041 SCH I, 1041 SCH J, 1041 SCH K-1, 1041 T, 1041 V, 172, 461, 926, 965 A, 982, 1040 SCH C, 1040 SCH E, 1040 SCH F, 1040 SCH H, 1045, 1065 SCH D, 1065 SCH K-2, 1116, 1116 SCH B, 1116 SCH C, 2210, 2210 F, 2439, 3115, 3468, 3800, 4136, 4255, 4562, 4684, 4797, 4952, 4970, 4972, 5227, 5329, 5471, 5471 SCH E, 5471 SCH G1, 5471 SCH H, 5471 SCH I1, 5471 SCH J, 5471 SCH M, 5471 SCH O, 5471 SCH P, 5471 SCH Q, 5471 SCH R, 5713, 5713 SCH B, 5713 SCH C, 5884, 5884 A, 6198, 6252, 6478, 6765, 6781, 7205, 7207, 7210, 7211, 7213, 7217, 7218, 8082, 8275, 8275 R, 8453 FE, 8582, 8582 CR, 8586, 8594, 8609 A, 8611, 8621, 8697, 8801, 8820, 8824, 8825, 8826, 8829, 8830, 8833, 8835, 8844, 8845, 8846, 8855, 8858, 8858 SCH M, 8864, 8865, 8865 SCH G, 8865 SCH H, 8865 SCH K-1, 8865 SCH K-2, 8865 SCH K-3, 8865 SCH O, 8865 SCH P, 8866, 8873, 8879 F, 8881, 8882, 8886, 8896, 8903, 8904, 8908, 8910, 8911, 8911 SCH A, 8912, 8918, 8932, 8933, 8933 SCH A, 8933 SCH B, 8933 SCH C, 8933 SCH D, 8933 SCH E, 8933 SCH F, 8936, 8938, 8941, 8949, 8960, 8978, 8978 SCH A, 8990, 8992, 8992 SCH A, 8994, 8995, 8995 A, 8995 A SCH A, 8995 A SCH B,

8995 A SCH C, 8995 A SCH D, 8997, 8582-CR, 8609-A, T, and associated.

Abstract: These forms are used by trusts and estates to comply with their income tax reporting requirement. The data is used to verify that the items reported on the forms are correct.

Current Actions: The burden estimation methodology for trust and estate tax is being transitioned from the legacy Arthur D. Little (ADL) methodology to the IRS Taxpayer Burden Model. The changes discussed above result in a burden hour estimate of 31,900,000 hours, a decrease in total estimated time burden of 364,570,339 hours. The newly reported total out-of-pocket costs is \$5,501,000,000 and total monetized burden is \$7,573,000,000. The change related to the transition of the burden estimate from the legacy ADL model methodology to the IRS Taxpayer Burden Model, is a one-time change. In addition, changes are being made to the forms to be current with enacted legislation.

Type of Review: Revision of currently approved collection.

Affected Public: Trusts and Estates.

Estimated Number of Respondents: 3,070,000.

Estimated Time per Respondent

(Hours): 10 minutes, 40 minutes.

Estimated Total Annual Time (Hours): 31,900,000 hours.

Estimated Total Annual Monetized Time (\$): 2,072,000,000.

Estimated Annual Monetized Time per Respondent (\$): 693.

Estimated Total Out-of-Pocket Costs (\$): 5,501,000,000.

Estimated Out-of-Pocket Cost per Respondent (\$): 1,838.

Estimated Total Monetized Burden (\$): 7,573,000,000.

Estimated Monetized Burden per Respondent (\$): 2,531.

Note: Total Monetized Burden = Total Out-of-Pocket Costs + Total Annual Monetized Time.

Change in PRA Approval of Forms Used by Trusts and Estates

Under the PRA, OMB assigns a control number to each “collection of information” that it reviews and approves for use by an agency. A single information collection may consist of one or more forms, recordkeeping requirements, and/or third-party disclosure requirements. Under the PRA and OMB regulations, agencies have the discretion to seek separate OMB approvals for forms, recordkeeping requirements, and third-party reporting requirements or to combine any number of forms, recordkeeping requirements, and/or third-party disclosure

requirements (usually related in subject matter) under one OMB Control Number. Agency decisions on whether to group individual requirements under a single OMB Control Number or to disaggregate them and request separate OMB Control Numbers are based largely on considerations of administrative practicality.

The PRA also requires agencies to estimate the burden for each collection of information. Accordingly, each OMB Control Number has an associated burden estimate. The burden estimates for each control number are displayed in (1) the PRA notices that accompany collections of information, (2) **Federal Register** notices such as this one, and (3) in OMB’s database of approved information collections. If more than one form, recordkeeping requirement, and/or third-party disclosure requirement is approved under a single control number, then the burden estimate for that control number reflects the burden associated with all of the approved forms, recordkeeping requirements, and/or third-party disclosure requirements.

As described below under the heading “Updated Burden Estimate Methodology,” the IRS’s currently accepted burden estimate methodology, referred to as the IRS Taxpayer Burden Model, is based on taxpayers’ tax reporting experience taking into account, among other things, the forms and schedules used by those taxpayers and the recordkeeping and other activities needed to complete those forms. The transition of the trust and estate income tax reporting burden represents the IRS’s continued effort to improve the ability of IRS to measure the burden imposed on various groups of taxpayers by the federal tax system. While the improved methodology provides a more accurate and comprehensive description of the trust and estate income tax reporting burden, it will not provide burden estimates on a form-by-form basis, as has been done under the previous methodology. When the prior model, known as the legacy Arthur D. Little (ADL) model was developed in the mid-1980s, almost all tax returns were prepared manually, either by the taxpayer or a paid provider. In this context, it was determined that estimating burden on a form-by-form, line-by-line basis was an appropriate methodology. Trust and estate income tax returns are increasingly being prepared using software or with preparer assistance. In this current reporting environment, in which many taxpayers’ activities are no longer as directly associated with particular forms, estimating burden on a

form-by-form basis is not an appropriate method of estimating taxpayer burden. The IRS Taxpayer Burden Model, which takes into account broader and more comprehensive taxpayer characteristics and activities, provides a much more accurate and useful estimate of taxpayer burden.

Currently, there are 153 forms and 27 regulations used by trust and estates pertaining to their income tax reporting requirements. These include Forms 1041, 1041 A, 1041 ES, 1041 ES (OCR), 1041 N, 1041 QFT, 1041 SCH D, 1041 SCH I, 1041 SCH J, 1041 SCH K–1, 1041 T, 1041 V, 172, 461, 926, 965 A, 982, 1040 SCH C, 1040 SCH E, 1040 SCH F, 1040 SCH H, 1045, 1065 SCH D, 1065 SCH K–2, 1116, 1116 SCH B, 1116 SCH C, 2210, 2210 F, 2439, 3115, 3468, 3800, 4136, 4255, 4562, 4684, 4797, 4952, 4970, 4972, 5227, 5329, 5471, 5471 SCH E, 5471 SCH G1, 5471 SCH H, 5471 SCH I1, 5471 SCH J, 5471 SCH M, 5471 SCH O, 5471 SCH P, 5471 SCH Q, 5471 SCH R, 5713, 5713 SCH B, 5713 SCH C, 5884, 5884 A, 6198, 6252, 6478, 6765, 6781, 7205, 7207, 7210, 7211, 7213, 7217, 7218, 8082, 8275, 8275 R, 8453 FE, 8582, 8582 CR, 8586, 8594, 8609 A, 8611, 8621, 8697, 8801, 8820, 8824, 8825, 8826, 8829, 8830, 8833, 8835, 8844, 8845, 8846, 8855, 8858, 8858 SCH M, 8864, 8865, 8865 SCH G, 8865 SCH H, 8865 SCH K–1, 8865 SCH K–2, 8865 SCH K–3, 8865 SCH O, 8865 SCH P, 8866, 8873, 8879 F, 8881, 8882, 8886, 8896, 8903, 8904, 8908, 8910, 8911, 8911 SCH A, 8912, 8918, 8932, 8933, 8933 SCH A, 8933 SCH B, 8933 SCH C, 8933 SCH D, 8933 SCH E, 8933 SCH F, 8936, 8938, 8941, 8949, 8960, 8978, 8978 SCH A, 8990, 8992, 8992 SCH A, 8994, 8995, 8995 A, 8995 A SCH A, 8995 A SCH B, 8995 A SCH C, 8995 A SCH D, 8997, 8582–CR, 8609–A, T, and their schedules. For most of these forms, IRS has in the past obtained separate OMB approvals under unique OMB Control Numbers and separate burden estimates.

The IRS Taxpayer Burden Model methodology estimates the aggregate burden imposed on trusts and estates, based upon their reporting-related characteristics and activities. IRS therefore will seek OMB approval of all 153 trust and estate income tax forms as a single “collection of information.” The aggregate burden of these tax forms will be accounted for under OMB Control Number 1545–0092, which is currently assigned to Form 1041. OMB Control Number 1545–0092 will be displayed on all trust and estate income tax forms and related information collections. As a result of this change, burden estimates for trust and estate income taxes will now be displayed differently in PRA

Notices on tax forms and other information collections, and in **Federal Register** notices. This new way of displaying burden is presented below under the heading “Proposed PRA Submission to OMB.”

Updated Burden Estimate Methodology

The IRS Taxpayer Burden Model methodology revises the estimates of the levels of burden experienced by trusts and estates when complying with their federal reporting requirements pertaining to income taxes. It replaces the legacy ADL model methodology developed in the mid-1980s. Since that time, improved technology and modeling sophistication have enabled the IRS to improve the burden estimates. The IRS Taxpayer Burden Model methodology provides taxpayers and the IRS with a more comprehensive understanding of the current levels of taxpayer burden. It reflects major changes over the past two decades in the way taxpayers prepare and file their returns. The IRS Taxpayer Burden Model methodology also represents a substantial step forward in the IRS’s ability to assess likely impacts of administrative and legislative changes on trusts and estates.

The IRS Taxpayer Burden Model methodology focuses on the characteristics and activities of trusts and estates rather than solely focusing on the forms they file. Key determinants of taxpayer burden in the model are the type of trust or estate, the number of beneficiaries, level of the trust or estate’s income, and the complexity of the trust or estate’s income generated from assets and investments. Indicators of tax law and administrative complexity, as reflected in the tax forms and instructions, are incorporated into the model. Tax compliance burden does not include a taxpayer’s tax liability, economic inefficiencies caused by sub-optimal choices related to tax deductions or credits, or psychological costs. The legacy ADL model methodology primarily focused on the number of line items of each tax form. The changes between the old and new burden estimates are due to the improved ability of the IRS Taxpayer Burden Model methodology to measure burden and the expanded scope of what is measured. These changes create a one-time shift in the estimate of imposed burden. It is important to note that the difference between the legacy ADL estimate and the IRS Taxpayer Burden Model estimate do not reflect any change in the actual burden imposed by taxpayers.

Methodology

Burden is defined as the time and out-of-pocket costs incurred by taxpayers to comply with their federal tax reporting responsibilities. As has been done for individual taxpayer burden since 2005, business entity burden since 2014, tax-exempt organization burden since 2018, and employer taxpayer burden since 2023, both the time expended and the out-of-pocket costs for trusts and estates are estimated. The IRS Taxpayer Burden Model methodology relies on surveys that gather data about time and out-of-pocket costs that trusts and estates spend on pre-filing and filing activities. The methodology establishes econometric relationships between tax return characteristics and reported compliance costs. The methodology controls for the substitution of time and money by monetizing time and reporting total compliance costs in dollars. This methodology better reflects taxpayer compliance burden, because in a world of electronic tax preparation, time and out-of-pocket costs are governed by the information required rather than the form on which it is ultimately reported. Importantly, even where various trusts and estates complete the same tax form lines, the new methodology differentiates the cost incurred to complete those forms based on characteristics of those trusts and estates. Key characteristics that serve as coefficients in the trust and estates reporting burden model are:

- Type of trust or estate
- Level of income
- Complexity of income and deductions
- Number of beneficiaries

The IRS Taxpayer Burden Model methodology is based on survey data collected using the following stratification for trusts and estates:

FORM 1041 STRATA	
Fiduciary code	Income level
1 = Estate	<\$5. \$5–\$999. \$1,000–\$4,999. \$5,000–\$24,999. \$25,000–\$74,999. \$75,000–\$149,999. ≥\$150,000.
2 = Simple Trust	<\$5. \$5–\$999. \$1,000–\$4,999. \$5,000–\$24,999. \$25,000–\$74,999. \$75,000–\$149,999. ≥\$150,000.
3 = Complex Trust	<\$5. \$5–\$999. \$1,000–\$4,999. \$5,000–\$24,999. \$25,000–\$74,999. \$75,000–\$149,999.

FORM 1041 STRATA—Continued		FORM 1041 STRATA—Continued		FORM 1041 STRATA—Continued	
Fiduciary code	Income level	Fiduciary code	Income level	Fiduciary code	Income level
	>=\$150,000.	5 = Bankruptcy Trust Ch. 7	Any.		>=\$5.
4 = Nontaxable Grantor Trust ..	Any.	6 = Bankruptcy Trust Ch. 11	Any.	9 = Pooled Investment Funds ..	<\$5. >=\$5.
		8 = Qualified Dividend Trust	<\$5.		

Source: IRS:RAAS:KDA (08–23–2024).

FISCAL YEAR (FY) 2025 BURDEN TOTAL ESTIMATES FOR TRUST AND ESTATE INCOME TAX FORMS, SCHEDULES, AND REGULATIONS

	FY23 to 24	Program change due to adjustment	Program change due to new legislation	Program change due to agency	FY25
Number of Respondents	* 19,120,534	(16,050,534)	0	0	** 3,070,000
Burden in Hours	396,470,339	(364,570,339)	0	0	31,900,000
Monetized time Burden	\$0	\$2,072,000,000	\$0	\$0	\$2,072,000,000
Out-of-Pocket Costs	\$0	\$5,501,000,000	\$0	\$0	\$5,501,000,000
Total Monetized Burden ***	\$0	\$7,573,000,000	\$0	\$0	\$7,573,000,000

Source: IRS:RAAS:KDA (11–18–2024).

*FY23 responses per year is a count of all forms and schedules filed under legacy ADL Model methodology.

** FY25 responses per year is a count of all taxpayers under the IRS Taxpayer Burden Model methodology. This approach is also used for OMB 1545–0074 (individuals), 1545–0123 (business entities), 1545–0029 (employment tax), and 1545–0047 (tax-exempt organizations).

*** Total monetized burden = Total Out-of-Pocket Costs + Total Annual Monetized Time.

Note: Reported time and cost burdens are national averages and do not necessarily reflect a “typical case.” Most taxpayers experience lower than average burden, with taxpayer burden varying considerably by taxpayer type. Detail may not add due to rounding.

The following additional breakouts of average burden are provided for transparency in understanding the average estimated burden experienced by taxpayers. Table 1 shows the average burden by filers of Form 1041. Table 2 shows the average burden by total income. Table 3 shows the average burden by the number of K–1s attached to the Form 1041.

TABLE 1—FY2025 AVERAGE BURDEN PROJECTIONS BY ENTITY TYPE

Entity type	Percent of filed Form 1041 **	Average time (hrs.)	Average out-of-pocket costs	Average monetized burden
Simple Trust	17	9	\$1,300	\$1,900
Complex Trust *	54	11	1,900	2,700
Decedent Estate	12	18	3,300	4,400
Grantor Trust	16	8	1,100	1,400
Qualified Disability Trust	1	8	800	1,200
Pooled Income Fund	<1	10	2,700	3,200

Source: IRS:RAAS:KDA (11–18–2024).

* The category of Complex Trusts includes Chapter 7 and Chapter 11 Bankruptcy Estates.

** Percentages based on Tax Year 2022 filings. Detail may not add to total due to rounding.

TABLE 2—FY2025 AVERAGE BURDEN PROJECTIONS BY TOTAL INCOME *

Total income	Average time (hrs.)	Average out-of-pocket costs	Average monetized burden
Table 2A—Simple Trusts			
1. <\$1	8	\$800	\$1,200
2. \$1 to \$5,000	8	800	1,200
3. \$5,001 to \$10,000	7	900	1,400
4. \$10,001 to \$50,000	7	1,200	1,800
5. >\$50,000	11	2,500	3,700
Table 2B—Complex Trusts, Qualified Disability Trusts, Pooled Income Funds, Chapter 7 and 11 Bankruptcy Estates			
1. <\$1	8	1,100	1,400
2. \$1 to \$5,000	9	900	1,300
3. \$5,001 to \$10,000	8	1,200	1,700
4. \$10,001 to \$50,000	9	1,700	2,400
5. >\$50,000	18	4,600	6,400

TABLE 2—FY2025 AVERAGE BURDEN PROJECTIONS BY TOTAL INCOME *—Continued

Total income	Average time (hrs.)	Average out-of-pocket costs	Average monetized burden
Table 2C—Decedent Estates			
1. <\$1	16	2,500	3,400
2. \$1 to \$5,000	18	2,300	3,000
3. \$5,001 to \$10,000	18	2,900	3,800
4. \$10,001 to \$50,000	18	3,700	5,000
5. >\$50,000	21	6,000	8,000

Source: IRS:RAAS:KDA (11–18–2024).

* Grantor trusts are not reflected in this table because income from a grantor trust is generally reported on the grantor's tax return.

TABLE 3—FY2025 AVERAGE BURDEN PROJECTIONS BY NUMBER OF K–1S ATTACHED *

Number of K–1s	Average time (hrs.)	Average out-of-pocket costs	Average monetized burden
Table 3A—Simple Trusts			
0	9	\$1,000	\$1,400
1–5	8	1,300	1,900
6–10	13	2,300	3,300
>10	17	3,300	4,700
Table 3B—Complex Trusts, Qualified Disability Trusts, Pooled Income Funds, Ch. 7 and 11 Bankruptcy Estates			
0	9	1,200	1,600
1–5	11	2,200	3,100
6–10	20	4,300	6,100
>10	26	5,800	8,100
Table 3C—Decedent Estates			
0	14	2,400	3,300
1–5	20	3,800	5,100
6–10	25	5,400	7,300
>10	32	7,500	11,000

Source: IRS:RAAS:KDA (11–18–2024).

* Grantor trusts are not reflected in this table because they do not use Schedule K–1s. See Instructions to Form 1041, <https://www.irs.gov/instructions/i1041>.

Authority: 44 U.S.C. 3501 *et seq.*

Melody Braswell,

Treasury PRA Clearance Officer.

[FR Doc. 2024–30066 Filed 12–18–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Internal Revenue Service (IRS) Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork

Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before January 21, 2025 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Melody Braswell by emailing PRA@treasury.gov, calling (202) 622–1035, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

1. *Title:* Simplified Employee Pension—Individual Retirement Accounts Contribution Agreement.

OMB Number: 1545–0499.

Document Number: 5305–SEP.

Abstract: Form 5305–SEP is used by an employer to make an agreement to provide benefits to all employees under a Simplified Employee Pension (SEP) described in Internal Revenue Code section 408(k). This form is not to be filed with the IRS but is to be retained in the employer's records as proof of establishing a SEP and justifying a deduction for contributions to the SEP.

Current Actions: There are no changes to the burden previously approved by OMB. This request is to extend the current approval for another 3 years.

Type of Review: Extension of a currently approved collection.

Affected Public: Business and other for-profit organizations.

Estimated Number of Respondents: 100,000.

Estimated Time per Respondent: 4 hrs., 57 min.

Estimated Total Annual Burden Hours: 495,000.

2. *Title:* Internal Revenue Service Advisory Council Membership Application.

OMB Number: 1545–1791.

Form Number: 12339.

Abstract: The Federal Advisory Committee Act (FACA) requires that committee membership be balanced in terms of points of view represented and the functions to be performed. As a result, members of specific committees often have both the expertise and professional skills that parallel the program responsibilities of their sponsoring agencies. Selection of committee members is based on the FACA's requirements and the potential member's background and qualifications. Therefore, an application is needed to ascertain the desired skills set for membership. The IRS will also use the information to perform Federal income tax, background, and practitioner checks as required of all members and applicants to the Committee or Council. Information provided will be used to qualify or disqualify individuals to serve as members.

Current Actions: Minor changes were made to form 12239 that included in part 1—there are now 6 check boxes instead of 5, and Part V—a check box has been added. Changes to the burden estimates are due to the most current filing data.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 100.

Estimated Time per Response: 1 hr. 30 min.

Estimated Total Annual Burden Hours: 150.

3. *Title:* Consumer Cooperative Exemption Application.

OMB Number: 1545–1941.

Form Number: 3491.

Abstract: A cooperative uses Form 3491 to apply for exemption from filing Form 1099–PATR, Taxable Distributions received from Cooperatives. Form 1099–PATR is used to report patronage distributions of \$10 or more to a recipient during the calendar year.

Current Actions: There is no change to the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit, individuals or households, and farms.

Estimated Number of Respondents: 200.

Estimated Time per Response: 44 min.

Estimated Total Annual Burden Hours: 148 hours.

4. *Title:* Employee Retention Credit for Employers Affected by Qualified Disaster.

OMB Number: 1545–1978.

Form Number: Form 5884–A.

Abstract: Form 5884–A is used to figure certain credits for disaster area employers. These credits typically include employee retention credits for eligible employers who conducted an active trade or business in certain disaster areas. The credit is equal to 40 percent of qualified wages for each eligible employee (up to a maximum of \$6,000 in qualified wages per employee). The estimates in this notice are for estates and trusts filing Form 5884–A.

Current Actions: There is no change to the burden previously approved by OMB. However, the estimated number of responses was reduced to eliminate duplication of burden estimates. The estimated burden for individuals filing Form 5884–A is approved under OMB control number 1545–0074, and the estimated burden for businesses filing Form 5884–A is approved under OMB control number 1545–0123.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and farms.

Estimated Number of Respondents: 120.

Estimated Time per Respondent: 2.55 hours.

Estimated Total Annual Burden Hours: 306.

Authority: 44 U.S.C. 3501 *et seq.*

Melody Braswell,

Treasury PRA Clearance Officer.

[FR Doc. 2024–30254 Filed 12–18–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Proposed Collection; Comment Request for Forms 1065, 1066, 1120, 1120–C, 1120–F, 1120–H, 1120–ND, 1120–S, 1120–SF, 1120–FSC, 1120–L, 1120–PC, 1120–REIT, 1120–RIC, 1120–POL, and Related Attachments

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce

paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA). The IRS is soliciting comments on forms used by business entity taxpayers.

DATES: Comments should be received on or before January 21, 2025 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Copies of the submissions may be obtained from Melody Braswell by emailing PRA@treasury.gov, calling (202) 622–1035, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: U.S. Business Income Tax Return.

OMB Number: 1545–0123.

Form Numbers: Forms 1065, 1066, 1120, 1120–C, 1120–F, 1120–H, 1120–ND, 1120–S, 1120–SF, 1120–FSC, 1120–L, 1120–PC, 1120–REIT, 1120–RIC, 1120–POL and all attachments to these forms.

Abstract: These forms are used by businesses to report their income tax liability.

Current Actions: There have been changes in regulatory guidance related to various forms approved under this approval package during the past year. There have been additions and removals of forms included in this approval package. This approval package is being submitted for renewal purposes.

Type of Review: Revision of a currently approved collection.

Affected Public: Corporations, Partnerships and Pass-Through Entities.

Estimated Number of Respondents: 13,900,000.

Estimated Time per Respondent (Hours): 67 hours, 25 minutes.

Estimated Total Annual Time (Hours): 935,100,000.

Estimated Total Annual Monetized Time (\$): 56,152,000,000.

Estimated Total Out-of-Pocket Costs (\$): 71,617,000,000.

Estimated Total Monetized Burden
(\$): 127,769,000,000.

Note: Total Monetized Burden = Total Out-of-Pocket Costs + Total Annual Monetized Time.

Tax Compliance Burden: Tax compliance burden is defined as the

time and money taxpayers spend to comply with their tax filing responsibilities. Time-related activities include recordkeeping, tax planning, gathering tax materials, learning about the law and what you need to do, and completing and submitting the return. Out-of-pocket costs include expenses

such as purchasing tax software, paying a third-party preparer, and printing and postage. Tax compliance burden does not include a taxpayer's tax liability, economic inefficiencies caused by sub-optimal choices related to tax deductions or credits, or psychological costs.

TABLE 1—FISCAL YEAR 2025 TAXPAYER BURDEN FOR ENTITIES TAXED AS PARTNERSHIPS

Primary form filed or type of taxpayer	Total number of returns (in millions)	Average time (hrs.)	Average out-of-pocket cost	Average monetized burden
All Partnerships	5.4	60	\$5,000	\$8,500
Small	5.0	50	3,100	5,100
Large *	0.4	190	28,200	50,000

Forms 1065, 1066, and all attachments.

TABLE 2—FISCAL YEAR 2025 TAXPAYER BURDEN FOR ENTITIES TAXED AS TAXABLE CORPORATIONS

Primary form filed or type of taxpayer	Total number of returns (in millions)	Average time (hrs.)	Average out-of-pocket cost	Average monetized burden
All Taxable Corporations	2.3	100	\$7,400	\$15,400
Small	2.1	50	3,500	6,000
Large *	0.2	690	59,200	139,600

Forms 1120, 1120-C, 1120-F, 1120-H, 1120-ND, 1120-SF, 1120-FSC, 1120-L, 1120-PC, 1120-POL, and all attachments.

TABLE 3—FISCAL YEAR 2025 TAXPAYER BURDEN FOR ENTITIES TAXED AS PASS-THROUGH CORPORATIONS

Primary form filed or type of taxpayer	Total number of returns (in millions)	Average time (hrs.)	Average out-of-pocket cost	Average monetized burden
All Pass-through Corporations	6.2	60	\$4,500	\$8,500
Small	6.1	60	3,900	5,100
Large *	0.1	300	40,600	50,000

Forms 1120-REIT, 1120-RIC, 1120-S, and all attachments.

Source: IRS:RAAS:KDA:BRDN (12-1-24).

* A large business is defined as one having end-of-year assets greater than \$10 million. Total filer counts may not equal the burden total estimates table due to rounding.

Tables 1A–3A show the average *total positive income*. Total positive income is defined as the sum of all positive income amounts reported on the return.

TABLE 1A—FISCAL YEAR 2025 TAXPAYER BURDEN FOR TAXABLE CORPORATIONS ON FORM 1120

Total positive income	Average time (hrs.)	Average out-of-pocket costs	Average monetized burden
1. <100k	33	\$1,412	\$1,931
2. 100k to 1mil	49	4,559	6,604
3. 1mil to 10mil	93	13,893	23,988
4. 10mil to 100mil	390	54,933	100,276
5. >100mil	3,325	290,812	677,311

TABLE 2A—FISCAL YEAR 2025 TAXPAYER BURDEN FOR PASS-THROUGH CORPORATIONS ON FORM 1120S

Total positive income	Average time (hrs.)	Average out-of-pocket costs	Average monetized burden
1. <100k	47	\$1,686	\$2,381
2. 100k to 1mil	52	4,014	5,934
3. 1mil to 10mil	72	10,223	17,779
4. 10mil to 100mil	276	40,402	72,483

TABLE 2A—FISCAL YEAR 2025 TAXPAYER BURDEN FOR PASS-THROUGH CORPORATIONS ON FORM 1120S—Continued

Total positive income	Average time (hrs.)	Average out-of-pocket costs	Average monetized burden
5. >100mil	1,199	167,915	307,245

TABLE 3A—FISCAL YEAR 2025 TAXPAYER BURDEN FOR PARTNERSHIPS ON FORM 1065

Total positive income	Average time (hrs.)	Average out-of-pocket costs	Average monetized burden
1. <100k	39	\$1,663	\$2,453
2. 100k to 1mil	49	4,743	7,319
3. 1mil to 10mil	86	13,803	23,334
4. 10mil to 100mil	319	51,636	88,752
5. >100mil	1,494	223,989	397,651

Source: IRS: RAAS:KDA:BRDN (12–1–24).
Detail may not add to total due to rounding.

(Authority: 44 U.S.C. 3501 *et seq.*)

Melody Braswell,

Treasury PRA Clearance Officer.

[FR Doc. 2024–30075 Filed 12–18–24; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Revision of Information Collection Request Submitted for Public Comment; Comment Request on Burden Related to U.S. Income Tax Return Forms for Individual Taxpayers

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the burden associated with the U.S. Income Tax Return Forms for Individual Taxpayers.

DATES: Comments should be received on or before January 21, 2025 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting

“Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Copies of the submissions may be obtained from Melody Braswell by emailing PRA@treasury.gov, calling (202) 622–1035, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: U.S. Income Tax Return for Individual Taxpayers.

OMB Number: 1545–0074.

Form Numbers: Form 1040 and affiliated return forms.

Abstract: IRC sections 6011 & 6012 of the Internal Revenue Code require individuals to prepare and file income tax returns annually. These forms and related schedules are used by individuals to report their income subject to tax and compute their correct tax liability. This information collection request (ICR) covers the actual reporting burden associated with preparing and submitting the prescribed return forms, by individuals required to file Form 1040 and any of its affiliated forms as explained in the attached table.

Current Actions: There have also been changes in regulatory guidance related to various forms approved under this approval package during the past year. There have been additions and removals of forms included in this approval package. In filing season 2025, the Internal Revenue Service (IRS) will continue to employ its free direct e-file tax return system (Direct File) as an

optional service available to taxpayers with supported tax situations.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or Households, Farms.

Estimated Number of Respondents: 168,800,000.

Estimated Time per Respondent (Hours): 12 hrs. 37 mins.

Estimated Total Annual Time (Hours): 2,129,000,000.

Estimated Total Annual Monetized Time (\$): 44,997,000,000.

Estimated Out-of-Pockets Costs (\$): 48,683,000,000.

Estimated Total Monetized Burden (\$): 93,680,000,000.

Note: Total Monetized Burden = Total Out-of-Pocket Costs + Total Annual Monetized Time.

Tax Compliance Burden

Tax compliance burden is defined as the time and money taxpayers spend to comply with their tax filing responsibilities. Time-related activities include recordkeeping, tax planning, gathering tax materials, learning about the law and what you need to do, and completing and submitting the return. Out-of-pocket costs include expenses such as purchasing tax software, paying a third-party preparer, and printing and postage. Tax compliance burden does not include a taxpayer's tax liability, economic inefficiencies caused by sub-optimal choices related to tax deductions or credits, or psychological costs.

TABLE 1—FISCAL YEAR 2025 ESTIMATED AVERAGE TAXPAYER BURDEN FOR INDIVIDUALS FILING A 1040 BY ACTIVITY

Primary form filed or type of taxpayer		Time burden					Money burden	
	Percentage of returns	Average time burden (hours)					Average cost (dollars)	Total monetized burden (dollars)
		Total time	Recordkeeping	Tax planning	Form completion and submission	All other		
All Taxpayers	100	13	5	3	4	1	\$290	\$560
Type of Taxpayer:								
Nonbusiness*	71	8	3	1	3	1	160	310
Business*	29	24	11	5	6	2	620	1,170

Note: Detail may not add to total due to rounding. Dollars rounded to the nearest \$10.

*A “business” filer files one or more of the following with Form 1040: Schedule C, E, F, or Form 2106. A “nonbusiness” filer does not file any of these schedules or forms with Form 1040.

Source: IRS:RAAS:KDA:TBL (11–25–2024).

TABLE 2—FISCAL YEAR 2025 TAXPAYER BURDEN STATISTICS BY TOTAL POSITIVE INCOME QUINTILE

Total positive income quintiles	Average time (hours)	Average out-of-pocket costs	Average total monetized burden
All Filers			
0 to 20	7.8	\$80	\$146
20 to 40	10.9	128	242
40 to 60	11.6	165	327
60 to 80	13.1	232	480
80 to 100	22.7	726	1,497
Wage and Investment Filers			
0 to 20	6.9	71	129
20 to 40	9.3	112	212
40 to 60	9.0	139	277
60 to 80	9.1	185	384
80 to 100	10.8	322	737
Self Employed Filers			
0 to 20	11.9	125	225
20 to 40	18.5	204	379
40 to 60	21.0	258	507
60 to 80	22.0	338	697
80 to 100	33.1	1,077	2,155

Source IRS:RAAS:KDA:TBL (11–25–2024).

(Authority: 44 U.S.C. 3501 *et seq.*)

Melody Braswell,

Treasury PRA Clearance Officer.

[FR Doc. 2024–30074 Filed 12–18–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Proposed Collection; Requesting Comments on Tax-Exempt Organization Forms

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other federal

agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning forms used by tax-exempt organizations.

DATES: Comments should be received on or before January 21, 2025 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Copies of the submissions may be obtained from Melody Braswell by emailing PRA@treasury.gov, calling (202) 622–1035, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: U.S. Tax-Exempt Organization Return.

OMB Number: 1545–0047.

Form Numbers: Forms 990, 990–EZ, 990–N, 990–PF, 990–T, 1023, 1023–EZ, 1024, 1024–A, 1028, 1120–POL, 4720, 5578, 5884–C, 5884–D, 6069, 6497, 7203, 8038, 8038–B, 8038–CP, 8038–G, 8038–GC, 8038–R, 8038–T, 8038–TC, 8282, 8328, 8330, 8453–TE., 8453–X,

8718, 8868, 8870, 8871, 8872, 8879-TE, 8886-T, 8899 and all other related forms, schedules, and attachments.

Abstract: These forms and schedules are used to determine that tax-exempt organizations fulfill the operating conditions within the limitations of their tax exemption. The data is also used for general statistical purposes.

Current Actions: There have been changes in regulatory guidance related to various forms approved under this approval package during the past year. There have been additions and removals of forms included in this approval package. This approval package is being submitted for renewal purposes.

Type of Review: Revision of a currently approved collection.

Affected Public: Tax-Exempt Organizations.

Estimated Number of Respondents: 1,711,300.

Estimated Time per Respondent (Hours): 42 hours, 55 minutes.

Estimated Total Annual Time (Hours): 73,440,000.

Estimated Total Annual Monetized Time (\$): 3,887,000,000.

Estimated Total Out-of-Pocket Costs (\$): 1,963,400,000.

Estimated Total Monetized Burden (\$): 5,850,400,000.

Note: Total Monetized Burden = Total Out-of-Pocket Costs + Total Monetized Time.

These are forms used by tax-exempt organizations. These include Forms 990, 990-EZ, 990-N, 990-PF, 990-T, and related forms and schedules tax-exempt organizations attach to their returns. In addition, there are numerous Treasury Decisions and guidance documents that are covered by the burden estimate

provided in this Notice. See Appendix B for a list.

Tax Compliance Burden

Tax compliance burden is defined as the time and money taxpayers spend to comply with their tax filing responsibilities. Time-related activities include recordkeeping, tax planning, gathering tax materials, learning about the law and what you need to do, and completing and submitting the return. Out-of-pocket costs include expenses such as purchasing tax software, paying a third-party preparer, and printing and postage. Tax compliance burden does not include a taxpayer's tax liability, economic inefficiencies caused by sub-optimal choices related to tax deductions or credits, or psychological costs.

BURDEN TOTAL ESTIMATES FOR THE FORM 990 SERIES OF RETURNS AND ASSOCIATED FORMS, SCHEDULES, AND REGULATIONS

[Fiscal year 2025]

	Fiscal year 2024	Program change due to technical adjustment	Program change due to legislative adjustment	Program change due to agency adjustment	Fiscal year 2025
Number of Taxpayers	1,698,500	12,800	.....	.....	1,711,300
Burden in Hours	75,490,000	(2,050,000)	.....	.....	73,440,000
Burden in Monetized Hours	\$3,903,500,000	(\$16,500,000)	.....	.....	\$3,887,000,000
Out-of-Pocket Costs	\$1,978,500,000	(\$15,100,000)	.....	.....	\$1,963,400,000
Total Monetized Burden *	\$5,882,000,000	(\$31,600,000)	.....	.....	\$5,850,400,000

Source: IRS:RAAS:KDA:BRDN (12-10-24).

Total Monetized Burden = Burden in Monetized Hours + Out-of-Pocket Costs.

Note: Reported time and cost burdens are national averages and do not necessarily reflect a "typical" case. Most taxpayers experience lower than average burden, with taxpayer burden varying considerably by taxpayer type. Detail may not add due to rounding.

Authority: 44 U.S.C. 3501 *et seq.*

Melody Braswell,

Treasury PRA Clearance Officer.

[FR Doc. 2024-30067 Filed 12-18-24; 8:45 am]

BILLING CODE 4830-01-P



FEDERAL REGISTER

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Thursday,

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December 19, 2024

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Endangered Species Status for Puerto Rican Skink, Lesser Virgin Islands Skink, and Virgin Islands Bronze Skink and Designation of Critical Habitat; Threatened Species Status With Section 4(d) Rule for Culebra Skink and Designation of Critical Habitat; Not Warranted Species Status for Mona Skink, Greater Virgin Islands Skink, Greater Saint Croix Skink, and Lesser Saint Croix Skink; Proposed Rule

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

[Docket No. FWS-R4-ES-2024-0154;
FXES1111090FEDR-256-FF09E21000]

RIN 1018-BH81

Endangered and Threatened Wildlife and Plants; Endangered Species Status for Puerto Rican Skink, Lesser Virgin Islands Skink, and Virgin Islands Bronze Skink and Designation of Critical Habitat; Threatened Species Status With Section 4(d) Rule for Culebra Skink and Designation of Critical Habitat; Not Warranted Species Status for Mona Skink, Greater Virgin Islands Skink, Greater Saint Croix Skink, and Lesser Saint Croix Skink

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule and notification of findings.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to list the Puerto Rican skink (*Spondylurus nitidus*), a skink species from Puerto Rico and Desecheo Island, and the Lesser Virgin Islands skink (*S. semitaeniatus*) and Virgin Islands bronze skink (*S. sloanii*), two skink species from the U.S. Virgin Islands and the British Virgin Islands, as endangered species. We propose to list the Culebra skink (*S. culebrae*), a skink species from Culebra Island and offshore cays of Puerto Rico, as a threatened species with protective regulations under section 4(d) of the Endangered Species Act of 1973, as amended (Act) (“4(d) rule”). After a review of the best available scientific and commercial information, we find that listing these species is warranted. If we finalize this rule as proposed, we will add these species to the List of Endangered and Threatened Wildlife and extend the Act’s protections to these species. We also propose to designate critical habitat for the Puerto Rican skink, Culebra skink, Lesser Virgin Islands skink, and Virgin Islands bronze skink under the Act. We also announce the availability of an economic analysis of the proposed designation of critical habitat for the Puerto Rican skink, Culebra skink, Lesser Virgin Islands skink, and Virgin Islands bronze skink. We find that it is not warranted at this time to list the Mona skink (*Spondylurus monae*), the Greater Virgin Islands skink (*S. spilonotus*), the Greater Saint Croix skink (*S. magnacruzae*), and the Lesser Saint Croix skink (*Capitellum*

parvicruzae). However, we ask the public to submit to us at any time any new information relevant to the status of any of the species mentioned above and their habitats.

DATES: We will accept comments received or postmarked on or before February 18, 2025. Comments submitted electronically using the Federal eRulemaking Portal (see ADDRESSES, below) must be received by 11:59 p.m. eastern time on the closing date. We must receive requests for a public hearing, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by February 3, 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-2024-0154, which is the docket number for this rulemaking. 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 this 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-2024-0154, 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 Information Requested, below, for more information).

Availability of supporting materials: Supporting materials, such as the species status assessment report, are available on the Service’s website at <https://www.fws.gov/office/caribbean-ecological-services>, at <https://www.regulations.gov> at Docket No. FWS-R4-ES-2024-0154, or both.

FOR FURTHER INFORMATION CONTACT: Lourdes Mena, Field Supervisor, U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office, P.O. Box 491, Boquerón, PR 00622; telephone 352-749-2462; email: lourdes_mena@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-

contact in the United States. Please see Docket No. FWS-R4-ES-2024-0154 on <https://www.regulations.gov> for a document that summarizes this proposed rule.

SUPPLEMENTARY INFORMATION:**Executive Summary**

Why we need to publish a rule. Under the Act, a species warrants listing if it meets the definition of an endangered species (in danger of extinction throughout all or a significant portion of its range) or a threatened species (likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range). If we determine that a species warrants listing, we must list the species promptly and designate the species’ critical habitat to the maximum extent prudent and determinable. We have determined that the Puerto Rican skink, Lesser Virgin Islands skink, and Virgin Islands bronze skink meet the Act’s definition of endangered species and the Culebra skink meets the definition of a threatened species; therefore, we are proposing to list them as such and propose designation of critical habitat for each species. Both listing a species as an endangered or threatened species and making a critical habitat designation can be completed only by issuing a rule through the Administrative Procedure Act rulemaking process (5 U.S.C. 551 *et seq.*).

What this document does. We propose to add the Puerto Rican skink, Lesser Virgin Islands skink, and Virgin Islands bronze skink as endangered species to the List of Endangered and Threatened Wildlife (List) in title 50 of the Code of Federal Regulations at 50 CFR 17.11. We also propose adding the Culebra skink as a threatened species to the List with a rule under section 4(d) of the Act, and we propose the designation of critical habitat for all of these species. This document serves as our 12-month petition findings for the Puerto Rican skink, Lesser Virgin Islands skink, Virgin Islands bronze skink, and the Culebra skink. We also announce 12-month petition findings that the Mona skink, Greater Virgin Islands skink, Greater Saint Croix skink, and Lesser Saint Croix skink are not warranted for listing as endangered or threatened species under the Act.

The basis for our action. Under the Act, we may determine that a species is an endangered or threatened species because of any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or

educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We have determined that the Puerto Rican skink, Lesser Virgin Islands skink, and Virgin Islands bronze skink are endangered species due to the following threats: nonnative predators (Factor C) and habitat loss and degradation from development (Factor A). We have determined that the Culebra skink is a threatened species due to the following threats: nonnative predators (Factor C), habitat loss and degradation from development (Factor A), and sea level rise and storm surge from a changing climate (Factor E).

Section 4(a)(3) of the Act requires the Secretary of the Interior (Secretary), to the maximum extent prudent and determinable, concurrently with listing designate critical habitat for the species. Section 3(5)(A) of the Act defines critical habitat as (i) the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protections; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species. Section 4(b)(2) of the Act states that the Secretary must make the designation on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impacts of specifying any particular area as critical habitat.

Information Requested

We intend that any final actions resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other governmental agencies, Native American Tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

(1) Each skink species' biology, ranges, and population trends, including:

(a) Biological or ecological requirements of the species, including habitat requirements for feeding, breeding, and sheltering;

(b) Genetics and taxonomy;

(c) Historical and current ranges, including distribution patterns and the locations of any additional populations of these species;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for these species and/or their habitats.

(2) Threats and conservation actions affecting the species, including:

(a) Factors that may be affecting the continued existence of the species, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors.

(b) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to these species.

(c) Existing regulations or conservation actions that may be addressing threats to these species.

(3) Additional information concerning the historical and current status of these species.

(4) Information to assist us with applying or issuing protective regulations under section 4(d) of the Act that may be necessary and advisable to provide for the conservation of the Culebra skink, in particular, whether we should consider any additional or different exceptions from the prohibitions in the 4(d) rule.

(5) Specific information related to critical habitat, such as:

(a) The amount and distribution of Puerto Rican skink, Culebra skink, Lesser Virgin Islands skink, and Virgin Islands bronze skink habitat;

(b) Any additional areas occurring within the range of each of the species, including Puerto Rico and surrounding islands and cays as well as the U.S. Virgin Islands and British Virgin Islands, that should be included in the designation because they (i) are occupied at the time of listing and contain the physical or biological features that are essential to the conservation of the species and that may require special management considerations or protection, or (ii) are unoccupied at the time of listing and are essential for the conservation of the species;

(c) Special management considerations or protection that may be needed in critical habitat areas we are proposing, including managing for the potential effects of predators and climate change; and

(d) Whether areas not occupied at the time of listing qualify as habitat for the species and are essential for the conservation of the species.

(6) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat.

(7) Any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation, and the related benefits of including or excluding specific areas.

(8) Information on the extent to which the description of probable economic impacts in the economic analyses is a reasonable estimate of the likely economic impacts and any additional information regarding probable economic impacts that we should consider.

(9) Whether any specific areas we are proposing for critical habitat designation should be considered for exclusion under section 4(b)(2) of the Act, and whether the benefits of potentially excluding any specific area outweigh the benefits of including that area under section 4(b)(2) of the Act. If you think we should exclude any additional areas, please provide information supporting a benefit of exclusion.

(10) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

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)(1)(A) of the Act directs that determinations as to whether any species is an endangered or a threatened species must be made solely on the basis of the best scientific and commercial data available, and section 4(b)(2) of the Act directs that the Secretary shall designate critical habitat on the basis of the best scientific data available.

You may submit your comments and materials concerning this proposed rule 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 any 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 this proposed rule, will be available for public inspection on <https://www.regulations.gov>.

Our final determination may differ from this proposal because we will consider all comments that we receive during the comment period as well as any information that may become available after this proposal. Based on the new information that we receive (and, if relevant, any comments on that new information), we may conclude that the Puerto Rican skink, Lesser Virgin Islands skink, or Virgin Islands bronze skink are threatened instead of endangered species, or that the Culebra skink is an endangered species instead of a threatened species, or we may conclude that these species do not warrant listing as either endangered species or threatened species. For critical habitat, our final designation 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 addition, we may change the parameters of the prohibitions or the exceptions to those prohibitions in the protective regulations issued or applied under section 4(d) of the Act for Culebra skink if we conclude it is appropriate in light of comments and new information received. For example, we may expand the prohibitions if we conclude that the protective regulations as a whole, including those additional prohibitions, are necessary and advisable to provide for the conservation of the Culebra skink. Conversely, we may establish additional exceptions to the prohibitions in the final rule if we conclude that the activities would facilitate or are compatible with the conservation and recovery of the Culebra skink. 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 this proposal.

Public Hearing

Section 4(b)(5) of the Act provides for a public hearing on this proposal, if requested. Requests must be received by

the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing. We may hold the public hearing in person or virtually via webinar. We will announce any public hearing on our website, in addition to the **Federal Register**. The use of virtual public hearings is consistent with our regulations at 50 CFR 424.16(c)(3).

Previous Federal Actions

On February 11, 2014, we received a petition from the Center for Biological Diversity (CBD) and Dr. Renata Platenberg (reptile ecologist) requesting that nine Caribbean skink species be listed as endangered or threatened and that critical habitat be designated for these species under the Act. These nine species are: the Puerto Rican skink, the Culebra skink, the Mona skink, the Monito skink, the Greater and Lesser Virgin Islands skinks, the Virgin Islands bronze skink, and the Greater and Lesser Saint Croix skinks. We acknowledged receipt of this petition via email on February 12, 2014. On January 12, 2016, we published a positive 90-day finding (81 FR 1368) indicating that the petitioned action may be warranted and that the petition presented substantial scientific or commercial information for seven of the skink species. On March 16, 2016, we published a not-substantial 90-day finding (81 FR 14058) for Monito skink. On September 14, 2016, we published a substantial 90-day finding (81 FR 63160) for the Lesser Virgin Islands skink.

On March 10, 2020, CBD issued a notice of intent to file suit to compel the Service to issue 12-month findings for the eight skinks with substantial 90-day findings. On September 22, 2020, CBD filed a complaint for declaratory and injunctive relief, stating that the Service had failed to make a timely determination for whether the eight species of Caribbean skink warrant protection under the Act. On May 27, 2021, the Service agreed to a settlement to complete its review of the status of the skinks and submit 12-month findings to the **Federal Register** by December 12, 2024.

Peer Review

A species status assessment (SSA) team prepared an SSA report for the Puerto Rican skink, Mona skink, Culebra skink, Greater Virgin Islands

skink, Lesser Virgin Islands skink, Virgin Islands bronze skink, Greater Saint Croix skink, and Lesser Saint Croix skink (Service 2023, entire). The SSA team was composed of Service biologists and a contractor from Texas A&M University, in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of each of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting each of the species.

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review in listing actions under the Act (<https://www.fws.gov/sites/default/files/documents/peer-review-policy-directors-memo-2016-08-22.pdf>), we solicited independent scientific review of the information contained in the SSA report. We sent the SSA report to seven independent peer reviewers and received three responses. Results of this structured peer review process can be found at <https://www.regulations.gov>. In preparing this proposed rule, we incorporated the results of these reviews, as appropriate, into the SSA report, which is the foundation for this proposed rule.

Summary of Peer Reviewer Comments

As discussed in Peer Review above, we received comments from three peer reviewers on the draft SSA report. We reviewed all comments we received from the peer reviewers for substantive issues and new information regarding the contents of the SSA report. The peer reviewers generally concurred with our methods and conclusions and provided clarifications and editorial suggestions. One reviewer indicated the Service was not justified in concluding that the Puerto Rican skink does not inhabit Culebra, Cayo Norte, and Cayo Luis Pena. The Service acknowledges it is possible that the Puerto Rican skink may have been in these locations historically; however, we lack genetic information that could confirm Puerto Rican skinks are sympatric with Culebra skinks. The SSA report provides this background in the historical distribution narrative (Service 2023, p. 33) but does not include Puerto Rican skinks in the distribution maps for these areas. We also received a comment disagreeing with information presented in appendix B of the SSA report (Service 2023, pp. 146–169) summarizing the likely extinct status of the Greater Virgin Islands skink, Greater Saint Croix skink, and

Lesser Saint Croix skink, referencing the discrepancy with the International Union for Conservation's (IUCN) criterion for possible extinction. The Service does not use the IUCN criterion to determine whether a species is extinct. The Service used the best available information, as presented in the SSA report, to determine that these species are extinct. Otherwise, no substantive changes to our analysis and conclusions within the SSA report were deemed necessary, and peer review comments are addressed in version 1.0 of the SSA report.

I. Proposed Listing Determination

Background

A thorough review of the taxonomy, genetics, life history, and ecology of each of the skink species is presented in the SSA report (Service 2023, pp. 17–43), and species-specific distribution information follows the general overview below.

The eight Caribbean skink species—Puerto Rican skink, Mona skink, Culebra skink, Greater Virgin Islands skink, Lesser Virgin Islands skink, Virgin Islands bronze skink, Greater Saint Croix skink, and Lesser Saint Croix skink—have similar patterns and coloration. All are generally some shades of tans and browns, with a pair of dark lateral stripes and limb pattern, if present, with spots or blotches (Hedges and Conn 2012, pp. 14–15). Juveniles often have blue tails. Available information suggests that females are slightly larger than males (Hedges and Conn 2012, p. 10). Adult snout–vent length (SVL) will also differ slightly between species, but in general ranges from approximately 3 to 4 inches (in) (7.6 to 10 centimeters (cm)).

Caribbean skinks are ectothermic (cold-blooded) animals and therefore highly dependent on the air and soil

temperature to thermoregulate (maintain body core temperature) (Noble et al. 2017, p. 72) and are often observed basking in the sun on rocks, leaf litter, and fallen logs in forest habitat (Henderson and Powell 2009, p. 293; Sanchez 2013, p. 1). Caribbean skinks have been observed on the ground, shrubs, cacti, trees, boulder and limestone rocks, leaf litter, on and under debris piles, under rocks and rock fissures, near human habitation and houses, and are known to hide from perceived predators under or within rocks, vegetation, and debris or when they are not basking (Bullock and Evans 1990, p. 428; Henderson and Powell 2009, pp. 292–293; Hedges and Conn 2012, entire).

Very little information exists about the diet and foraging behavior of Caribbean skinks. They appear to be diurnal and primarily hunt for prey by actively foraging in dry coastal woodlands but are known to be somewhat omnivorous including consumption of some plants (Platenberg and Boulon 2006, p. 224; Daudin and de Silva 2011, p. 265; Henderson and Powell 2009, pp. 292–293; Hedges and Conn 2012, p. 220). Some information specifies that the skink diet is omnivorous, including insects, fruits, and even a common coqui (*Eleutherodactylus coqui*) in Puerto Rico (Henderson and Powell 2009, p. 293).

Caribbean skinks are viviparous (*i.e.*, bearing live young). It is theorized that the timing of birth in viviparous skinks is meant to maximize food availability (Vrcibradic and Rocha 2011, p. 822; Hedges and Conn 2012, p. 223) as well as maximize optimal conditions for growth and survival of neonates (Abts 1988, p. 389; Olsson and Shine 1997, entire). Most skink species reproduce annually, but many skinks have more than one brood; however, it is unknown

which reproductive strategy is exhibited in female Caribbean skinks. Collection of specimens indicates Caribbean skinks are gravid during the dry season, which is January through April, and birthing occurs primarily in February through May (Hedges and Conn 2012, p. 223). Little information is available about the influences on fecundity of Caribbean skinks. Given that *Spondylurus* reproductive strategy is similar to other viviparous skinks, maternal thermoregulation (*i.e.*, basking behavior) is likely used by female Caribbean skinks to keep developing embryos at optimal temperatures for development of the young. Therefore, influences on basking time of female skinks (*e.g.*, the presence of predators) could have the potential to decrease the fecundity of Caribbean skinks or decrease the survival of young skinks.

No population estimates are available for the eight skink species. During 2021–2022 skink surveys (Rivera et al. 2023, p. 9), there were 42 observations of Puerto Rican skinks, 8 of Mona skinks, 59 of Culebra skinks, and 4 of Virgin Islands bronze skinks. In addition, on Desecheo Island, five Puerto Rican skinks were encountered during a 6-day herpetological survey (Herrera–Giraldo and Bermudez 2010, p. 22).

Current and historical distributions of the eight Caribbean skink species encompass the islands of Puerto Rico, the U.S. Virgin Islands (USVI), and the British Virgin Islands (BVI). The Puerto Rican skink, the Mona skink, and the Culebra skink all fall within the U.S. territory of Puerto Rico, which includes the main island of Puerto Rico and surrounding islands (figure 1). The Puerto Rican skink's current range includes the main island of Puerto Rico and Desecheo (figure 1).

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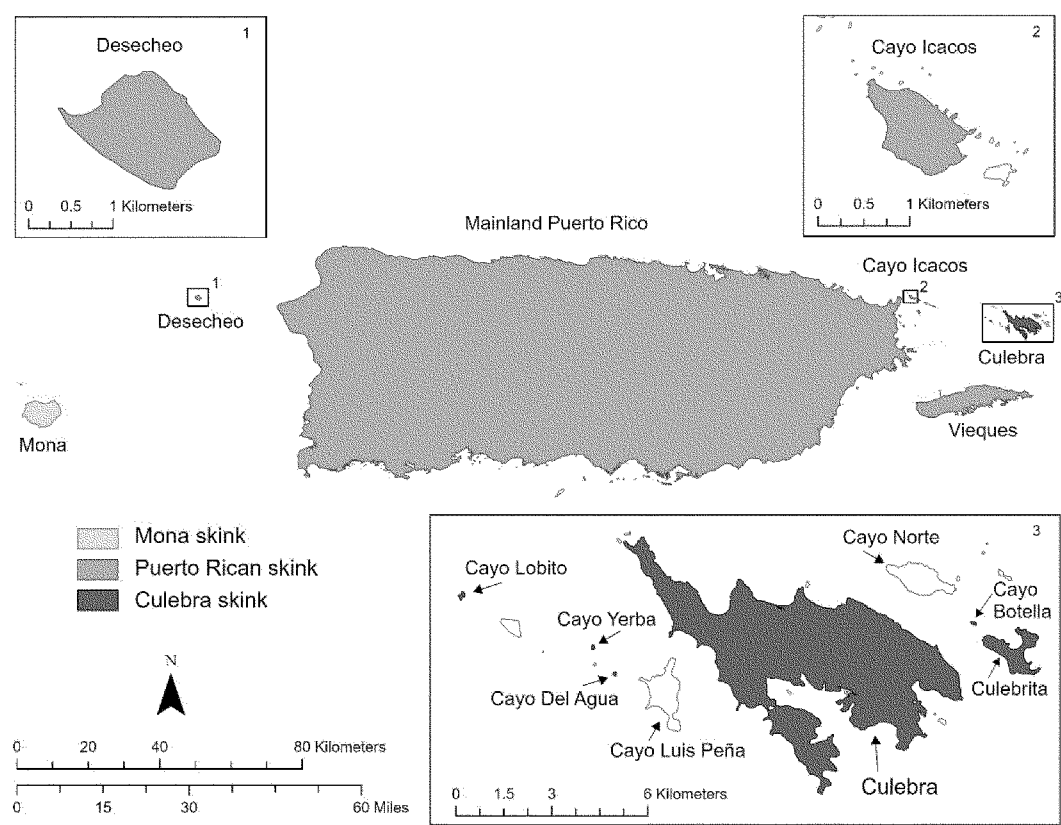


Figure 1. Distribution map for Puerto Rican skink, Mona skink, and Culebra skink.

The Mona skink occurs on only one island, Mona Island, off the west coast of Puerto Rico (figure 1). The current range of the Culebra skink encompasses the island of Culebra and its surrounding cays (Cayo Agua, Cayo Botella, Cayo Lobito, and Cayo Yerba), all occurring to the east of the main island of Puerto Rico (figure 1).

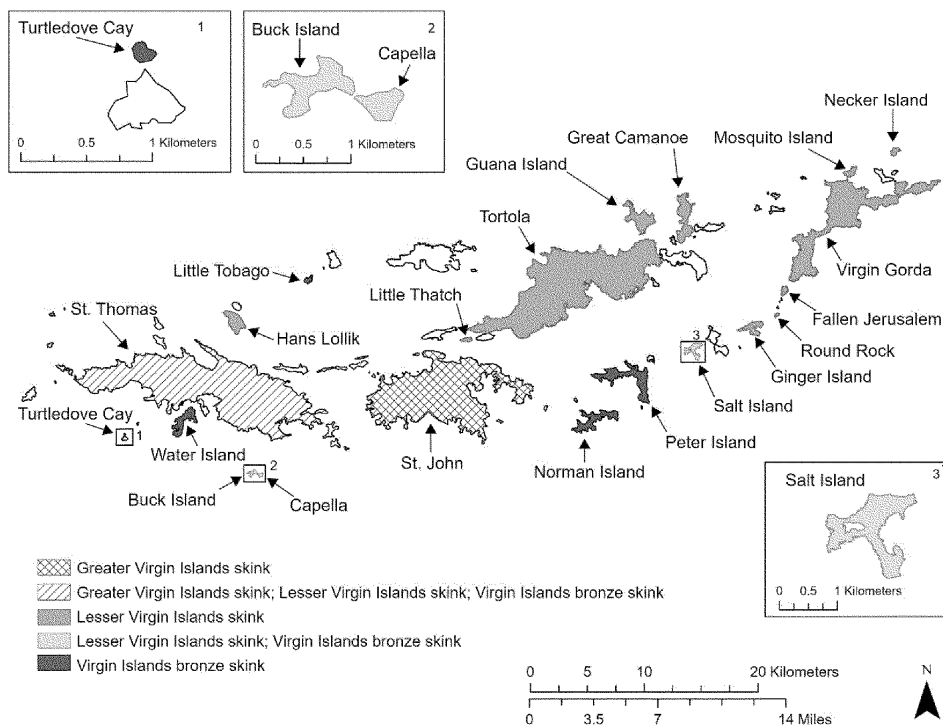


Figure 2. Distribution map for Greater Virgin Islands skink, Lesser Virgin Islands skink, and Virgin Islands bronze skink.

Species that did occur entirely within the USVI include the Greater Virgin Islands skink (figure 2), the Greater Saint Croix skink (figure 3), and the Lesser Saint Croix skink (figure 3), all of which are considered likely extinct. The species that occur in both the USVI and

BVI include the Lesser Virgin Islands skink and the Virgin Islands bronze skink (figure 2). The Lesser Virgin Islands skink has the largest range of all the Caribbean skink species and still occurs in both the USVI (Hans Lollik) and BVI (Guana Island, Mosquito Island,

Tortola) (figure 2). The Virgin Islands bronze skink also had a larger range but is now confined to a few small to medium sized islands in the USVI (Buck Island, Water Island, Turtledove Cay; figure 2).

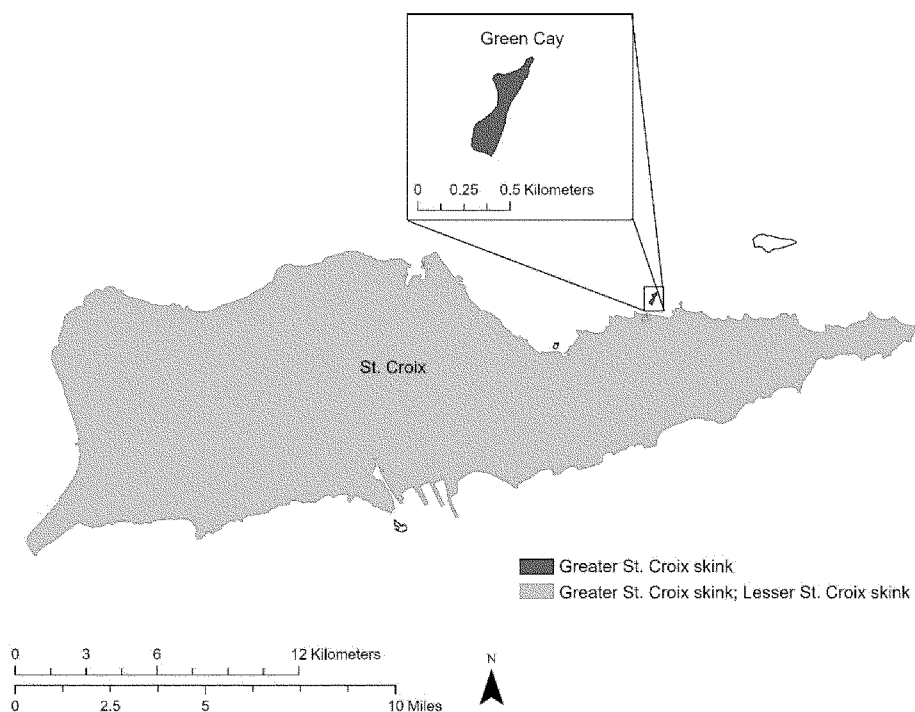


Figure 3. Distribution map for Greater Saint Croix skink and Lesser Saint Croix skink.

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Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations in title 50 of the Code of Federal Regulations set forth the procedures for determining whether a species is an endangered species or a threatened species, issuing protective regulations for threatened species, and designating critical habitat for endangered and threatened species.

The Act defines an “endangered species” as a species that is in danger of extinction throughout all or a significant portion of its range and a “threatened species” as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether any species is an endangered species or a threatened species because of any of the following factors:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species’ continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term “threat” to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term “threat” includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term “threat” may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an “endangered species” or a “threatened species.” In determining

whether a species meets either definition, we must evaluate all identified threats by considering the species’ expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an “endangered species” or a “threatened species” only after conducting this cumulative analysis and describing the expected effect on the species.

The Act does not define the term “foreseeable future,” which appears in the statutory definition of “threatened species.” Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis, which is further described in the 2009 Memorandum Opinion on the foreseeable future from the Department

of the Interior, Office of the Solicitor (M–37021, January 16, 2009; “M–Opinion,” available online at <https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/M-37021.pdf>). The foreseeable future extends as far into the future as the U.S. Fish and Wildlife Service and National Marine Fisheries Service (hereafter, the Services) can make reasonably reliable predictions about the threats to the species and the species’ responses to those threats. We need not identify the foreseeable future in terms of a specific period of time. We will describe the foreseeable future on a case-by-case basis, using the best available data and taking into account considerations such as the species’ life-history characteristics, threat projection timeframes, and environmental variability. In other words, the foreseeable future is the period of time over which we can make reasonably reliable predictions. “Reliable” does not mean “certain”; it means sufficient to provide a reasonable degree of confidence in the prediction, in light of the conservation purposes of the Act.

Analytical Framework

The SSA report documents the results of our comprehensive biological review of the best scientific and commercial data regarding the status of the species, including an assessment of the potential threats to the species. The SSA report does not represent our decision on whether the species should be proposed for listing as an endangered or threatened species under the Act. However, it does provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies.

To assess Puerto Rican skink, Mona skink, Culebra skink, Greater Virgin Islands skink, Lesser Virgin Islands skink, Virgin Islands bronze skink, Greater Saint Croix skink, and Lesser Saint Croix skink viability, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency is the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years); redundancy is the ability of the species to withstand catastrophic events (for example, droughts, large pollution events); and representation is the ability of the species to adapt to both near-term and long-term changes in its physical and biological environment (for example, climate conditions, pathogens). In

general, species viability will increase with increases in resiliency, redundancy, and representation (Smith et al. 2018, p. 306). Using these principles, we identified the species’ ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species’ viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluated the individual species’ life-history needs. The next stage involved an assessment of the historical and current condition of the species’ demographics and habitat characteristics, including an explanation of how the species arrived at its current condition. The final stage of the SSA involved making predictions about the species’ responses to positive and negative environmental and anthropogenic influences. Throughout all of these stages, we used the best available information to characterize viability as the ability of a species to sustain populations in the wild over time, which we then used to inform our regulatory decision.

The following is a summary of the key results and conclusions from the SSA report; the full SSA report can be found at Docket No. FWS–R4–ES–2024–0154 on <https://www.regulations.gov>.

Summary of Biological Status and Threats

In this discussion, we review the biological condition of each species and their resources, and the threats that influence the species’ current and future conditions, in order to assess the species’ overall viability and the risks to that viability.

Individual, Population, and Species Needs

At the individual level, skinks require suitable foraging, basking, and shelter habitat to survive during each life stage from birth to adulthood, and to successfully reproduce. Individual needs of Caribbean skink species are: (1) trees, shrubs, bushes ground cover/leaf litter, cacti, debris, rocks, and crevices for shelter; (2) basking locations for thermoregulation; and (3) arthropods as a food source (Service 2023, p. 44). Suitable habitat contains substrate that provides refugia, presence of vegetation, vertical spaces, and areas that offer both canopied and exposed sections for basking.

Skink populations are defined as single island units except for mainland Puerto Rico (see *Current Condition Methods*, below). For populations to demonstrate resiliency, the needs of

individual skinks must be met at a larger scale. Specific demographic information on population carrying capacity, birth rates, and reproductive success is lacking for these species. It can be inferred from individual needs that an interbreeding population requires the elements needed by individuals in sufficient quantities and configuration to support multiple individuals and life stages. Given the small size of skink species, patches that can support a population are expected to be relatively small (~3 ac (1.2 ha)), based on the size of the smallest occupied cays. In addition, while there are skink populations that have persisted alongside nonnative predators like cats or rats, in general, populations show higher resiliency where predators are few or absent. Further, nonnative predators are currently absent from small cays where skink populations have persisted (Service 2023, p. 45).

For species’ viability, there must be adequate redundancy (number of resilient populations with distribution and connectivity to allow the species to withstand catastrophic events) and representation (genetic and environmental diversity to allow the species to adapt to changing environmental conditions). The minimum number of resilient populations necessary to sustain each skink species is unknown, but we assume that populations with low resiliency contribute negligibly to overall species’ viability. As island species, the relatively small, patchily distributed, and isolated cays can each support only small numbers of individuals (or separate populations). Redundancy improves with increasing numbers of populations distributed across the species’ range, and connectivity allows connected populations to “rescue” each other after catastrophes. The level of redundancy (distribution) operating within a species is determined by the resiliency (abundance and health) of its populations. Representation, or adaptive capacity, improves with increased genetic and/or ecological diversity within and among populations. Long-term viability requires resilient populations in locations that are protected from the long-term catastrophic but permanent effects of climate change (e.g., sea level rise and effects from catastrophic hurricanes claiming low-lying habitat) and invasion of nonnative predators.

Influences

Influences on the Caribbean skink species vary by location, but threats include nonnative predators, habitat

loss and degradation from development, and sea level rise and storm surge from a changing climate. Positive influences on the Caribbean skink species viability are habitat protection and predator control.

Nonnative Predators

A primary threat to Caribbean skink populations is the presence of nonnative predators including cats (*Felis catus*), rats (*Rattus* sp.), and mongooses (*Herpestes javanicus* or *Urva auropunctata*).

Mongooses are implicated in the decline and loss of several Caribbean skink species (Hedges and Conn 2012, pp. 224–229). Mongooses were introduced to the Caribbean during the late 19th and early 20th centuries with the goal of reducing rat populations. However, the presence of mongooses did not decrease rat densities, and mongooses have become a predator of many native vertebrate and invertebrate species in the Caribbean, including lizards (Wolcott 1953, entire; Witmer et al. 1998, p. 282; Henderson 1992, p. 3). Other reptile species with similar life history traits that are also endemic in the Caribbean have been shown to be vulnerable to mongoose depredation. For example, the endangered St. Croix ground lizard was extirpated from the main island of St. Croix in the 1900s, in part due to mongoose predation (Angeli and Fitzgerald 2021, p. 345). Lizards from the genus *Ameiva* (whiptail lizards) and snakes from the genera *Alsophis* (racers) are also susceptible to mongoose predation because they are diurnal, ground-dwelling, oviparous, active foragers, relatively small (Henderson 1992, p. 7), and easily caught by mongooses. Other than laying eggs (oviparity), these characteristics are shared by the Caribbean skink species.

Feral cats have occurred for hundreds of years throughout the Caribbean near human development and are known to be predators of reptiles on numerous islands (Henderson 1992, p. 2; Service 2023, pp. 46–47). Cats are instinctively natural predators and have been documented killing a variety of lizard species including five-lined skinks (*Plestiodon fasciatus*), broad-headed skinks (*P. laticeps*), and ground skinks (*Scincella lateralis*) (Mitchell and Beck 1992, p. 200). Cats are documented to have preyed on the Mona skink (López-Torres and García 2013, entire) and the Puerto Rican skink (González 2023, pers. comm.).

Rats are known to depredate small lizards on many islands, including the St. Lucia whiptail lizard (*Cnemidophorus vanzoi*), the Belize leaf-tailed gecko (*Phyllodactylus*

insularis) on Half Moon Cay, and blue-tailed skinks (*Cryptoblepharus egeriae*) on Christmas Island (Harper and Bunbury 2015, p. 616). However, the influence of rats on skink populations is unclear. Despite being omnivorous, rats' primary food on islands is arthropods and plants, suggesting that rats may be consuming the food sources of the skinks as well as depleting local vegetation. This consumption would lower the suitability of the habitat while also increasing depredation on the skinks themselves (Harper and Bunbury 2015, pp. 614, 616). Rats have a much more profound effect on skink populations that occur on very small islands and cays. Furthermore, rats are consistently introduced to islands, as they are easily transported by boats (Harper and Bunbury 2015, entire).

Besides direct predation, skinks (as prey) may respond to the presence of predators by increasing their time seeking refuge at the cost of foraging, thermoregulation, and mating (Sih 1994, entire). Further, prey may be less adapted to changes in these pressures because these are introduced species (Martín and López 1999, p. 491). The impacts from nonnative predators are likely more severe on smaller islands because there is often a lower diversity of prey items for predators (Henderson 1992, p. 5).

Habitat Loss and Degradation

Caribbean skinks occur on both private and publicly owned land. Where skinks occur in urban or rural areas, habitat loss and degradation resulting from development is a threat to populations. This is the case for Puerto Rico, Culebra, and the main developed islands in USVI and BVI. For example, in Puerto Rico, human activity has been described as “intensive, pervasive, and fragments natural habitat” (Lugo and Helmer 2004, p. 156). This is particularly true in the northern and eastern portions of the main island of Puerto Rico; however, the central and southern portions of the main island remain largely undeveloped (Gould et al. 2008, p. 91; see figure 4.3 in SSA report (Service 2023, p. 49)). Lands cleared for development would essentially eliminate potential habitat for the skinks and may directly kill individuals as well, particularly if development occurs in or adjacent to suitable skink habitat. And although forest areas have increased in Puerto Rico, unprotected forested areas are vulnerable to urban development, particularly those near or within urban centers (Kennaway and Helmer 2007, p. 376). In the USVI as well, human population growth has resulted in

habitat loss and degradation of natural habitats, and most land is privately owned (Platenberg and Boulon 2006, p. 217).

Skinks are now absent from completely developed urban landscapes that are not adjacent to natural habitat; however, skinks have been seen in and around rural residential areas in Puerto Rico within karst habitat and in residential and developed areas in Culebra (Zegarra 2023, pers. comm.). This could be due to “urban survival” of the skinks, which is the idea that mongooses are less abundant in areas with larger human inhabitation because they are depredated by other nonnatives (e.g., dogs; Hedges and Conn 2012, p. 228). Skinks have also been observed using debris piles (i.e., vegetation and trash) accumulated on the side of roads and trails adjacent to forested habitat, and on human-made rock piles for road construction. As skink habitat is developed and encroached upon, observations of skinks in residential areas may become more common. However, skinks that occur within these areas are more susceptible to impacts from habitat loss as well as more susceptible to nonnative predators or competitors introduced by humans. While deforestation and fragmentation result from development, the extent of impacts to Caribbean skinks may range from low to high depending on each landscape as well as potential increased interactions with nonnative predators causing potential declines in skinks.

Climate Change: Sea Level Rise and Storm Surge

One of the stressors affecting Caribbean skinks and their habitat is the shift in climate impacts occurring because of increasing greenhouse gas (GHG) emissions. The long-term persistence of several small cays in the Caribbean is being challenged by rising sea levels and the increased intensity of storm surges. The main stressors to the skinks and their habitat resulting from climate change are sea level rise (SLR) and increased storm surges.

Relative sea levels have risen approximately 2 mm (0.08 in) per year in Puerto Rico and USVI since mid-20th century, and the rate of rise has been accelerating since the early 2000s (PRCCC 2022, p. 27). This recent acceleration suggests that, of the National Oceanic and Atmospheric Administration (NOAA) SLR scenarios based on different GHG emission scenarios (Sweet et al. 2017, pp. 21–22), the intermediate to high SLR scenarios are more likely to occur than the low and intermediate-low scenarios (Sweet et al. 2017, pp. 33–35; Sweet et al. 2022,

p. 12). For Puerto Rico, the near-term range at 2050 is 1 foot (ft) (0.3 meter (m)) for the intermediate local SLR scenario and 1.6 ft (0.5 m) for the high SLR scenario, and by 2100, the range is projected to be 3.3 ft (1.0 m) for the intermediate SLR scenario and 6.6 ft (2.0 m) for the high SLR scenario (NOAA 2023, entire). Most of the impacts of SLR on Caribbean skinks will likely occur on low-lying cays in the region, beginning with increased saltwater flooding events from more frequent storms.

Most measures of Atlantic hurricane activity have increased substantially since the early 1980s, the period during which high-quality satellite data are available (Service 2023, p. 52). These include measures of intensity, frequency, and duration as well as the number of strongest (Category 4 and 5) storms (Walsh et al. 2014, p. 20). In the future, there is high confidence that SLR will increase storm inundation levels, and medium to high confidence that both precipitation rates and storm intensity will increase in hurricanes globally. In addition, there is medium to high confidence that the proportion of very strong storms (Category 4 and 5) will increase, but less confidence in increased frequency of storms overall (Knutson et al. 2020, p. E303). Strong rainstorms, tropical storms, and hurricanes are natural parts of a tropical ecosystem. However, with intensity, inundation levels, and precipitation all likely to increase, small patches and low-lying habitats are likely at risk. The resiliency of Caribbean skink species will likely be affected in these areas when the quantity and quality of their resources (food, cover) are compromised, particularly if there is not time to recover from previous events or areas are continually reduced over time.

Saltwater surges and short-term flooding of upland habitats from strong storms and hurricanes on low-lying cays likely have and will continue to influence Caribbean skink persistence (Díaz et al. 2022, p. 66). The severity and duration of hurricane impacts to Caribbean skinks and their habitat vary based on the intensity and scale of these storm events. Localized impacts can vary greatly depending upon not only the strength of the storm, but the direction of its approach and how quickly it moves through the area. Storm surges and their intensity can also vary depending on location. In 2017, nine named storms impacted the Caribbean, including Hurricanes Irma and Maria (both Category 5). Irma caused catastrophic storm surges in the USVI although the peak water level is unknown because the tidal gauges in the

area went offline during the storm. Storm tides from Maria measured between 6 ft to 9 ft (1.5 m to 2.7 m) above mean sea level in southwestern Puerto Rico (FEMA 2018, p. i).

Impacts from heavy rainstorms, tropical storms, and hurricanes are part of this tropical islands system. The heavy inundation and even complete overwash of some islands during hurricanes may provide some explanation for the lack of skinks being observed, even when the island has recovered and again contains high-quality suitable skink habitat. Thus, storm events are likely a contributing factor to the low occurrence (historical and current) observed for several of the skink species. Individual skinks may colonize and occupy smaller islands only temporarily until storm events impact that island. Eventual recolonization of impacted islands by skinks is uncertain. Over time, storms could be a factor reducing the persistence of skink populations and thereby reducing the redundancy of the species.

Conservation Efforts and Regulatory Mechanisms

We do not know of any skink-focused conservation actions or efforts. However, any past, current, and future eradication or control of nonnative species is beneficial for the skinks. For example, efforts to control mongoose populations on St. Thomas, St. John, and St. Croix have been attempted, and rats and mongooses were completely eradicated on Buck Island, St. Thomas, USVI (Barun et al. 2011, p. 20). Rats were also eradicated from Monito Island, eliminating that predation threat for the Monito skink and other species on that island (García et al. 2002, entire). Monkeys, goats, and rats were also eradicated from Desecheo Island, a National Wildlife Refuge (Will et al. 2019, entire). Eradication of pigs, cats, and possibly rats is being planned for Mona Island (Service 2023, entire). Permanent eradication of nonnatives is typically most effective on small islands that do not have human development.

As skinks occur both on private and public lands, areas designated as nature reserves or refuges provide high-quality skink habitat as well as protection from development. For example, some of the most consistent skink observations for the Puerto Rican skink are from the Guajataca and Maricao Commonwealth Forests, two areas managed for conservation by the Puerto Rico Department of Natural and Environmental Resources (PRDNER). Skinks were also observed within the Montadero Natural Protected Area

(Quebradillas Municipality, Puerto Rico) managed by the Puerto Rico Conservation Trust. Some of these karst forests are contained within the larger Karst Conservation Zone, a large area in Puerto Rico with stricter land regulations named the Karst Restricted Zone designated by the Puerto Rico Planning Board (Ortiz-Maldonado et al. 2019, entire). This Zone represents 7.2 percent (647 km²) of the total area of Puerto Rico, includes both public and private lands, and was designated as such for conservation purposes by prohibiting land exploitation of any type (Castro-Prieto et al. 2019, p. 59).

The Mona skink has a wide distribution within the Mona Island Nature Reserve, managed for conservation by the PRDNER. The Puerto Rican skink has been reported from the Desecheo NWR, and the Culebra skink occurs within the Culebra NWR specifically within the Monte Resaca area and some of its offshore cays (*i.e.*, Cayo Botella, Cayo Agua, Cayo Lobito, Cayo Yerba).

However, protected habitat does not ensure persistence of skinks, particularly if nonnative mammals are present. Rather, it suggests that habitat destruction or modification in those areas is minimal and less than for habitat that is not protected. For example, the Culebra skink was historically reported from Culebrita Island (part of the Culebra NWR) but is currently considered likely extirpated, most likely due to presence of rats.

Cumulative Effects

We note that, by using the SSA framework to guide our analysis of the scientific information documented in the SSA report, we have analyzed the cumulative effects of identified threats and conservation actions on the species. To assess the current and future condition of the species, we evaluate the effects of all the relevant factors that may be influencing the species, including threats and conservation efforts. Because the SSA framework considers not just the presence of the factors, but to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative-effects analysis.

Current Condition Methods

We considered all skinks within each island or cay (*i.e.*, outside of mainland Puerto Rico) to be single populations. We assume that each island is geographically isolated and the influences on and threats to Caribbean skinks tend to occur to entire islands

(*e.g.*, nonnative predators are either present or not present). Geographic ranges (*i.e.*, islands considered in these analyses outside of the main island of Puerto Rico) are based on current and historical records of each species.

As for the other Caribbean skink species, limited information is available on the distribution of Puerto Rican skinks on the main island of Puerto Rico. Therefore, we delineated the populations of the Puerto Rican skink on the main island using the recently (2021–2023) collected survey and genetic information to discern what areas could constitute separate populations (Rivera et al 2023, pp. 15–16). Genetic information was obtained via tail clips during surveys. We overlaid populations with potential habitat identified by the Puerto Rico GAP Analysis Project (PRGAP) for the species (Gould et al. 2008, p. 91). Predicted habitat from the GAP model utilized landcover types (*i.e.*, dry forest, woodland, and shrublands) in 2001 that were restricted to at or below 300 m and the few point locations for skinks that were available in 2006. The model is likely not comprehensive given the low number of confirmed skink observations that were available in 2006 and does not include the urban development that has occurred on the main island of Puerto Rico since 2001; we modified the model to include habitats below 500 m based on more recent survey locations and combined it with more recent genetic information from 2021–2023.

Numerous islands with historical skink records have not been surveyed recently, and it is possible that additional individuals and populations are present on these islands or even other islands in the Caribbean. Current data suggest that these species are habitat generalists. Some areas are likely not suitable as habitat for skinks, for example, entirely developed urban areas. However, skinks are also known to occur within some developed and rural areas, particularly if adjacent to suitable habitat. Thus, we considered an island with documented occurrences as a single population, except for mainland Puerto Rico, and we assessed habitat conditions based on characteristics of the entire island. On mainland Puerto Rico, we determined population status based on confirmed occurrence information and amount of potential habitat as determined by the Puerto Rico GAP analysis predicted habitat (Gould et al. 2008, p. 91); these populations were confirmed using the survey and genetic information (Rivera et al. 2023, pp. 15, 16). Survey methodology and reporting has varied significantly from population to population. Even with the

same methodology and reporting, survey success can differ based on external factors like weather conditions, surveyor experience, detection probabilities, threats, or habitat conditions. All these factors contribute to high levels of uncertainty in the presence or absence of skinks within a population.

For each island population, we considered the population “extant” if skinks have been detected there since 2000. The threshold of detection before and after 2000, along with a Bayesian estimate of occurrence, which is a probabilistic model linking skink occurrence to several variables, such as predator presence, island size, maximum elevation, habitat class, human population size, and co-occurring species (see section 5.1.1 of SSA report (Service 2023, pp. 57–59), allows for a more conservative estimate of occurrence (*i.e.*, avoidance of classifying a population as extirpated when it is, in fact, extant). Because extensive surveys have not occurred on islands within the geographic ranges of many of the Caribbean skink species, we utilized Bayesian analyses to assess likelihood of skink existence on individual smaller islands (<5 square kilometers (km²) (500 ha)) with detections pre-2000 to assess if a skink population likely currently occurs there. If a smaller island was known to be occupied by skinks before 2000 and had a Bayesian probability score of ≤ 0.49 , then we considered the status of that island “likely extirpated” and if the score is ≥ 0.50 , we considered the status “unknown.” The exception to this was when islands had been extensively surveyed since 2000 and there have been no detections. Caribbean skinks are cryptic and difficult to detect, and the potential habitats on the larger islands are often difficult to access or survey thoroughly, and predators on some larger islands have seemingly already eliminated skinks (*i.e.*, St. Thomas, St. John, and St. Croix). Additionally, there are few case studies for larger islands for the Bayesian analysis, and the resulting network (*i.e.*, output from analysis) linking variables did a poor job predicting probability of existence on islands >5 km² (500 ha); therefore, we did not try to estimate status of populations on larger islands and considered all islands >5 km² with detections from between 1970 and 2000 to have an “unknown” status (see table 5.2 of the SSA report (Service 2023, p. 61)).

Resiliency is the ability of a species to withstand environmental stochasticity which is normal, year-to-year variations in environmental conditions, as well as

demographic stochasticity; typically, the larger a population and the more individuals present, the more resilient the population. We assume that current threat levels influence the current population size; in other words, threats acting negatively on a population can reduce the overall size of the population, which can then result in a lower ability to withstand environmental and/or demographic stochasticity. Population size is typically used as a reliable indicator of overall resiliency. Due to the cryptic nature of Caribbean skinks and lack of research and survey data, demographic data (*i.e.*, presence/absence, abundance, population trends, population structure) are lacking in most locations. Therefore, the resiliency of the populations relies on habitat metrics such as level of habitat protection, nonnative predator pressure, and risk from storm surge.

Resiliency scores were generated by combining scores for three habitat metrics (Protection, Nonnative Predators, Storm Surge Risk). Each island was assigned a level of habitat protection based on ownership (public/private) and percentage area protected, which represents development risk, and the size of the island. Protected area percentages were assessed using the Protected Areas Database (PAD-US), the Puerto Rico Protected Areas Database, and the World Database for Protected Areas (WDPA) (UNEP-WCMC 2024, unpaginated; USGS 2022, unpaginated; Caribbean Landscape Conservation Cooperative 2016, unpaginated).

The presence of nonnative predators is an important influence on Caribbean skinks, especially when islands are small. Mongooses are known to be especially harmful to small reptiles, particularly in island habitats. The larger the island, the more complex the ecosystem due to a larger diversity of habitats, which can provide multiple patch areas and refugia, more diverse prey items for nonnative predators, and potentially a larger population of skinks (Simberloff 1974, entire; Kohn and Walsh 1994, entire). It is difficult to know when an island is “large enough” so that skinks can persist alongside the presence of nonnative predators, particularly mongooses. The smaller the island, the greater the impact of nonnative predators, including rats. We scored the level of predator pressure for each island based on the type of nonnative predator present and the size of the island. Islands smaller than 15 ha were considered likely extirpated due to a higher risk of predator dispersal.

Finally, we determined the potential impact of storm surges on skink populations. Storm surge heights were

estimated using the sea, lake, and overland surges from hurricanes (SLOSH) model used by the National Weather Service (Jelesnianski et al. 1992, entire). All simulated hurricanes had a forward speed of 15 miles per hour (the closest simulation option to the average hurricane speed of 10.8 miles per hour at 15–20 degrees north latitude; NOAA 2014, unpaginated) in a northwesterly direction, the primary direction of hurricane movement in the skinks' range. The SLOSH model predicts average storm surge heights for multiple trajectories of a hurricane of the same strength, speed, direction, and

tide to account for uncertainty in the path of any one storm. To determine potential maximum impact for storm surge on each island, we simulated Category 5 hurricanes at mean tide level. For each simulated storm surge, we calculated the percent of each island or cay that lies below that elevation and would thus be inundated (or potentially flooded in cases where lower elevation areas are inland and surrounded by higher elevation areas) (see appendix A of the SSA report (Service 2023, pp. 141–145)). Note that scoring for the island of Puerto Rico is considered to be “no effect” because the skink

populations on Puerto Rico are inland at high elevations and therefore not prone to the same effect from storm surges as other islands (and therefore skink populations) in the Caribbean.

The best available information for each population was gathered from the literature, data sources, and species experts. Each metric was weighed equally. Ultimately, resiliency classifications relied on habitat conditions, as affected by threats. For each metric, populations were assigned a score of –1, 0, or 1, as described below in table 1.

TABLE 1—SCORING OF HABITAT FACTORS TO DETERMINE POPULATION RESILIENCY OF EIGHT CARIBBEAN SKINK SPECIES

Score	Habitat metrics		
	Habitat protection	Nonnative predator pressure	Storm surge risk
–1	Low	High	High: >25% inundated from category 5 hurricane.
0	Moderate	Low	Low: <25% inundated from category 5 hurricane.
1	High	No impact	No effect for main island Puerto Rico.

The scores for all habitat metrics were summed, and final relative population resiliency categories were assigned to each population (except those that are likely extirpated). The range of final scores was evenly divided into the four possible categories: High, Moderate, Low, and Likely Extirpated. Likely extirpated means that all the habitat factors are unfavorable for skink viability and the population is/would be likely extirpated. A low score means that multiple resiliency factors are not favorable for skink viability. Moderate or high scores indicate that multiple habitat factors are conducive to skink population viability on a given island.

Redundancy reduces the species' extinction risk if a portion of the species' range is negatively affected by a natural or anthropogenic catastrophic disturbance. For a Caribbean skink species to withstand catastrophic events such as hurricanes or the introduction of nonnative predators, it needs to have multiple, sufficiently resilient populations across its range. We used the Bayesian probability to determine likelihood of existence for each of the islands with historical or current populations to assess redundancy for each species. As described above, the status of the species on each of the islands (extant, likely extirpated, unknown) allowed the assessment of redundancy for each species.

Most of the Caribbean skink species exhibit limited distribution (except Puerto Rican skink) and relative geographic rarity (see appendix E of the SSA report (Service 2023, pp. 174–

196)). Despite these circumstances, they appear to use a wide variety of habitat and structure across islands. They also appear moderately tolerant of human infrastructure and disturbance (e.g., removal of unexploded ordnance (Puentes-Rolón and Vega-Castillo 2019, p. 12)), with the exceptions of introduced nonnative predators and direct loss of habitat. There also appear to be no known restrictions to movement throughout the year.

In some cases, genetic representation is limited to a single or very few small islands, while others are represented by multiple populations on large islands and scattered outlying cays; thus, the catastrophic loss of a single island might have substantially different effects on genetic and geographic representation depending on the species. For instance, the Puerto Rican skink has multiple populations, some on a single large island and at least one on a smaller island; therefore, risk associated with catastrophic events (e.g., particularly strong hurricanes and associated storm surge) would likely be distributed across more populations and complete loss of genetic diversity is less likely. However, loss of some populations could reduce genetic diversity of this species.

The Mona skink is distributed on a single large island with both higher elevation and lower elevation sites closer to the coast, while other species, such as Culebra skink, Lesser Virgin Islands skink, and Virgin Islands bronze skink, have populations on several small, low-elevation islands. In species where few, small islands contain all

known genetic diversity or where a substantial proportion of sites are located on small islands, risk of losing existing representation and redundancy is likely higher. For instance, catastrophic events (e.g., particularly strong hurricanes, storm surge, and overwash) could eliminate a much higher percentage of the existing genetic diversity within a species if localized skink populations are lost or are represented by only a single location on a small cay or if sea level rise acts with storm surge to remove several small islands over time. Such events could reduce species-level adaptive potential, limiting future ability to respond to changing environmental conditions (Service 2021, pp. 4–5). In addition, many of the traits are still unknown at this time for these species (e.g., population size, competitive ability, site fidelity, age structure, recruitment rate, etc. (Thurman et al. 2020, entire)). Therefore, at present we have an incomplete picture of adaptive capacity for each of the species, and additional knowledge about these traits could further refine our understanding of representation.

Future Conditions Methods

The primary threats to Caribbean skinks in the future are: (1) habitat destruction and modification, (2) nonnative predators, and (3) climate change, specifically SLR, and the increases in intensity, frequency, and duration of hurricane activity. Due to a lack of survey effort in many locations and the cryptic nature of these species,

we assessed the future condition of the habitat quality on islands that have current or historical documentation of skink occurrences. We predicted

resiliency at three future time points: 2050, 2070, and 2100. We considered the same metrics as current condition (habitat protection, predator pressure,

risk from storm surge) as well as predicted SLR for each scenario.

TABLE 2—SCORES OF HABITAT METRICS TO DETERMINE FUTURE RESILIENCY OF EIGHT CARIBBEAN SKINK SPECIES

Score	Habitat metrics			
	Habitat protection	Nonnative predator pressure	Sea level rise (SLR)	Storm surge
– 1	Low	High (extirpation likely on islands <15 ha).	High: >25% inundated from SLR or SLR + storm surge.	High: >25% inundated from SLR + storm surge.
0	Moderate	Low	Moderate or Low: <25% inundated from SLR or SLR + storm surge.	Moderate or Low: >10% but <25% inundated from SLR + storm surge.
1	High	No impact	No effect (Puerto Rico main island only).	

For each influence on future resiliency of each Caribbean skink species (extant populations only), we

scored each habitat factor (table 2), as previously described for current condition, and calculated final scores to

determine the future resiliency of each population, under four possible scenarios (table 3).

TABLE 3—FUTURE SCENARIOS TO DETERMINE THE RESILIENCY OF POPULATIONS OF EIGHT CARIBBEAN SKINK SPECIES

Scenario	Habitat protection	Nonnative predator pressure	Sea level rise (SLR) + storm surge risk
1A	same as current	same as current	Intermediate SLR + Cat3* (2050). Intermediate SLR + Cat5* (2070 & 2100).
1B	same as current	increased pressure	Intermediate SLR + Cat3 (2050). Intermediate SLR + Cat5 (2070 & 2100).
2A	same as current	same as current	High SLR + Cat5.
2B	same as current	increased pressure	High SLR + Cat5.

* Cat3 = Category 3 hurricane; Cat5 = Category 5 hurricane.

Scenario 1A

Under scenario 1A, conditions continue along their current trajectory. The risk of human development (measured here as level of habitat protection) remains the same as current, and populations that are currently impacted by the associated stressors from development remain negatively impacted by these threats. Under this scenario, we calculated impacts under the Intermediate SLR scenario as well as the additional storm surge risk from a Category 3 hurricane (2050 only) and Category 5 hurricane (2070 and 2100), which are expected to represent a higher proportion of hurricanes in the Caribbean into the future (Service 2023, pp. 52–55).

Scenario 1B

Under Scenario 1B, there is an increase in predator pressure on islands where nonnative predators do not currently occur. Impacts to small islands not currently impacted by nonnative predators include the theoretical introduction of nonnative mammalian predators, most likely rats, which can have a profound negative effect on skinks on smaller islands/cays. Because larger islands will continue to have nonnative predators, the risk will

remain unchanged on those islands. The risk of human development (*i.e.*, level of habitat protection) remains the same as current because we do not have data to inform this metric in the future (note, this metric is held constant for all future scenarios). Under this scenario, we calculated impacts under the Intermediate SLR scenario as well as the additional storm surge risk from a Category 3 hurricane (2050 only) and Category 5 (2070 and 2100), which are expected to represent a higher proportion of hurricanes in the Caribbean into the future.

Scenario 2A

Under Scenario 2A, habitat protection and nonnative predator risk remain status quo, and SLR and storm surge calculations are based on the High SLR scenario and the storm surge risk from Category 5 hurricanes for all time iterations.

Scenario 2B

Under scenario 2B, impacts of nonnative predators, SLR, and storm surge worsen. Impacts to small islands not currently impacted by nonnative predators include the theoretical introduction of nonnative mammalian predators. Because larger islands will continue to have nonnative predators,

the risk will remain unchanged on those islands, but we expect the impacts to continue to increase since eradication is not feasible and exacerbated as human population sizes increase; therefore, this scenario includes the lowering of habitat protection category by one level. For this scenario we calculated impacts using the High SLR scenario as well as the additional storm surge risk from Category 5 hurricanes.

Puerto Rican Skink

Here, we present both current and future condition analyses results for the Puerto Rican skink. There are currently four known extant Puerto Rican skink populations on the island of Puerto Rico and one on the island of Desecheo. Historical records indicate that Puerto Rican skinks likely occurred on Icacos (1932) and Vieques (1980; figure 2.16; Hedges and Conn 2012, p. 186), and on the main island of Puerto Rico skinks were historically collected in and around San Juan (in 1879, 1880) and Bayamón (in 1919, 1931); the southern coastal areas including Ensenada (in 1915, 1919), North Descalabrado (in 1967), and Cerro del Muerto (in 1980); Cape San Juan (in 1931) which is in extreme northeastern Puerto Rico; and Barrio Coto in the municipality of

Isabela (in 1966), which is near Quebradillas (Hedges and Conn 2012, p. 186). Skink populations in San Juan and Cape San Juan are considered historical and are designated as likely extirpated in our analyses. Three skink specimens, one from Culebra, another from Cayo Norte, and one from Cayo Luis Peña in Culebra, were also assigned to the Puerto Rican skink species; however, there is no genetic information for these three specimens to confirm if Puerto Rican skinks are sympatric with Culebra skinks. Unlike other island populations of skinks, which are much smaller than those on the main island of Puerto Rico, we treat each skink population on the main island of Puerto Rico separately regarding amount of predator pressure and level of protection.

Habitat Protection

For level of protection, we describe the total percentage protected and indicate the percentage that includes the *Zona de Conservación del Carso* (Karst Conservation Zone) due to differences in protection levels as compared to other protected areas. This zone includes both public and privately owned lands, and conservation within this zone cannot be considered conclusive since permits for certain activities within this zone are subject to PRDNER evaluation and there is uncertainty if activities will be allowed or not.

Most of the information for the Quebradillas population is from near and in the Guajataca Commonwealth Forest, which is a subtropical moist forest occurring within the karst landscape in the northwestern municipality of Isabela, Puerto Rico. The Quebradillas population encompasses almost ~42,000 ac (17,000 ha) of predicted habitat, with 73 percent of that area with varied protection designations (67 percent Karst Conservation Zone, 6 percent other protected areas (Service 2023, pp. 74–76)). The high habitat protection in this area is considered to provide a lower development risk, primarily due to restricted development within the Karst Conservation Zone.

The southwest population overlaps with several municipalities where

skinks have been documented, particularly within and around the southern portions of the Maricao Commonwealth Forest (San Germán and Sabana Grande within humid subtropical forests; Rivera et al. 2023, p. 10). This large area of predicted habitat (92,986 ac (37,630 ha)) has 22 percent (6 percent within Karst Conservation Zone, 16 percent other protected areas) of that area being protected.

The third population occurs in south central Puerto Rico in the municipality of Ponce. Of the 6,155 ac (2,491 ha) of predicted habitat in the area, very little is protected (approximately 1 percent); therefore, development risk is high.

In 2022, a skink was collected inside a garage in north central Puerto Rico in the municipality of Florida, an area where skinks had not been detected in the past but includes 19,714 ac (7,978 ha) of predicted skink habitat. A large percentage of this potential habitat is currently protected (88 percent). Of the area protected, 78 percent is within the Karst Conservation Zone and 10 percent is within other protected areas.

Outside of the main island, the only other population known to be extant is on the island of Desecheo off the west coast of Puerto Rico. During surveys in 2010, 2012, and 2016, researchers observed skinks that are presumed to be Puerto Rican skinks (Wolf et al. 2010, p. 5; Herrera-Giraldo and Bermudez 2010, p. 22; Figueroa 2023, pers. comm.). The entire island is a National Wildlife Refuge (NWR) with no development risk.

Predator Pressure

Because the main island of Puerto Rico is occupied by nonnative predators including mongooses, rats, cats, etc., the influence of predator pressure on population resiliency is always present and therefore considered high risk to skinks in all main island populations. Nonnative predators have been eradicated from Desecheo; therefore, there is currently no impact from predator pressure for this population.

Storm Surge Risk

The populations on the main island of Puerto Rico occur inland and are not influenced by storm surge. In addition, Desecheo is an island with high

elevation; therefore, skink populations there are not impacted by the effects of storm surge.

Current Condition Summary

Currently, five of nine (56 percent) known populations are extant, while four (44 percent) are considered likely extirpated (table 4). One population (Desecheo) is in high resiliency condition, and two (Quebradillas and Florida) are in moderate resiliency condition, and these populations are distributed across the northern part of the species' range on Puerto Rico and Desecheo Island; the remaining two populations (Southwest and Ponce) have low resiliency (table 4). Habitat for all populations is generally located at elevations that are not at risk of storm surge or sea level rise. Development is a risk to all populations. Because the main island of Puerto Rico is occupied by nonnative predators including mongoose, rats, cats, and dogs, the influence of predator pressure on population resiliency is always present and therefore considered high risk to skinks. In addition, all current populations are geographically isolated at considerable distance from one another; therefore, it will be difficult for a high or moderate condition population to supplement or rescue another population affected by threats. Thus, current redundancy is low for the Puerto Rican skink.

Given the reduction in historical range, representation has also been reduced from historical condition. However, current populations exist in multiple locations in several different habitat types across Puerto Rico and on Desecheo Island. Based on the genetic analysis, the populations on Puerto Rico may range from small to large effective population sizes with potential for admixture, although there is some evidence of inbreeding within the Florida population (Rivera et al. 2023, p. 20). This apparent genetic diversity across Puerto Rican skink populations contributes to the species' overall adaptive capacity, giving the species the potential to adapt when faced with changes in its current or future environment.

TABLE 4—PUERTO RICAN SKINK CURRENT RESILIENCY SUMMARY

[Numbers in parentheses are metric scores (see table 1), summed to provide overall resiliency. NA = not applicable, as likely extirpated populations do not have resiliency.]

Population	Habitat protection	Predator pressure	Risk from storm surge	Status	Resiliency
Isacacos	High (1)	High (– 1)	High (– 1)	Likely extirpated	NA.
Desecheo	High (1)	No Impact (1)	Low (0)	Extant	High (2).
Vieques	High (1)	High (– 1)	Low (0)	Likely extirpated	NA.

TABLE 4—PUERTO RICAN SKINK CURRENT RESILIENCY SUMMARY—Continued

[Numbers in parentheses are metric scores (see table 1), summed to provide overall resiliency. NA = not applicable, as likely extirpated populations do not have resiliency.]

Population	Habitat protection	Predator pressure	Risk from storm surge	Status	Resiliency
Main Island, PR					
San Juan	Low (– 1)	High (– 1)	Low (0)	Likely extirpated	NA.
Cape San Juan	Moderate (0)	High (– 1)	Low (0)	Likely extirpated	NA.
Quebradillas	High (1)	High (– 1)	No effect (1)	Extant	Moderate (1).
Southwest	Low (– 1)	High (– 1)	No effect (1)	Extant	Low (– 1).
Ponce	Low (– 1)	High (– 1)	No effect (1)	Extant	Low (– 1).
Florida	High (1)	High (– 1)	No effect (1)	Extant	Moderate (1).

As part of the SSA report, we also developed future-condition scenarios to capture the range of uncertainties regarding future threats and the projected responses by the Puerto Rican skink. Our scenarios assumed nonnative predators and further fragmentation from development are the main risks to populations on Puerto Rico and the only future threat to the population on Desecheo would be if predators are introduced, which would cause reduced resiliency (note: it is highly unlikely that mongooses would ever be introduced). Because we determined that the current condition of the Puerto Rican skink is consistent with the Act's definition of an endangered species (see *Determination of Status—Puerto Rican Skink*, below), we are not presenting the results of the future scenarios in this proposed rule. Please refer to the SSA report (Service 2023, pp. 79–82) for the full analysis of future scenarios.

Mona Skink

The Mona skink is historically and currently known only from Mona Island, a 13,838-ac (5,600-ha) island off the west coast of Puerto Rico. The entire island is a designated nature preserve protected and managed by the PRDNER.

The Mona skink has been consistently detected on the island over time, with the earliest known detection in 1894 to more recent detections in 2021. The species is readily observed on Mona Island, indicating this singular population has maintained a level of resiliency to withstand stochastic events over time. Although the species is limited to one island, there are multiple, interconnected habitat patches occupied across the island (Rivera et al. 2023, p. 12). The species occupies interior areas of the island, which are not subject to storm surge or sea level rise. These habitat patches that do not experience SLR and storm surge threats likely ensure that the species is less susceptible to catastrophic events; however, the species is still vulnerable to other unknown threats given that its range is limited to one island. The one population on Mona Island houses all known genetic diversity for the species; however, genetic evidence is insufficient to determine the level of genetic diversity.

The primary threat driving species' viability is nonnative predators. Mona Island is currently occupied by nonnative predators (cats and rats).

There are no mongooses or dog predators on the island. Given the larger size of the island and the fact that mongooses are not present, predator pressure was assessed as low for the species. Low does not mean there is no predator pressure but a lower level of predator pressure from cats and rats. Mona Island has a maximum elevation of over 296 feet (ft) (90 meters (m)) and, therefore, most of the island is not susceptible to impacts from storm surge or sea level rise like other low-lying islands. Mona Island has high habitat protection given it is protected and managed by PRDNER, and therefore there are no current impacts from development pressure.

The current resiliency of the one Mona skink population is moderate (table 5). Though the species is known only from Mona Island and is considered a single population, habitat patches are occupied across the island, and the species occupies interior as well as coastal areas of the island. Although the species is impacted by some threats across the range, the Mona skink exhibits sufficient resiliency, redundancy, and representation to support the species' viability.

TABLE 5—MONA SKINK CURRENT RESILIENCY SUMMARY

[Numbers in parentheses are metric scores (see table 1), summed to provide overall resiliency.]

Population	Habitat protection	Predator pressure	Risk from storm surge	Status	Resiliency
Mona Island	High (1)	Low (0)	Low (0)	Extant	Moderate (1)

In considering future threats to the species, nonnative predators are the primary driver to the species' viability in the future. Given the larger size of the island, and that mongooses are not likely to be introduced, predator pressure was assessed as low in the future for the species. Nonnative

predator introductions would be expected to reduce skink numbers on the island, but there are a diversity of habitats and patches, and it is a large island; therefore, predation risk is not likely to eliminate the known population, nor do we expect it to reduce to low resiliency condition in

the future. Impacts from climate change in the future were also assessed as low given the higher elevation of the island. Further, impacts of development pressure to the species are low as Mona Island has high habitat protection given it is protected and managed by PRDNER.

TABLE 6—MONA SKINK FUTURE RESILIENCY SUMMARY FOR FOUR FUTURE SCENARIOS UNDER THREE TIME STEPS
[M = moderate]

Current		2050				2070				2100			
Status	Resiliency	1A	1B	2A	2B	1A	1B	2A	2B	1A	1B	2A	2B
Extant	M	M	M	M	M	M	M	M	M	M	M	M	M

The projected future resiliency of skinks on Mona Island is assessed as moderate (table 6), given the future level of threats to the species. The future range of the Mona skink is limited to one island; however, it is still expected to have moderate resiliency to withstand stochastic events. Although the species is impacted by several threats across the range, the Mona skink exhibits sufficient resiliency, redundancy, and representation to support the species' future viability.

Culebra Skink

The Culebra skink currently occupies five islands including Culebra and several of the small cays surrounding Culebra Island. Culebra skinks were historically found on Isla Culebrita, the largest cay near Culebra, but they have not been seen there since 1936 likely because it is a small to medium sized

island with nonnative predators.

Observations on the cays surrounding Culebra Island, including Cayo Agua, Cayo Botella, Cayo Lobito, and Cayo Yerba are recent (since 2017).

The small cays currently occupied by skinks are very small (<10 ac (<4 ha)), are not currently occupied by any nonnative predators, and are protected from development. Much of the land on each cay is low elevation (*i.e.*, less than 33 ft (10 m)) making them susceptible to storm surge, with projected Category 3 storms at 5 ft (1.52 m) and Category 5 storms at 6 ft (1.83 m) (see table 8.3 and appendix A of the SSA report; Service 2023, pp. 92, 142). Culebra Island is inhabited by people, and there is development on parts of the island, except in areas that are protected, primarily within the Culebra NWR. Although mongooses have not been observed, other nonnative predators

including cats and rats occur there.

Culebra Island has a higher average elevation (~646 ft (197 m)) than the smaller cays and is less susceptible to storm surge risk currently.

Each of the small cays currently occupied by Culebra skinks is relatively similar; each cay is protected and not currently occupied by nonnative mammalian predators. However, because they each have low elevations and are small in size, the risk of impacts from storm surge is high, and therefore they currently have moderate resiliency (table 7). Even though the Culebra skink on Culebra Island is less impacted by storm surge and has large tracts of protected areas, it has moderate current resiliency because several nonnative predators occupy the island. In addition, skinks occur partially on unprotected lands, which are vulnerable to development.

TABLE 7—CULEBRA SKINK CURRENT RESILIENCY SUMMARY

[Numbers in parentheses are metric scores (see table 1), summed to provide overall resiliency. NA = not applicable, as likely extirpated populations do not have resiliency.]

Population	Habitat protection	Predator pressure	Risk from storm surge	Status	Resiliency
Isla Culebrita	High (1)	Low (0)	Low (1)	Likely extirpated	NA
Cayo Botella	High (1)	No impact (1)	High (–1)	Extant	Moderate (1)
Cayo Agua	High (1)	No impact (1)	High (–1)	Extant	Moderate (1)
Cayo Lobito	High (1)	No impact (1)	High (–1)	Extant	Moderate (1)
Cayo Yerba	High (1)	No impact (1)	High (–1)	Extant	Moderate (1)
Culebra	Moderate (0)	Low (0)	Low (0)	Extant	Moderate (0)

Currently, the Culebra skink has multiple populations in moderate resiliency condition across its known range (table 7). The number and

distribution of these sufficiently resilient populations enable the species to withstand both stochastic and catastrophic events. The range is not

large, and many of the islands are small, but the species currently has substantial genetic representation in the form of separate islands.

TABLE 8—CULEBRA SKINK CURRENT AND FUTURE RESILIENCY SUMMARY

[NA = not applicable, as likely extirpated populations do not have resiliency; M = moderate; X = extirpated.]

Population	Current		2050				2070				2100			
	Status	Resiliency	1A	1B	2A	2B	1A	1B	2A	2B	1A	1B	2A	2B
Isla Culebrita	Likely extirpated	NA												
Cayo Botella	Extant	Moderate	M	X	M	X	M	X	X	X	X	X	X	X
Cayo Agua	Extant	Moderate	M	X	M	X	M	X	M	X	M	X	X	X
Cayo Lobito	Extant	Moderate	M	X	M	X	M	X	M	X	M	X	M	X
Cayo Yerba	Extant	Moderate	M	X	M	X	M	X	M	X	M	X	X	X
Culebra	Extant	Moderate	M	Low	M	Low	M	Low	M	Low	M	Low	M	Low

By 2050, resiliency of each of the populations will change only if predator pressure is increased (see “B” scenarios

in table 8). Since most of the populations are on small cays, the addition of a predator will almost

certainly mean the extirpation of skinks within a short time. Results are similar for 2070 except Cayo Botella will

become too small to support a population of skinks under the High SLR scenario (Scenario 2A, table 8). By 2100, nearly all the small cays (except for Cayo Lobito) will be classified as extirpated under the High SLR scenario (Scenario 2A) and skinks on Cayo Botella will likely be extirpated under both Intermediate and High SLR scenarios (table 8). The main risk on the main island of Culebra is the increased predator pressure and continued habitat modification. The addition of any predator to the small cays would likely lead to the skinks being quickly extirpated.

Future redundancy and representation of Culebra skink is expected to be reduced by 2100 under most scenarios, ultimately with the loss of smaller cays due to a combination of predator introduction and SLR/storm surge. Only two populations are expected to remain (Culebra and possibly Cayo Lobito) by 2100 if predators are not introduced to the small cays; therefore, redundancy at 2100 would be limited. There is evidence of genetic clustering (*i.e.*, grouping of similar genes) between populations on Culebra, but the actual genetic structure of skinks on Culebra is still largely unknown (Rivera et al. 2023, p. 15). Culebra has some diverse habitats, and skinks have been seen in both the coast and upland forests. Coastal areas will likely be impacted by sea level rise. Therefore, representation is expected to be substantially reduced across the range by 2100 under three of four future scenarios.

Greater Virgin Islands Skink

The Greater Virgin Islands skink is believed to be historically distributed in the USVI on St. John and St. Thomas (Hedges and Conn 2012, p. 210). It is possible that the Greater Virgin Islands skink occurred in the BVI as well. The species likely had patchy distribution across its range, and its small size, cryptic coloration, and secretive behavior could account for its lack of

detection. If observed, it could be misidentified as the sympatric Lesser Virgin Islands skink or Virgin Islands bronze skink, but lack of observations of any skinks on St. John or St. Thomas make misidentification less probable.

The Greater Virgin Islands skink has not been seen in nearly 150 years since the last specimen was cataloged in 1877, despite considerable herpetological survey work through the Virgin Islands (Hedges and Conn 2012, p. 210). There are six known museum specimens, collected in 1779–1799, 1834, 1845–1846, and 1877 (Hedges and Conn 2012, p. 207). Because the species has long been believed to be extirpated from the main islands of St. John and St. Thomas, not many targeted surveys have been undertaken to look for skinks on either island. From 1986 to 2023, qualified researchers and wildlife agency staff invested considerable efforts in looking for other herpetofauna that would almost certainly document opportunistic encounters of any herp species, and no known documentation of skinks exist (Service 2023, pp. 150–151). Herp survey efforts on St. Thomas do not appear to be as extensive as those on St. John, but optimal habitat on St. Thomas is known to be fragmented by extensive human development (Platenberg and Harvey 2010, p. 548), and the consensus from the herpetology community is that there are no known skinks on the island of St. Thomas. Given what is known about the life history and habitat associations of *Spondylurus* skinks, it is reasonable to assume that skinks would have been detected given the extent of survey efforts in optimal habitats on both islands of St. Thomas and St. John (see chapter 9 and appendix B–I of the SSA report (Service 2023, pp. 100, 146–152)).

Skinks that once occurred on the islands of St. Thomas and St. John faced a primary threat from the introduced mongoose, a predator that has been implicated in the extinction of the Greater Virgin Islands skink (Hedges

and Conn 2012, p. 210; Hedges 2013, p. 1). The invasive predator was introduced as a biological control of rats in sugar cane fields in the late nineteenth century, immediately resulting in a mass extinction of skinks and other reptiles (Hedges and Conn 2012, p. 4). The ground-dwelling and diurnal habits of skinks make them particularly susceptible to mongoose predation.

Based on the best scientific and commercial information available, it is highly unlikely that an individual of Greater Virgin Islands skink could be extant but undetected; therefore, we presume that the species is likely extinct.

Lesser Virgin Islands Skink

Lesser Virgin Islands skink was historically known to occur on 15 islands within the USVI and BVI. The populations on three historically occupied islands, making up approximately 43 percent of the species' historical range, are considered likely extirpated, including St. Thomas, the largest island in the USVI, and two islands in BVI (Necker Island and Great Camanoe Island). The status of seven populations (Capella Island, Buck Island (St. Thomas), Little Thatch Island, Fallen Jerusalem, Salt Island, Round Rock Island, and Ginger Island) are currently unknown, primarily because recent surveys have not been conducted, and very little information is known about these islands. However, there is a high likelihood that skinks could be extirpated on these islands given the nonnative predator threat on surrounding islands and the short distance of the seven islands to those with known predator presence. Given the potential for these threats and likely extirpation of skinks, we assumed that these seven unknown populations do not contribute to the resiliency, redundancy, and representation for the species and thus were not considered as contributing to overall species viability.

TABLE 9—LESSER VIRGIN ISLANDS SKINK CURRENT RESILIENCY SUMMARY

[Numbers in parentheses are metric scores (see table 1), summed to provide overall resiliency. NA = not applicable, as likely extirpated and unknown populations do not have resiliency.]

Population	Habitat protection	Predator pressure	Risk from storm surge	Status	Resiliency
USVI					
Capella Island	High (1)	No impact (1)	Low (0)	Unknown	NA
Buck Island	High (1)	No impact (1)	Low (0)	Unknown	NA
Hans Lollik	Low (– 1)	Low (0)	Low (0)	Extant	Low (– 1)
St. Thomas	Moderate (0)	High (– 1)	Low (0)	Likely extirpated	NA
BVI					
Little Thatch Island.	Low (– 1)	Low (0)	Low (0)	Unknown	NA
Fallen Jerusalem	High (1)	Unknown	Low (0)	Unknown	NA

TABLE 9—LESSER VIRGIN ISLANDS SKINK CURRENT RESILIENCY SUMMARY—Continued

[Numbers in parentheses are metric scores (see table 1), summed to provide overall resiliency. NA = not applicable, as likely extirpated and unknown populations do not have resiliency.]

Population	Habitat protection	Predator pressure	Risk from storm surge	Status	Resiliency
Salt Island	Moderate (0)	Low (0)	Low (0)	Unknown	NA
Round Rock Island.	High (1)	Unknown	High (– 1)	Unknown	NA
Ginger Island	Low (– 1)	Unknown	Low (0)	Unknown	NA
Guana Island	Low (– 1)	Low (0)	Low (0)	Extant	Low (– 1)
Necker Island	Low (– 1)	Low (0)	Low (0)	Likely extirpated	NA
Great Camanoe Island.	Moderate (0)	Low (0)	Low (0)	Likely extirpated	NA
Mosquito Island ...	Low (– 1)	No impact (1)	Low (0)	Extant	Moderate (0)
Virgin Gorda	Moderate (0)	High (– 1)	Low (0)	Extant	Low (– 1)
Tortola	Moderate (0)	High (– 1)	Low (0)	Extant	Low (– 1)

Currently, the species is considered extant on 5 of the 15 islands: 1 in USVI (Hans Lollik) and 4 in BVI (Guana, Mosquito, Virgin Gorda, and Tortola) (table 9). Of the five, four have low resiliency, and one has moderate resiliency. Hans Lollik, the one extant population in the USVI, currently has low resiliency due to lack of habitat protection (privately owned) and predator pressure (rats present). In the BVI, one population is currently moderate, and three are low resiliency. There are mixed levels of habitat protection for the islands in the BVI; thus, development pressure is a risk to the species. In addition, each island has variable impacts from nonnative predators, and the two larger islands (Tortola and Virgin Gorda) have mongooses present. All islands have low impacts from storm surge due to the average height of these islands all being above 60 m (197 ft).

Together, the extirpated and low-resiliency populations represent 94 percent of the range of the Lesser Virgin Islands skink. Given the reduction in historical range, the species' redundancy and representation

(adaptive capacity) have been greatly reduced from historical condition. Current redundancy, or distribution of populations with sufficient resiliency to withstand catastrophic events, is very low for this species as there is only one moderate-resiliency population remaining. Given the limited range, any catastrophic event would likely negatively impact all existing populations, thus the species is unlikely to withstand catastrophic events.

As part of the SSA report, we also developed future-condition scenarios to capture the range of uncertainties regarding future threats and the projected responses by the Lesser Virgin Islands skink. Our scenarios assumed nonnative predators are the main risk to populations which would cause reduced resiliency (note: it is highly unlikely that mongooses would ever be introduced). Because we determined that the current condition of the Lesser Virgin Islands skink is consistent with the Act's definition of an endangered species (see *Determination of Status—Lesser Virgin Islands Skink*, below), we are not presenting the results of the future scenarios in this proposed rule.

Please refer to the SSA report (Service 2023, pp. 108–117) for the full analysis of future scenarios.

Virgin Islands Bronze Skink

Virgin Islands bronze skink was historically known to occur on nine islands within the USVI and BVI. Four populations, making up approximately 96 percent of the species' historical range, are considered likely extirpated, including St. Thomas, the largest island in the USVI, and three islands in BVI (Little Tobago Island, Norman Island, and Peter Island). Currently, three of the nine islands are extant, all within the USVI (Buck Island, Turtledove Cay, and Water Island); there are no known extant populations occurring in BVI. The status of two populations (Capella Island and Salt Island) are currently unknown, primarily because recent surveys have not been conducted and very little information is known about these islands. Thus, we assumed that these two populations do not contribute to the resiliency, redundancy, and representation for the species and thus were not considered as contributing to overall species viability.

TABLE 10—VIRGIN ISLANDS BRONZE SKINK CURRENT RESILIENCY SUMMARY

[Numbers in parentheses are metric scores (see table 1), summed to provide overall resiliency. NA = not applicable, as likely extirpated and unknown populations do not have resiliency.]

Population	Habitat protection	Predator pressure	Risk from storm surge	Status	Resiliency
USVI					
Buck Island	High (1)	No impact (1)	Low (0)	Extant	High (2)
Capella Island	High (1)	No impact (1)	Low (0)	Unknown	NA
Turtledove Cay ...	High (1)	No impact (1)	Low (0)	Extant	High (2)
Water Island	Low (– 1)	Low (0)	Low (0)	Extant	Low (– 1)
St. Thomas	High (1)	High (– 1)	Low (0)	Likely extirpated	NA
BVI					
Little Tobago Island.	High (1)	Low (0)	Low (0)	Likely extirpated	NA
Salt Island	Moderate (0)	Low (0)	Low (0)	Unknown	NA
Norman Island	Low (– 1)	Low (0)	Low (0)	Likely extirpated	NA
Peter Island	Low (– 1)	Low (0)	Low (0)	Likely extirpated	NA

Of the three extant populations, two were assessed to have high resiliency while one was assessed to have low resiliency (table 10). Water Island, the largest island (489 ac (198 ha)) with an extant population, is currently occupied by nonnative predators (rats) and privately owned, and therefore has low resiliency. Buck Island and Turtledove Cay have high resiliency due to high levels of habitat protection and no current predator pressure, as nonnative predators were eradicated previously, and the islands' elevations are not at risk from storm surge. Despite having two populations with high resiliency, the Virgin Islands bronze skink is vulnerable to catastrophic events such as the introduction of nonnative predators, primarily due to the extremely small size of the remaining extant islands (*i.e.*, Buck Island and Turtledove Cay are 22 and 32 ac (9 and 13 ha) in size, respectively). Representation (and adaptive capacity) has been greatly reduced due to the loss of historical range and remaining islands making up 4 percent of the species' current range.

As part of the SSA report, we also developed future-condition scenarios to capture the range of uncertainties regarding future threats and the projected responses by the Virgin Islands bronze skink. Our scenarios assumed nonnative predators and SLR are the main risks to populations in the future, which would cause reduced resiliency and eventual extirpation (note: it is highly unlikely that mongooses would ever be introduced). Because we determined that the current condition of the Virgin Islands bronze skink is consistent with the Act's definition of an endangered species (see *Determination of Status—Virgin Islands Bronze Skink*, below), we are not presenting the results of the future scenarios in this proposed rule. Please refer to the SSA report (Service 2023, pp. 122–129) for the full analysis of future scenarios.

Greater St. Croix Skink

The Greater St. Croix skink has been recorded from St. Croix and its satellite island Green Cay, both in the USVI; this is also presumed to be the provenance of several historical specimens with the locality data “West Indies,” suggesting that the skink was endemic to this large island and its satellite (Hedges and Conn 2012, p. 173). No more specific locality data are available, and the species was last recorded from St. Croix in the late 19th century, but this species has a well-documented collection history, and it is consequently “without dispute” that the species historically

occurred on the island (Hedges and Conn 2012, p. 174).

Because the species has long been believed to be extirpated from St. Croix, not many targeted surveys to look for skinks on the island have occurred. Qualified researchers and wildlife agency staff have made several efforts to look for other herpetofauna on both St. Croix and Green Cay that would almost certainly document opportunistic encounters of any herp species, and since 2000, no known documentation of skinks exists (see appendix B–II of SSA report (Service 2023, pp. 154–160)). Given what is known about the life history and habitat associations of *Spondylurus* skinks, it is reasonable to assume that skinks would have been detected given the extent of survey efforts in optimal habitats on St. Croix and Green Cay.

Skinks that once occurred on St. Croix faced a primary threat from the introduced mongoose, a predator that has been implicated in the extinction of the Greater St. Croix skink (Hedges and Conn 2012, p. 174; Hedges 2013, p. 4). The invasive predator was introduced as a biological control of rats in sugar cane fields in the late nineteenth century, immediately resulting in a mass extinction of skinks and other reptiles (Hedges and Conn 2012, p. 4). The ground-dwelling and diurnal habits of skinks have made them particularly susceptible to mongoose predation.

Based on the best scientific and commercial information available, it is highly unlikely that an individual of Greater St. Croix skink could be extant but undetected; therefore, we presume that the species is likely extinct.

Lesser St. Croix Skink

The Lesser St. Croix skink is believed to be endemic to the large island of St. Croix in the USVI, which has an area of 230 km² (Hedges and Conn 2012, p. 69). The only known specimen from 1875 was reported with no precise locality data (Hedges and Conn 2012, p. 68). The introduction of mongooses to this island in the late 19th century, and the seeming disappearance of the Greater St. Croix skink at the same time, suggests that the Lesser St. Croix skink is probably now extinct (Hedges and Conn 2012, p. 69).

Because the species has long been believed to be extirpated from St. Croix, not many targeted surveys to look for skinks on the island have occurred. Qualified researchers and wildlife agency staff have made several efforts to look for other herpetofauna that would almost certainly document opportunistic encounters of any herp species (see appendix B–III of SSA

report (Service 2023, pp. 162–168)). Given what is known about the life history and habitat associations of *Capitellum* skinks, it is reasonable to assume that skinks would have been detected given the extent of survey efforts in optimal habitats on St. Croix.

Skinks that once occurred on St. Croix faced threats from habitat loss and predation from the introduced mongoose, a predator that has been implicated in the extinction of the Lesser St. Croix skink (Hedges and Conn 2012, p. 69; Hedges 2013, p. 1) and other lizards. For example, the mongoose is also partly implicated for the extirpation of the endangered St. Croix ground lizard, last seen on the main island of St. Croix in 1964 (Service 1984, entire). The mongoose was introduced as a biological control of rats in sugar cane fields in the late nineteenth century, immediately resulting in a mass extinction of skinks and other reptiles (Hedges and Conn 2012, p. 4). The ground-dwelling and diurnal habits of skinks have made them particularly susceptible to predation by mongooses and cats.

Based on the best scientific and commercial information available, it is highly unlikely that an individual of Lesser St. Croix skink could be extant but undetected; therefore, we presume that the species is likely extinct.

Determination of Status for Eight Caribbean Skink Species

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act defines an “endangered species” as a species in danger of extinction throughout all or a significant portion of its range and a “threatened species” as a species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether a species meets the definition of an endangered species or a threatened species because of any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

Status Throughout All of Its Range—Puerto Rican Skink

After evaluating threats to the species and assessing the cumulative effect of the threats under the Act's section 4(a)(1) factors, we assessed the status of the Puerto Rican skink to determine if it meets the Act's definition of an endangered species. The Puerto Rican skink was historically known from three island populations and six populations on the main island of Puerto Rico. Four historical populations, approximately 35 percent of the species' historical range, are considered likely extirpated, including two of the smaller islands within the range.

Of the five extant populations, one of the smaller islands, Desecheo, is currently occupied and has high resiliency based on habitat metrics, including no predators, and the island is protected as an NWR. Predators were previously present on Desecheo and success of eradication efforts was confirmed in 2017. Of note, the last detection record for the Puerto Rican skink on Desecheo Island was in 2016, although there were no surveys conducted on the island during 2021–2023 survey efforts. This population represents 0.19 percent of the extant range.

The remaining four populations occur on the main island of Puerto Rico; two populations currently have moderate resiliency, and two have low resiliency. Habitat for all populations is generally located at elevations that are not at risk of storm surge or sea level rise. Development (Factor A) is a risk to all populations. Because the main island of Puerto Rico is occupied by nonnative predators (Factor C) including mongooses, rats, cats, and dogs, the influence of predator pressure on population resiliency is always present and therefore considered high risk to skinks.

The five extant populations are geographically isolated at considerable distance from one another, and, therefore, it will be difficult for a higher resiliency population to supplement or rescue another population affected by potential catastrophic events. Together, the extirpated and low-resiliency populations represent 75 percent of the range. Given the reduction in historical range, the species' redundancy has been reduced from historical condition, and representation (and adaptive capacity) has also been reduced. The current resiliency, redundancy, and representation indicate that the magnitude and scale of threats are currently impacting the Puerto Rican skink such that it meets the Act's

definition of an endangered species. Thus, after assessing the best available information, we determine that Puerto Rican skink is in danger of extinction throughout all of its range. Because the threats are currently impacting the species such that it is in danger of extinction currently throughout all of its range, it does not meet the Act's definition of a threatened species.

Status Throughout a Significant Portion of Its Range—Puerto Rican Skink

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so within the foreseeable future throughout all or a significant portion of its range. We have determined that the Puerto Rican skink is in danger of extinction throughout all of its range and accordingly did not undertake an analysis of any significant portion of its range. Because the Puerto Rican skink warrants listing as endangered throughout all of its range, our determination does not conflict with the decision in *Center for Biological Diversity v. Everson*, 435 F. Supp. 3d 69 (D.D.C. 2020), because that decision related to significant portion of the range analyses for species that warrant listing as threatened, not endangered, throughout all of their range.

Determination of Status—Puerto Rican Skink

Based on the best scientific and commercial data available, we determine that the Puerto Rican skink meets the Act's definition of an endangered species. Therefore, we propose to list the Puerto Rican skink as an endangered species in accordance with sections 3(6) and 4(a)(1) of the Act.

Status Throughout All of Its Range—Mona Skink

After evaluating threats to the species and assessing the cumulative effect of the threats under the section 4(a)(1) factors, we evaluated the status of the Mona skink to determine if it meets the Act's definition of an endangered species. The Mona skink is historically and currently known only from Mona Island, a 13,838-ac (5,600-ha) island off the west coast of Puerto Rico. The entire island is a designated nature preserve protected and managed by the PRDNER. The Mona skink has been consistently detected on the island over time with the earliest known detection in 1894 to more recent detections in 2021. The species continues to be observed on Mona Island, indicating that the population has maintained a level of

resiliency to withstand stochastic events over time.

The primary threat driving the species' viability is nonnative predators (Factor C). Mona Island is currently occupied by nonnative predators (cats and rats) and also goats and pigs. There are no mongooses or dog predators on the island. Given the larger size of the island and that mongooses are not present, predator pressure was assessed as low for the species. Low does not mean there is no predator pressure but a lower level of predator pressure from cats and rats. Mona Island has a maximum elevation of over 296 ft (90 m) and, therefore, most of the island is not susceptible to impacts from storm surge or sea level rise (Factor E) like other low-lying islands. Mona Island has high habitat protection given it is protected and managed by PRDNER, and therefore there are no current impacts from development pressure (Factor A).

The current resiliency of the one Mona skink population is moderate. Though the species is known only from Mona Island and likely consists of a single population, there are multiple habitat patches occupied across the island and the species occupies interior as well as coastal areas of the island. Although the species is impacted by some threats across the range, the Mona skink exhibits sufficient resiliency, redundancy, and representation to support the species' viability. Overall, no current threat is acting at an extent or severity such that the species is at risk of extinction throughout all of its range. Thus, after assessing the best available information, we conclude that the Mona skink is not in danger of extinction throughout all of its range. Therefore, we proceed with determining whether the Mona skink is likely to become endangered within the foreseeable future throughout all of its range.

In considering future threats to the species, we examined habitat destruction and modification from development risk (Factor A); nonnative predators (Factor C); climate change, specifically SLR (Factor E); and increases in intensity, frequency, and duration of hurricane activity (Factor E) out to the end of the century, or 2100. For the Mona skink, nonnative predators are the primary driver to the species' viability in the future. There is a chance of introduction of additional nonnative predators from tourism, and thus increased predator pressure to the Mona skink in the future. However, ongoing and future funded eradication efforts of nonnative predators is likely to occur. Given the larger size of the

island, and that mongooses are not likely to be introduced, predator pressure was assessed as low in the future for the species. Nonnative predator introductions would be expected to reduce skink numbers on the island, but the island is large and includes a diversity of habitats and patches: therefore, predation risk is not likely to eliminate the known population, nor do we expect it to reduce to low-resiliency condition in the future. Impacts from climate change in the future were also assessed as low for similar reasons as current impacts because most of the island is not susceptible to impacts from SLR or increased hurricane activity. Further, impacts of development pressure to the species are low as Mona Island has high habitat protection given it is protected and managed by PRDNER.

The projected future resiliency of skinks on Mona Island is assessed as moderate, given the future level of threats to the species. The future range of the Mona skink is limited to one island; however, it is still expected to have moderate resiliency to withstand stochastic events. Although the species is impacted by some level of threats across the range, the Mona skink exhibits sufficient resiliency, redundancy, and representation to support the species' future viability. Overall, no projected future threat is acting at an extent or severity such that the species is at risk of extinction throughout all of its range within the foreseeable future. Thus, after assessing the best available information, we conclude that the Mona skink is not likely to become endangered within the foreseeable future throughout all of its range.

Status Throughout a Significant Portion of Its Range—Mona Skink

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so within the foreseeable future throughout all or a significant portion of its range. Having determined that the Mona skink is not in danger of extinction or likely to become so within the foreseeable future throughout all of its range, we now consider whether it may be in danger of extinction or likely to become so within the foreseeable future in a significant portion of its range—that is, whether there is any portion of the species' range for which it is true that both (1) the portion is significant; and (2) the species is in danger of extinction now or likely to become so within the foreseeable future in that portion. Depending on the case, it might be more efficient for us to

address the “significance” question or the “status” question first. We can choose to address either question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question that we address, we do not need to evaluate the other question for that portion of the species' range.

In undertaking this analysis for the Mona skink, we chose to address the status question first. We began by identifying portions of the range where the biological status of the species may be different from its biological status elsewhere in its range. For this purpose, we considered information pertaining to the geographic distribution of (a) individuals of the species, (b) the threats that the species faces, and (c) the resiliency condition of populations.

We evaluated the range of the Mona skink to determine if the species is in danger of extinction now or likely to become so within the foreseeable future in any portion of its range. The Mona skink is a narrow endemic that functions as a single, contiguous population and occurs on one 13,838-ac (5,600-ha) island (Mona Island). Thus, there is no biologically meaningful way to break this limited range into portions, and the threats that the species faces affect the species comparably throughout its entire range. As a result, there are no portions of the species' range where the species has a different biological status from its rangewide biological status. Therefore, we conclude that there are no portions of the species' range that warrant further consideration, and the species is not in danger of extinction or likely to become so within the foreseeable future in any significant portion of its range. This does not conflict with the courts' holdings in *Desert Survivors v. U.S. Department of the Interior*, 321 F. Supp. 3d 1011, 1070–74 (N.D. Cal. 2018) and *Center for Biological Diversity v. Jewell*, 248 F. Supp. 3d 946, 959 (D. Ariz. 2017) because, in reaching this conclusion, we did not apply the aspects of the Final Policy on Interpretation of the Phrase “Significant Portion of Its Range” in the Endangered Species Act's Definitions of “Endangered Species” and “Threatened Species” (79 FR 37578; July 1, 2014), including the definition of “significant” that those court decisions held to be invalid.

Determination of Status—Mona Skink

Based on the best scientific and commercial data available, we determine that the Mona skink does not meet the Act's definition of an endangered species or a threatened

species in accordance with sections 3(6) and 3(20) of the Act. Therefore, we find that listing the Mona skink is not warranted at this time.

Status Throughout All of Its Range—Culebra Skink

After evaluating threats to the species and assessing the cumulative effect of the threats under the Act's section 4(a)(1) factors, we evaluated the status of the Culebra skink to determine if it meets the Act's definition of an endangered species. The Culebra skink historically occupied six islands across the species' known range. Currently, it occupies five islands, including Culebra and four small cays surrounding Culebra. The skink is likely extirpated from Isla Culebrita, as it has not been observed there since 1936. Of the five currently known extant populations, the smaller cays have no predator pressure and are all protected from development. However, because each cay has low elevation and is small in size, it is at high risk of impacts from storm surge (Factor E). Culebra currently has predators (Factor C) present (cats, rats) and a mix of land uses, with expanding developed lands (Factor A) and some protected lands.

The Culebra skink currently has five extant populations with moderate resiliency. The current number and distribution of these sufficiently resilient populations enables the species to withstand both stochastic and catastrophic events. While the range is relatively small and many of the cays are small, the species currently has substantial genetic representation in the form of separate islands. The Culebra skink currently exhibits sufficient resiliency, redundancy, and representation to support viability. Overall, no current threat is acting at an extent or severity such that the species is at risk of extinction throughout all of its range. Thus, after assessing the best available information, we conclude that the Culebra skink is not in danger of extinction throughout all of its range and does not meet the definition of an endangered species.

In the future, sea level rise (Factor E) and storm impacts (Factor E) will be realized, along with increased development pressure (Factor A) on Culebra and increased predator risk (Factor C) across the range. When predators reach the small cays, skink extirpation is imminent. Further, three of the four cays have low elevations such that storm surge risk and sea level rise will result in extirpation of the population on one cay by 2070, and the remaining cays' populations by 2100. Given the future projections, the

number and distribution of skink populations impacted in the future will affect the species' ability to withstand both stochastic and catastrophic events. Therefore, the Culebra skink is projected not to have sufficient resiliency, redundancy, and representation to support the species' viability within the foreseeable future. Thus, after assessing the best available information, we conclude that the Culebra skink is likely to become in danger of extinction throughout all of its range within the foreseeable future.

Status Throughout a Significant Portion of Its Range—Culebra Skink

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so in the foreseeable future throughout all or a significant portion of its range. The court in *Center for Biological Diversity v. Everson*, 435 F. Supp. 3d 69 (D.D.C. 2020) (*Everson*), vacated the provision of the Final Policy on Interpretation of the Phrase "Significant Portion of Its Range" in the Endangered Species Act's Definitions of "Endangered Species" and "Threatened Species" (hereafter "Final Policy"; 79 FR 37578, July 1, 2014) that provided if the Services determine that a species is threatened throughout all of its range, the Services will not analyze whether the species is endangered in a significant portion of its range.

Therefore, we proceed to evaluating whether the species is endangered in a significant portion of its range—that is, whether there is any portion of the species' range for which both (1) the portion is significant; and (2) the species is in danger of extinction in that portion. Depending on the case, it might be more efficient for us to address the "significance" question or the "status" question first. We can choose to address either question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question that we address, we do not need to evaluate the other question for that portion of the species' range.

Following the court's holding in *Everson*, we now consider whether the species is in danger of extinction (*i.e.*, endangered) in a significant portion of its range. In undertaking this analysis for Culebra skink, we choose to address the status question first.

We evaluated the range of the Culebra skink to determine if the species is in danger of extinction now in any portion of its range. The range of a species can theoretically be divided into portions in an infinite number of ways. We focused our analysis on portions of the species' range that may meet the definition of an

endangered species. For the Culebra skink, we considered whether the threats or their effects on the species are greater in any biologically meaningful portion of the species' range than in other portions such that the species is in danger of extinction now in that portion.

The statutory difference between an endangered species and a threatened species is the timeframe in which the species becomes in danger of extinction; an endangered species is in danger of extinction now while a threatened species is not in danger of extinction now but is likely to become so within the foreseeable future. Thus, we considered the time horizon for the threats that are driving the Culebra skink to warrant listing as a threatened species throughout all of its range. We then considered whether these threats or their effects are occurring in any portion of the species' range such that the species is in danger of extinction now in that portion of its range. We examined the following threats: habitat destruction or modification through development risk, nonnative predators, and storm surge, including cumulative effects. Current population resiliency is moderate across the Culebra skink's range. The small cays currently occupied by skinks are small (<10 ac (4 ha)) but are not currently occupied by any nonnative predators and are protected from development. Much of the land on each cay is low elevation (*i.e.*, less than 33 ft (10 m)), making them susceptible to storm surge. The island of Culebra is inhabited by people and there is development throughout the island, except in areas that are protected, primarily the Culebra NWR in the north. Because of the development, there are many nonnative predators including cats and rats, but no mongooses are currently found on the island. The island of Culebra has a higher average elevation (~646 ft (197 m)) than the smaller cays and is less susceptible to storm surge risk currently. Despite differences in impacts of threats, all populations currently have moderate resiliency and have sufficient redundancy such that no portions would meet the Act's definition of an endangered species.

The best scientific and commercial data available indicate that the time horizon on which those threats to the species and the species' response to those threats are likely to occur is the foreseeable future. In addition, the best scientific and commercial data available do not indicate that any of the threats to the species and the species' response to those threats are more immediate in any portions of the species' range.

Therefore, we determine that the Culebra skink is not in danger of extinction now in any portion of its range, but that the species is likely to become in danger of extinction within the foreseeable future throughout all of its range. This does not conflict with the courts' holdings in *Desert Survivors v. U.S. Department of the Interior*, 321 F. Supp. 3d 1011, 1070–74 (N.D. Cal. 2018) and *Center for Biological Diversity v. Jewell*, 248 F. Supp. 3d 946, 959 (D. Ariz. 2017) because, in reaching this conclusion, we did not apply the aspects of the Final Policy, including the definition of "significant" that those court decisions held to be invalid.

Determination of Status—Culebra Skink

Based on the best scientific and commercial data available, we determine that the Culebra skink meets the Act's definition of a threatened species. Therefore, we propose to list the Culebra skink as a threatened species in accordance with sections 3(20) and 4(a)(1) of the Act.

Status Throughout All of Its Range—Greater Virgin Islands Skink

When evaluating the possibility of extinction, we attempted to minimize the possibility of either (1) prematurely determining that the species is extinct where individuals exist but remain undetected, or (2) assuming the species is extant when extinction has already occurred. Our determinations of whether the best scientific and commercial data available indicate that a species is extinct included an analysis of the following criteria: detectability of the species, adequacy of survey efforts, and time since last detection. All three criteria require taking into account applicable aspects of the species' life history. Other lines of evidence may also support the determination and be included in our analysis.

In conducting our analyses of whether the Greater Virgin Islands skink is extinct, we considered and thoroughly evaluated the best scientific and commercial data available. We reviewed the information available in our files and other available published and unpublished information. These evaluations include information from recognized experts, Federal and State governments, academic institutions, and private entities.

The Greater Virgin Islands skink was a small lizard known from six specimens collected in the 1800s, with the most recent observation from 1877. The skink's small size, cryptic coloration, and secretive behavior could prevent detection; however, considerable effort to observe other

herpetofauna by qualified researchers has been invested across several decades on both St. Thomas and St. John, where the species once occurred. These multiple survey efforts, while not targeted at skinks, did overlap with potential skink habitat, and would most likely have encountered skinks if they were still extant. The loss of the Greater Virgin Islands skink can be attributed to predation by the mongoose. No skinks have been observed on St. Thomas or St. John for over a century. Based on the best scientific and commercial information available, it is highly unlikely that an individual could be extant but undetected; therefore, we conclude that the Greater Virgin Islands skink is extinct. A detailed discussion of the basis for this finding can be found in appendix B–I of the SSA report (Service 2023, pp. 146–154) and other supporting documents (see **ADDRESSES**, above).

Determination of Status—Greater Virgin Islands Skink

Based on the best scientific and commercial data available, we determine that the Greater Virgin Islands skink is extinct and is therefore not warranted for listing at this time.

Status Throughout All of Its Range—Lesser Virgin Island Skink

After evaluating threats to the species and assessing the cumulative effect of the threats under the Act's section 4(a)(1) factors, we assessed the status of the Lesser Virgin Islands skink to determine if it meets the Act's definition of an endangered species. The Lesser Virgin Islands skink was historically known to occur on 15 islands within the USVI and BVI. Three historically occupied islands, making up approximately 43 percent of the species' historical range, are considered likely extirpated, including St. Thomas, the largest island in the USVI. The status of seven populations (Capella Island, Buck Island, Little Thatch Island, Fallen Jerusalem, Salt Island, Round Rock Island, and Ginger Island) is currently unknown, primarily because recent surveys have not been conducted and very little information is known about these islands. The best available science indicates that likely threats exist such that these seven populations do not contribute to the resiliency, redundancy, and representation for the species, and thus were not considered as contributing to overall species viability.

Currently, the Lesser Virgin Islands skink is considered extant on 5 of the 15 islands: 1 in USVI (Hans Lollik) and 4 in BVI (Guana, Mosquito, Virgin

Gorda and Tortola). Of the five, four have low resiliency and one has moderate resiliency. Hans Lollik, the one extant population in the USVI, currently has low resiliency due to a lack of habitat protection (privately owned land) (Factor A) and having predator pressure (rats present) (Factor C). In the BVI, one population is currently moderate, and three are low resiliency. The islands in the BVI provide mixed levels of habitat protection; thus, development pressure is a risk. In addition, each island has variable impacts from nonnative predators, and the two larger islands (Tortola and Virgin Gorda) have mongooses present. All islands have low impacts from storm surge due to the average elevation of these islands.

Together, the extirpated and low-resiliency populations represent 94 percent of the range. Given the reduction in historical range, the species' redundancy has been reduced from historical condition, and representation (and adaptive capacity) has also been reduced. The current resiliency, redundancy, and representation indicate that the magnitude and scale of threats are currently impacting the Lesser Virgin Islands skink such that it meets the Act's definition of an endangered species. Thus, after assessing the best available information, we determine that the Lesser Virgin Islands skink is in danger of extinction throughout all of its range. Because the threats are currently impacting the species such that it is in danger of extinction currently throughout all of its range, it does not meet the Act's definition of a threatened species.

Status Throughout a Significant Portion of Its Range—Lesser Virgin Islands Skink

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so within the foreseeable future throughout all or a significant portion of its range. We have determined that the Lesser Virgin Islands skink is in danger of extinction throughout all of its range and accordingly did not undertake an analysis of any significant portion of its range. Because the Lesser Virgin Islands skink warrants listing as endangered throughout all of its range, our determination does not conflict with the decision in *Center for Biological Diversity v. Everson*, 435 F. Supp. 3d 69 (D.D.C. 2020), because that decision related to significant portion of the range analyses for species that warrant

listing as threatened, not endangered, throughout all of their range.

Determination of Status—Lesser Virgin Islands Skink

Based on the best scientific and commercial data available, we determine that the Lesser Virgin Islands skink meets the Act's definition of an endangered species. Therefore, we propose to list the Lesser Virgin Islands skink as an endangered species in accordance with sections 3(6) and 4(a)(1) of the Act.

Status Throughout All of Its Range—Virgin Islands Bronze Skink

After evaluating threats to the species and assessing the cumulative effect of the threats under the Act's section 4(a)(1) factors, we assessed the status of the Virgin Islands bronze skink to determine if it meets the Act's definition of an endangered species. The Virgin Islands bronze skink was historically known to occur on nine islands within the USVI and BVI. Four populations, making up approximately 96 percent of the species' historical range, are considered likely extirpated, including St. Thomas, the largest island in the USVI. Currently, three of the nine islands are extant, all within the USVI; there are no known extant populations occurring in BVI. The status of two populations (Capella Island and Salt Island) are currently unknown, primarily because recent surveys have not been conducted and very little information is known about these islands.

Of the three extant populations, two were assessed to have high resiliency while one was assessed to have low resiliency. Water Island, the largest island (489 ac (198 ha)) with an extant population, is currently occupied by nonnative predators (rats) and privately owned, and therefore has low resiliency. Buck Island and Turtledove Cay have high resiliency due to high levels of habitat protection and no current predator pressure, as nonnative predators were eradicated previously. Despite having two populations with high resiliency, the Virgin Islands bronze skink is vulnerable to catastrophic events, primarily due to the small size of the remaining extant islands (*i.e.*, Buck Island and Turtledove Cay being 22 and 32 ac (9 and 13 ha) in size, respectively). Representation (and adaptive capacity) has been greatly reduced due to the loss of historical range and remaining islands making up 4 percent of the current range.

Given the current resiliency, redundancy, and representation of the Virgin Islands bronze skink, the

magnitude and scale of threats are impacting the species such that it meets the Act's definition of an endangered species. Thus, after assessing the best available information, we determine that the Virgin Islands bronze skink is in danger of extinction throughout all of its range. Because the threats are currently impacting the species such that it is in danger of extinction currently throughout all of its range, it does not meet the Act's definition of a threatened species.

Status Throughout a Significant Portion of Its Range—Virgin Islands Bronze Skink

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so within the foreseeable future throughout all or a significant portion of its range. We have determined that the Virgin Islands bronze skink is in danger of extinction throughout all of its range and accordingly did not undertake an analysis of any significant portion of its range. Because the Virgin Islands bronze skink warrants listing as endangered throughout all of its range, our determination does not conflict with the decision in *Center for Biological Diversity v. Everson*, 435 F. Supp. 3d 69 (D.D.C. 2020), because that decision related to significant portion of the range analyses for species that warrant listing as threatened, not endangered, throughout all of their range.

Determination of Status—Virgin Islands Bronze Skink

Based on the best scientific and commercial data available, we determine that the Virgin Islands bronze skink meets the Act's definition of an endangered species. Therefore, we propose to list the Virgin Islands bronze skink as an endangered species in accordance with sections 3(6) and 4(a)(1) of the Act.

Status Throughout All of Its Range—Greater St. Croix Skink

When evaluating the possibility of extinction, we attempted to minimize the possibility of either (1) prematurely determining that the species is extinct where individuals exist but remain undetected, or (2) assuming the species is extant when extinction has already occurred. Our determinations of whether the best scientific and commercial data available indicate that a species is extinct included an analysis of the following criteria: detectability of the species, adequacy of survey efforts, and time since last detection. All three criteria require taking into account

applicable aspects of the species' life history. Other lines of evidence may also support the determination and be included in our analysis.

In conducting our analyses of whether the Greater St. Croix skink is extinct, we considered and thoroughly evaluated the best scientific and commercial data available. We reviewed the information available in our files, and other available published and unpublished information. These evaluations include information from recognized experts, Federal and State governments, academic institutions, and private entities.

The Greater St. Croix skink was a small lizard known to occur in St. Croix and Green Cay. The skink's small size, cryptic coloration, and secretive behavior could prevent detection; however, considerable effort to observe other herpetofauna by qualified researchers has been invested across several decades on St. Croix and Green Cay, where the species once occurred. These multiple survey efforts, while not targeted at skinks, did overlap with potential skink habitat, and would most likely have encountered skinks if they were still extant. The loss of the Greater St. Croix skink can be attributed to predation by the mongoose. No skinks have been observed on St. Croix for over a century, and none have been observed on Green Cay for nearly a quarter of a century. Based on the best scientific and commercial information available, it is highly unlikely that an individual could be extant but undetected. Therefore, we conclude that the Greater St. Croix skink is extinct. A detailed discussion of the basis for this finding can be found in appendix B–II of the SSA report (Service 2023, pp. 154–162) and other supporting documents (see **ADDRESSES**, above).

Determination of Status—Greater St. Croix Skink

Based on the best scientific and commercial data available, we determine that the Greater St. Croix skink is extinct and is therefore not warranted for listing at this time.

Status Throughout All of Its Range—Lesser St. Croix Skink

When evaluating the possibility of extinction, we attempted to minimize the possibility of either (1) prematurely determining that the species is extinct where individuals exist but remain undetected, or (2) assuming the species is extant when extinction has already occurred. Our determinations of whether the best scientific and commercial data available indicate that a species is extinct included an analysis

of the following criteria: detectability of the species, adequacy of survey efforts, and time since last detection. All three criteria require taking into account applicable aspects of the species' life history. Other lines of evidence may also support the determination and be included in our analysis.

In conducting our analyses of whether the Lesser St. Croix skink is extinct, we considered and thoroughly evaluated the best scientific and commercial data available. We reviewed the information available in our files and other available published and unpublished information. These evaluations include information from recognized experts, Federal and State governments, academic institutions, and private entities.

The Lesser St. Croix skink was a small lizard known from only one specimen collected in 1875. The skink's small size, cryptic coloration, and secretive behavior could lower detection probabilities; however, considerable effort to observe other herpetofauna by qualified researchers has been invested across several decades on St. Croix, where the species once occurred. These multiple survey efforts, while not targeted at skinks, did overlap with potential skink habitat, and would most likely have detected skinks if they were still extant. The loss of the Lesser St. Croix skink is mainly attributed to predation by the mongoose in addition to habitat loss. No skinks have been observed on St. Croix for over a century. Based on the best scientific and commercial information available, it is highly unlikely that an individual would be extant but undetected. Therefore, we conclude that the Lesser St. Croix skink is extinct. A detailed discussion of the basis for this finding can be found in appendix B–III of the SSA report (Service 2023, pp. 162–169) and other supporting documents (see **ADDRESSES**, above).

Determination of Status—Lesser St. Croix Skink

Based on the best scientific and commercial data available, we determine that the Lesser St. Croix skink is extinct and is therefore not warranted for listing at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition as a listed species, planning and implementation of recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public

awareness, and conservation by Federal, State, Tribal, and local agencies, private organizations, and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies, including the Service, and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Section 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

The recovery planning process begins with development of a recovery outline made available to the public soon after a final listing determination. The recovery outline guides the immediate implementation of urgent recovery actions while a recovery plan is being developed. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) may be established to develop and implement recovery plans. The recovery planning process involves the identification of actions that are necessary to halt and reverse the species' decline by addressing the threats to its survival and recovery. The recovery plan identifies recovery criteria for review of when a species may be ready for reclassification from endangered to threatened ("downlisting") or removal from protected status ("delisting"), and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery outline, draft recovery plan, final recovery plan, and any revisions will be available on our website as they are completed (<https://www.fws.gov/program/endangered-species>) or from our Caribbean Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a

broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (e.g., restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands.

If these species are listed, funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost-share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the Commonwealth of Puerto Rico and Territory of the USVI would be eligible for Federal funds to implement management actions that promote the protection or recovery of the Puerto Rican skink, Culebra skink, Lesser Virgin Islands skink, and Virgin Islands bronze skink. Information on our grant programs that are available to aid species recovery can be found at: <https://www.fws.gov/service/financial-assistance>.

Although the Puerto Rican skink, Culebra skink, Lesser Virgin Islands skink, and Virgin Islands bronze skink are only proposed for listing under the Act at this time, please let us know if you are interested in participating in recovery efforts for this species. Additionally, we invite you to submit any new information on these species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7 of the Act is titled, "Interagency Cooperation," and it mandates all Federal action agencies to use their existing authorities to further the conservation purposes of the Act and to ensure that their actions are not likely to jeopardize the continued existence of listed species or adversely modify critical habitat. Regulations implementing section 7 are codified at 50 CFR part 402.

Section 7(a)(2) states that each Federal action agency shall, in consultation with the Secretary, ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Each Federal agency shall review its action at

the earliest possible time to determine whether it may affect listed species or critical habitat. If a determination is made that the action may affect listed species or critical habitat, formal consultation is required (50 CFR 402.14(a)), unless the Service concurs in writing that the action is not likely to adversely affect listed species or critical habitat. At the end of a formal consultation, the Service issues a biological opinion, containing its determination of whether the Federal action is likely to result in jeopardy or adverse modification.

In contrast, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action which *is likely* to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. Although the conference procedures are required only when an action is likely to result in jeopardy or adverse modification, action agencies may voluntarily confer with the Service on actions that may affect species proposed for listing or critical habitat proposed to be designated. In the event that the subject species are listed, or the relevant critical habitats are designated, a conference opinion may be adopted as a biological opinion and serve as compliance with section 7(a)(2).

Examples of discretionary actions for the Puerto Rican skink, Culebra skink, Lesser Virgin Islands skink, and Virgin Islands bronze skink that may be subject to conference and consultation procedures under section 7 of the Act are management of Federal lands administered by the National Park Service and the U.S. Forest Service, as well as actions that require a Federal permit (such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*)) or actions funded by Federal agencies such as the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency. Federal actions not affecting listed species or critical habitat—and actions on State, Tribal, local, or private lands that are not federally funded, authorized, or carried out by a Federal agency—do not require section 7 consultation. Federal agencies should coordinate with the local Service Field Office (see **FOR FURTHER INFORMATION CONTACT**) with any specific questions on section 7 consultation and conference requirements.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply

to endangered wildlife. The prohibitions of section 9(a)(1) of the Act, codified at 50 CFR 17.21, make it illegal for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed any of the following acts with regard to endangered wildlife: (1) import into, or export from, the United States; (2) take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) within the United States, within the territorial sea of the United States, or on the high seas; (3) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such wildlife that has been taken illegally; (4) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity; or (5) sell or offer for sale in interstate or foreign commerce. Certain exceptions to these prohibitions apply to employees or agents of the Service, the National Marine Fisheries Service, other Federal land management agencies, and State conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits for endangered wildlife are codified at 50 CFR 17.22, and general Service permitting regulations are codified at 50 CFR part 13. With regard to endangered wildlife, a permit may be issued: for scientific purposes, for enhancing the propagation or survival of the species, or for take incidental to otherwise lawful activities. The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

II. Protective Regulations Under Section 4(d) of the Act

Background

As discussed in Available Conservation Measures, section 9 of the Act provides a specific list of prohibitions for endangered species but does not provide these same prohibitions for threatened species. Instead, pursuant to section 4(d) of the Act, for any species listed as a threatened species, the Secretary must issue protective regulations that are “necessary and advisable to provide for the conservation of such species” (these are referred to as “4(d) rules”). Section 4(d) of the Act contains two sentences. The first sentence states that the Secretary shall issue such regulations as she deems necessary and advisable to

provide for the conservation of species listed as threatened species. Conservation is defined in the Act to mean the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Additionally, the second sentence of section 4(d) of the Act states that the Secretary may by regulation prohibit with respect to any threatened species any act prohibited under section 9(a)(1), in the case of fish or wildlife, or section 9(a)(2), in the case of plants. With these two sentences in section 4(d), Congress delegated broad authority to the Secretary to determine what protections would be necessary and advisable to provide for the conservation of threatened species, and even broader authority to put in place any of the section 9 prohibitions, for a given species.

Courts have recognized the extent of the Secretary’s discretion under section 4(d) to develop regulations that are appropriate for the conservation of threatened species. For example, courts have upheld, as a valid exercise of agency authority, rules developed under section 4(d) that included limited prohibitions against takings (see *Alsea Valley Alliance v. Lautenbacher*, 2007 WL 2344927 (D. Or. 2007); *Washington Environmental Council v. National Marine Fisheries Service*, 2002 WL 511479 (W.D. Wash. 2002)). Courts have also upheld 4(d) rules that do not address all of the threats a species faces (see *State of Louisiana v. Verity*, 853 F.2d 322 (5th Cir. 1988)). As noted in the legislative history when the Act was initially enacted, “once an animal is on the threatened list, the Secretary has an almost infinite number of options available to [her] with regard to the permitted activities for those species. [She] may, for example, permit taking, but not importation of such species, or [she] may choose to forbid both taking and importation but allow the transportation of such species” (H.R. Rep. No. 412, 93rd Cong., 1st Sess. 1973).

Under our 4(d) authorities, we put in place protections intended to both prevent a threatened species from becoming an endangered species and to promote its recovery. We have two ways to put in place these protections for a threatened species: (1) we can issue a species-specific 4(d) rule (at 50 CFR 17.40–17.47 or 17.73–17.74), which would contain all of the protective regulations for that species; or (2) we can apply a “blanket rule” (for more information, see 89 FR 23919, April 5, 2024), which extends to threatened

species without a species-specific rule all of the prohibitions that apply to endangered species under section 9 (with certain exceptions applicable to threatened species).

Both “blanket rules” and species-specific 4(d) rules explain what is prohibited for a threatened species, thus making the activity unlawful without a permit or authorization under the Act for the prohibited activity unless otherwise excepted in the 4(d) rule (species-specific 4(d) rules may also include affirmative requirements). Section 4(d) rules are therefore directly related to what actions may require permits in the future. As discussed in Available Conservation Measures, permits may be issued for purposes described in our threatened species permitting regulations at 50 CFR 17.32 and 17.72, including for recovery actions, conservation benefit agreements (previously referred to as candidate conservation agreements with assurances and safe harbor agreements), or habitat conservation plans. We may also except otherwise prohibited activities through a 4(d) rule itself, in which case threatened species permits would not be required for those activities. For example, there are two categories of exceptions that we frequently include in 4(d) rules, and these are for otherwise prohibited acts or forms or amounts of “take” that are: (1) unavoidable while conducting beneficial actions for the species, or (2) considered inconsequential (de minimis) to the conservation of the species. For otherwise prohibited take activities that require section 10 permits, programmatic approaches—such as general conservation plans and template habitat conservation plans—may be available as another way for project proponents to comply with take prohibitions or requirements applicable to one or more species while reducing the time that would otherwise be associated with developing individual permit applications. In addition, the Service and project proponents can reduce the need for such permits by developing standardized conservation measures that avoid the risk of “take.”

The provisions of the Culebra skink’s proposed protective regulations under section 4(d) of the Act are one of many tools that we would use to promote the conservation of the Culebra skink. The proposed protective regulations would apply only if and when we make final the listing of the Culebra skink as a threatened species. Nothing in 4(d) rules changes in any way the recovery planning provisions of section 4(f) of the Act, the consultation requirements under section 7 of the Act, or the ability

of the Service to enter into partnerships for the management and protection of the Culebra skink.

As mentioned previously in Available Conservation Measures, section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, even before the listing of any species or the designation of its critical habitat is finalized, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. These requirements are the same for a threatened species regardless of what is included in its 4(d) rule.

Section 7 consultation is required for Federal actions that “may affect” a listed species regardless of whether take caused by the activity is prohibited or excepted by a 4(d) rule (under application of a “blanket rule” or a species-specific 4(d) rule). For example, as with an endangered species, a Federal agency’s determination that an action is “not likely to adversely affect” a threatened species requires the Service’s written concurrence (50 CFR 402.13(c)). Similarly, if a Federal agency determines that an action is “likely to adversely affect” a threatened species, the action will require formal consultation with the Service and the formulation of a biological opinion (50 CFR 402.14(a)). Because consultation obligations and processes are unaffected by 4(d) rules, we may consider developing tools to streamline future intra-Service and inter-agency consultations for actions that result in forms of take that are not prohibited by the 4(d) rule (but that still require consultation). These tools may include consultation guidance, online consultation processes via the Service’s digital project planning tool (Information for Planning and Consultation; <https://ipac.ecosphere.fws.gov/>), template language for biological opinions, or programmatic consultations.

Provisions of the Proposed 4(d) Rule

Exercising the Secretary’s authority under section 4(d) of the Act, we have developed a proposed rule that is designed to address the Culebra skink’s conservation needs. As discussed

previously in Summary of Biological Status and Threats, we have concluded that the Culebra skink is likely to become in danger of extinction within the foreseeable future primarily due to nonnative predators and sea level rise. Section 4(d) requires the Secretary to issue such regulations as she deems necessary and advisable to provide for the conservation of each threatened species and authorizes the Secretary to include among those protective regulations any of the prohibitions that section 9(a)(1) of the Act prescribes for endangered species. We are not required to make a “necessary and advisable” determination when we apply or do not apply specific section 9 prohibitions to a threatened species (In re: Polar Bear Endangered Species Act Listing and 4(d) Rule Litigation, 818 F. Supp. 2d 214, 228 (D.D.C. 2011) (citing *Sweet Home Chapter of Communities for a Great Oregon v. Babbitt*, 1 F.3d 1, 8 (D.C. Cir. 1993), *rev’d on other grounds*, 515 U.S. 687 (1995))). Nevertheless, even though we are not required to make such a determination, we have chosen to be as transparent as possible and explain below why we find that, if finalized, the protections, prohibitions, and exceptions in this proposed rule as a whole satisfy the requirement in section 4(d) of the Act to issue regulations deemed necessary and advisable to provide for the conservation of the Culebra skink.

The protective regulations we are proposing for the Culebra skink incorporate prohibitions from section 9(a)(1) to address the threats to the species. The prohibitions of section 9(a)(1) of the Act, and implementing regulations codified at 50 CFR 17.21, make it illegal for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed any of the following acts with regard to any endangered wildlife: (1) import into, or export from, the United States; (2) take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) within the United States, within the territorial sea of the United States, or on the high seas; (3) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such wildlife that has been taken illegally; (4) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity; or (5) sell or offer for sale in interstate or foreign commerce. This protective regulation includes all of these prohibitions for the

Culebra skink because the Culebra skink is at risk of extinction within the foreseeable future, and putting these prohibitions in place will help to prevent further declines, preserve the species’ remaining populations, and decrease potential synergistic, negative effects from other ongoing or future threats.

In particular, this proposed 4(d) rule would provide for the conservation of the Culebra skink by prohibiting the following activities, unless they fall within specific exceptions or are otherwise authorized or permitted: importing or exporting; take; possession and other acts with unlawfully taken specimens; delivering, receiving, carrying, transporting, or shipping in interstate or foreign commerce in the course of commercial activity; or selling or offering for sale in interstate or foreign commerce.

Under the Act, “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Some of these provisions have been further defined in regulations at 50 CFR 17.3. Take can result knowingly or otherwise, by direct and indirect impacts, intentionally or incidentally. Regulating take would help preserve the species’ remaining populations, slow their rate of decline, and decrease cumulative effects from other ongoing or future threats. Therefore, we propose to prohibit take of the Culebra skink, except for take resulting from those actions and activities specifically excepted by the 4(d) rule.

Exceptions to the prohibition on take would include all of the general exceptions to the prohibition on take of endangered wildlife as set forth in 50 CFR 17.21 and additional exceptions, as described below.

Despite these prohibitions regarding threatened species, we may under certain circumstances issue permits to carry out one or more otherwise-prohibited activities, including those described above. The regulations that govern permits for threatened wildlife state that the Director may issue a permit authorizing any activity otherwise prohibited with regard to threatened species. These include permits issued for the following purposes: for scientific purposes, to enhance propagation or survival, for economic hardship, for zoological exhibition, for educational purposes, for incidental taking, or for special purposes consistent with the purposes of the Act (50 CFR 17.32). The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

In addition, to further the conservation of the species, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, a State conservation agency, or a federally recognized Tribe, who is designated by their agency or Tribe for such purposes, may, when acting in the course of their official duties, take threatened wildlife without a permit if such action is necessary to: (i) Aid a sick, injured, or orphaned specimen; or (ii) dispose of a dead specimen; or (iii) salvage a dead specimen that may be useful for scientific study; or (iv) remove specimens that constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in an appropriate area.

We recognize the special and unique relationship with our State natural resource agency partners in contributing to conservation of listed species. State agencies often possess scientific data and valuable expertise on the status and distribution of endangered, threatened, and candidate species of wildlife and plants. State agencies, because of their authorities and their close working relationships with local governments and landowners, are in a unique position to assist us in implementing all aspects of the Act. In this regard, section 6 of the Act provides that we must cooperate to the maximum extent practicable with the States in carrying out programs authorized by the Act. Therefore, any qualified employee or agent of a State conservation agency that is a party to a cooperative agreement with us in accordance with section 6(c) of the Act, who is designated by their agency for such purposes, would be able to conduct activities designed to conserve the Culebra skink that may result in otherwise prohibited take without additional authorization.

The proposed 4(d) rule would also provide for the conservation of the species by allowing exceptions that incentivize conservation actions or that, while they may have some minimal level of take of the Culebra skink, are not expected to rise to the level that would have a negative impact (*i.e.*, would have only *de minimis* impacts) on the species' conservation. The proposed exceptions to these prohibitions include predator control or eradication efforts and habitat restoration efforts (described below) that are expected to have negligible impacts to the Culebra skink and its habitat:

(1) Eradication or control of nonnative species such as mongooses, rats, cats, pigs, goats, etc., is beneficial for skinks. Permanent eradication of nonnative species is typically most effective on small islands that do not have human development, as introductions (whether passive or intentional) happen often in the presence of humans. However, any activities intended to reduce or eliminate nonnative species will benefit the Culebra skink.

(2) Habitat management or restoration activities expected to provide a benefit to the Culebra skink and other sensitive species, including removal of nonnative, invasive plants. These activities must be coordinated with and reported to the Service in writing and approved the first time an individual or agency undertakes them or if there are planned changes to the activities.

We ask the public, particularly State agencies and other interested stakeholders that may be affected by the proposed 4(d) rule, to provide comments and suggestions regarding additional guidance and methods that we could provide or use, respectively, to streamline the implementation of this proposed 4(d) rule (see Information Requested, above).

III. Critical Habitat

Background

Section 4(a)(3) of the Act requires that, to the maximum extent prudent and determinable, we designate a species' critical habitat concurrently with listing the species. Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Our regulations at 50 CFR 424.02 define the geographical area occupied by the species as an area that may generally be delineated around species' occurrences, as determined by the Secretary (*i.e.*, range). Such areas may include those areas used throughout all or part of the species' life cycle, even if not used on a regular basis (*e.g.*, migratory corridors, seasonal habitats,

and habitats used periodically, but not solely by vagrant individuals).

Conservation, as defined under section 3(3) of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live-trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that each Federal action agency ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of designated critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation also does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Rather, designation requires that, where a landowner requests Federal agency funding or authorization for an action that may affect an area designated as critical habitat, the Federal agency consult with the Service under section 7(a)(2) of the Act. If the action may affect the listed species itself (such as for occupied critical habitat), the Federal agency would have already been required to consult with the Service even absent the designation because of the requirement to ensure that the action is not likely to jeopardize the continued existence of the species. Even if the Service were to conclude after consultation that the proposed activity is likely to result in destruction or adverse modification of the critical habitat, the Federal action agency and the landowner are not required to abandon the proposed activity, or to restore or recover the species; instead, they must implement "reasonable and prudent alternatives" to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied

by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat).

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4(b)(2) of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information from the SSA report and information developed during the listing process for the species. Additional information sources may include any generalized conservation strategy, criteria, or outline that may have been developed for the species; the recovery plan for the species; articles in peer-reviewed journals; conservation plans developed by States and counties; scientific status surveys and studies; biological assessments; other unpublished materials; or experts' opinions or personal knowledge.

Habitat is dynamic, and species may move from one area to another over time. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas

that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act; (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species; and (3) the prohibitions found in section 9 of the Act for the Puerto Rican skink, Lesser Virgin Islands skink, and Virgin Islands bronze skink, or the proposed 4(d) rule for the Culebra skink. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to recovery of the species. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of those planning efforts calls for a different outcome.

Physical or Biological Features Essential to the Conservation of the Species

In accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12(b), in determining which areas we will designate as critical habitat from within the geographical area occupied by the species at the time of listing, we consider the physical or biological features that are essential to the conservation of the species and which may require special management considerations or protection. The regulations at 50 CFR 424.02 define “physical or biological features essential to the conservation of the species” as the features that occur in specific areas and that are essential to support the life-history needs of the species, including, but not limited to, water characteristics, soil type, geological features, sites, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic or a more complex combination of habitat characteristics. Features may include habitat

characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity. For example, physical features essential to the conservation of the species might include gravel of a particular size required for spawning, alkaline soil for seed germination, protective cover for migration, or susceptibility to flooding or fire that maintains necessary early-successional habitat characteristics. Biological features might include prey species, forage grasses, specific kinds or ages of trees for roosting or nesting, symbiotic fungi, or absence of a particular level of nonnative species consistent with conservation needs of the listed species. The features may also be combinations of habitat characteristics and may encompass the relationship between characteristics or the necessary amount of a characteristic essential to support the life history of the species.

In considering whether features are essential to the conservation of the species, we may consider an appropriate quality, quantity, and spatial and temporal arrangement of habitat characteristics in the context of the life-history needs, condition, and status of the species. These characteristics include, but are not limited to, space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, or rearing (or development) of offspring; and habitats that are protected from disturbance.

Skinks require sufficient suitable habitat to support population needs such as reproductive success, as well as species needs to withstand stochastic and catastrophic events, as well as adaptive capacity to respond to future environmental change. At the individual level, skinks require suitable foraging, basking and shelter habitat to flourish during each life stage from birth to adulthood, and to successfully reproduce. These needs can be met by the following habitat components that are present in low elevation (below 500 m (0.31 mi)) natural (*i.e.*, forest, scrub/shrub, or herbaceous) habitats on the islands within the skinks' ranges: (1) trees, shrubs, bushes, ground cover/leaf litter, cactus, debris, rocks, and crevices; (2) basking locations; and (3) arthropods/insects as a food source. Suitable habitat types can vary, but must contain a substrate that provides refugia, presence of natural vegetation, areas that offer both canopied and

exposed sections for basking, and food resources.

Summary of Essential Physical or Biological Features

We derive the specific physical or biological features essential to the conservation of the four Caribbean skink species (presented in alphabetical order by species common name: Culebra skink, Lesser Virgin Islands skink, Puerto Rican skink, and Virgin Islands bronze skink) from studies of the species' habitat, ecology, and life history as described below. Additional information can be found in the SSA report (Service 2023, pp. 8–20; available on <https://www.regulations.gov> under Docket No. FWS–R4–ES–2024–0154). We have determined that the following physical or biological features are essential to the conservation of each of the skink species, as detailed below.

Culebra Skink

(1) Forest, shrub/scrub, and herbaceous habitat types below 500 m (0.31 mi) elevation on Culebra, Cayo Agua, Cayo Botella, Cayo Lobito, and Cayo Yerba.

(2) Sufficient, appropriate ground cover (including but not limited to leaf litter, rocks, and vegetative debris) for protection from predators, refugia from temperature extremes, sources of food, and areas for reproduction.

Lesser Virgin Islands Skink

(1) Forest, shrub/scrub, and herbaceous habitat types on Hans Lollik Island, USVI.

(2) Sufficient, appropriate ground cover (including but not limited to leaf litter, rocks, and vegetative debris) for protection from predators, refugia from temperature extremes, sources of food, and areas for reproduction.

Puerto Rican Skink

(1) Forest and shrub/scrub habitat types below 500 m (0.31 mi) elevation on mainland Puerto Rico and on Desecheo Island.

(2) Sufficient, appropriate ground cover (including but not limited to leaf litter, rocks, and vegetative debris) for protection from predators, refugia from temperature extremes, sources of food, and areas for reproduction.

Virgin Islands Bronze Skink

(1) Forest, shrub/scrub, and herbaceous habitat types on Buck Island, Turtledove Cay, and Water Island, USVI.

(2) Sufficient, appropriate ground cover (including but not limited to leaf litter, rocks, and vegetative debris) for protection from predators, refugia from

temperature extremes, sources of food, and areas for reproduction.

Special Management Considerations or Protection

When designating critical habitat, we assess whether the specific areas within the geographical area occupied by the species at the time of listing contain features which are essential to the conservation of the species and which may require special management considerations or protection.

The features essential to the conservation of these species may require special management considerations or protection to reduce threats from nonnative species, habitat loss and degradation, and sea level rise. Special management considerations or protection may be required within critical habitat areas to address these threats. Management activities that could ameliorate these threats include, but are not limited to restoration, protection, and conservation of the habitat and wildlife resources and plant communities. These management activities would protect the physical or biological features for the species and ensure protection from predators, refugia from temperature extremes, sources of food, and areas for reproduction.

Criteria Used To Identify Critical Habitat

As required by section 4(b)(2) of the Act, we use the best scientific data available to designate critical habitat. In accordance with the Act and our implementing regulations at 50 CFR 424.12(b), we review available information pertaining to the habitat requirements of the species and identify specific areas within the geographical area occupied by the species at the time of listing and any specific areas outside the geographical area occupied by the species to be considered for designation as critical habitat. We are not currently proposing to designate any areas outside the geographical area occupied by the species because we have not identified any unoccupied areas that meet the definition of critical habitat that are essential to the conservation of the species.

Sources of data for these proposed critical habitat designations include information from PRDNER and the U.S. Virgin Islands Department of Planning and Natural Resources and reports from surveys throughout the species' ranges (Service 2023, entire). We have reviewed available information that pertains to the habitat requirements of these species. Sources of information on habitat requirements include surveys of

occupied sites and published peer-reviewed articles, agency reports, and data collected during monitoring efforts (Service 2023, entire).

For areas within the geographical area occupied by the species at the time of listing, we delineated critical habitat unit boundaries using the following criteria:

(1) All islands, or for Puerto Rico and Culebra, all areas currently occupied by skinks based on surveys conducted from 2012 to present, using the population definition from the SSA report (Service 2023, p. 57). The timeframe for current was determined to be a 10-year window (since 2012, when analyses were performed in 2022) encompassing recent survey efforts; this timeframe is appropriate given the short lifespan of the species and their known responses to threats, such as nonnative predators. Populations are defined as single island units; however, for mainland Puerto Rico, multiple areas separated by substantial distance show similar levels of genetic differentiation to what we see between islands with the same species (Rivera et al. 2023, pp. 15–16). Therefore, on Puerto Rico we defined multiple populations of Puerto Rican skink (in addition to Desecheo Island).

(2) For Puerto Rico and Culebra, we included suitable habitat below 500-m elevation adjacent to known populations within 6-km diameter hexagons that were used in the Puerto Rico GAP analysis project (Gould et al. 2008, p. 91). Since skinks are habitat generalists, suitable habitat was defined using land cover classes from the Coastal Change Analysis Program 2010 high-resolution imagery for Puerto Rico, including mixed forest, shrub/scrub, and herbaceous vegetation classes (NOAA–OCM 2024a, unpaginated). We omitted all developed areas (including roads), cultivated crops, pasture/hay, and wetland areas.

(3) For USVI, we considered all islands with known skink populations. For Water Island, we included all suitable habitat, which was defined using land cover classes from the Coastal Change Analysis Program 2012 high-resolution imagery for the U.S. Virgin Islands, including all forest classes, shrub/scrub, and herbaceous vegetation classes (NOAA–OCM 2024b, unpaginated). We omitted all developed areas (including roads), cultivated crops, pasture/hay, and wetland areas. The timeframe for current was determined to be a 10-year window (since 2012, when analyses were performed in 2022) encompassing recent survey efforts; this timeframe is appropriate given the short lifespan of

the species and their known responses to threats, such as nonnative predators.

(4) We did not include areas in the BVI, as regulations prohibit the Service from designating critical habitat in non-U.S. areas.

When determining proposed critical habitat boundaries, we made every effort to avoid including developed areas such as lands covered by buildings, pavement, and other structures because such lands lack physical or biological features necessary for each of the skink species. The scale of the maps we prepared under the parameters for publication within the Code of Federal Regulations may not reflect the exclusion of such developed lands. Any such lands inadvertently left inside critical habitat boundaries shown on the maps of this proposed rule have been excluded by text in the proposed rule and are not proposed for designation as critical habitat.

Therefore, if the critical habitat is finalized as proposed, a Federal action involving these lands would not trigger section 7 consultation with respect to critical habitat and the requirement of no adverse modification unless the specific action would affect the physical or biological features in the adjacent critical habitat.

We propose to designate as critical habitat lands that we have determined are occupied at the time of listing (*i.e.*, currently occupied) and that contain one or more of the physical or biological features that are essential to support life-history processes of the skink species. All units contain all of the identified physical or biological features and support multiple life-history processes.

The proposed critical habitat designation is defined by the map or maps, as modified by any accompanying regulatory text, presented at the end of

this document under Proposed Regulation Promulgation.

Proposed Critical Habitat Designation
Culebra Skink

We are proposing to designate approximately 5,648 ac (2,286 ha) in five units as critical habitat for the Culebra skink. The critical habitat areas we describe below constitute our current best assessment of areas that meet the definition of critical habitat for the Culebra skink. The five areas we propose as critical habitat are: (1) Culebra Island Unit, (2) Cayo Botella Unit, (3) Cayo del Agua Unit, (4) Cayo Yerba Unit, and (5) Cayo Lobito Unit. Table 12 shows the proposed critical habitat units, the approximate area of each unit, and land ownership for each unit. All units are considered occupied by the species and contain all of the physical or biological features essential to the conservation of the species.

TABLE 12—PROPOSED CRITICAL HABITAT UNITS FOR THE CULEBRA SKINK
[Area estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit	Land ownership by type	Size of unit in acres (hectares)	Occupied?
CUL-1 Culebra Island	USFWS	609 (246)	Yes.
	Private	5,022 (2,032)	
CUL-2 Cayo Botella	USFWS	4 (2)	Yes.
CUL-3 Cayo del Agua	USFWS	3 (1)	Yes.
CUL-4 Cayo Yerba	USFWS	3 (1)	Yes.
CUL-5 Cayo Lobito	USFWS	7 (3)	Yes.
Total		5,648 (2,286)	

Note: Area sizes may not sum due to rounding.

We present brief descriptions of all units, and reasons why they meet the definition of critical habitat for the Culebra skink, below.

Unit CUL-1: Culebra

Unit CUL-1 consists of 5,631 ac (2,279 ha) of Culebra Island, approximately 18 miles (29 km) east from the northeastern corner of Puerto Rico. The majority of this unit, 89 percent (5,022 ac (2,032 ha)), is composed of private land, while 11 percent (609 ac (246 ha)) is managed for conservation as part of the Culebra NWR (Service 2012a, entire). Less than 1 percent of the private areas is also managed for conservation by PLN, as the Cerro Feliz Natural Protected Area. The primary threat to the skink habitat in Unit CUL-1 is habitat destruction and modification (*e.g.*, urban development, including single family house construction, tourist development projects, and transportation) and predation from nonnative predators,

mainly cats and rats. Special management considerations to manage nonnative predators and to protect the habitat from development may be required within this unit.

Unit CUL-2: Cayo Botella

Unit CUL-2 consists of the entire Cayo Botella (4 ac (2 ha)), approximately 1 mile (1.6 km) from the northeastern coast of Culebra Island, and in between Isla Culebrita and Cayo Norte. Cayo Botella is managed for conservation as part of the Culebra NWR (Service 2012a, entire). Ongoing management activities include restoration, protection, and conservation of the habitat and wildlife resources and plant communities. Threats to the habitat in this unit are considered minimal since Cayo Botella is managed for conservation; it is closed to the general public, and there are currently no nonnative predators present.

Unit CUL-3: Cayo del Agua

Unit CUL-3 consists of the entire Cayo del Agua (3 ac (1 ha)), approximately 1 mile (1.6 km) from the west coast of Culebra Island and less than 1 mile (1.6 km) west from Cayo Luis Peña. Cayo del Agua is managed for conservation as part of the Culebra NWR (Service 2012a, entire). Ongoing management activities include restoration, protection, and conservation of the habitat and wildlife resources and plant communities. Threats to the habitat in this unit are considered minimal since Cayo del Agua is managed for conservation, it is closed to the general public, and no nonnative predators are currently present.

Unit CUL-4: Cayo Yerba

Unit CUL-4 consists of the entire Cayo Yerba (3 ac (1 ha)), approximately 2 miles (3 km) from the west coast of Culebra Island and less than 1 mile (1.6 km) northwest from Cayo del Agua (Unit CUL-3). Cayo Yerba is managed

for conservation as part of the Culebra NWR (Service 2012a, entire). Ongoing management activities include restoration, protection, and conservation of the habitat and wildlife resources and plant communities. Threats to the habitat in this unit are considered minimal since Cayo Yerba is managed for conservation, it is closed to the general public, and no nonnative predators are currently present.

Unit CUL-5: Cayo Lobito

Unit CUL-5 consists of the entire Cayo Lobito (7 ac (3 ha)), approximately

4 miles (6 km) from the northwest coast of Culebra Island and 3 miles (5 km) northwest from Cayo Yerba (Unit CUL-4). Cayo Lobito is managed for conservation as part of the Culebra NWR (Service 2012a, entire). Ongoing management activities include restoration, protection, and conservation of the habitat and wildlife resources and plant communities. Threats to the habitat in this unit are considered minimal since Cayo Lobito is managed for conservation, it is closed to the general public, and no nonnative predators are currently present.

Lesser Virgin Islands Skink

We are proposing one unit as critical habitat for the Lesser Virgin Islands skink. The critical habitat area we describe below constitutes our current best assessment of areas that meet the definition of critical habitat for the Lesser Virgin Islands skink. The area we propose as critical habitat is the Hans Lollik Island Unit. Table 13 shows the proposed critical habitat unit, the approximate area of the unit, and land ownership for the unit.

TABLE 13—PROPOSED CRITICAL HABITAT UNIT FOR THE LESSER VIRGIN ISLANDS SKINK

[Area estimate reflects all land within critical habitat unit boundaries.]

Critical habitat unit	Land ownership by type	Size of unit in acres (hectares)	Occupied?
LVIS-1 Hans Lollik Island	Private	477 (193)	Yes.

We present a brief description of the unit, and reasons why it meets the definition of critical habitat for the Lesser Virgin Islands skink, below.

Unit LVIS-1: Hans Lollik Island

Unit LVIS-1 consists of the entire Hans Lollik Island (477 (193 ha)), approximately 2 miles (3 km) north from the north-central coast of St. Thomas, USVI. Hans Lollik is a private island managed by Wild Ecology Group for conservation on behalf of its owners, and it contains all the physical and biological features for the species. Ongoing management activities include

trail maintenance and restoration of the habitat and wildlife resources. The primary threat to the skink habitat in Unit LVIS-1 is habitat modification from nonnative goats that degrade and damage the native vegetation. Although development has been proposed in the past (Platenberg and Valiulis 2018, p. 77), there is no current threat to habitat from development.

Puerto Rican Skink

We are proposing to designate approximately 143,947 ac (58,253 ha) in five units as critical habitat for the Puerto Rican skink. The critical habitat

areas we describe below constitute our current best assessment of areas that meet the definition of critical habitat for the Puerto Rican skink. The five areas we propose as critical habitat are: (1) Quebradillas Unit, (2) Florida Unit, (3) Southwest Unit, (4) Ponce Unit, and (5) Desecheo Island Unit. Table 11 shows the proposed critical habitat units, the approximate area of each unit and land ownership for each unit. All units are considered occupied by the species and contain all of the physical or biological features essential to the conservation of the species.

TABLE 11—PROPOSED CRITICAL HABITAT UNITS FOR THE PUERTO RICAN SKINK

[Area estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit	Land ownership by type	Size of unit in acres (hectares)	Occupied?
PR-1 Quebradillas, PR	Commonwealth (PRDNER)	2,382 (964)	Yes.
	Private	34,711 (14,047)	
PR-2 Florida, PR	U.S. Department of Agriculture	89 (36)	Yes.
	Commonwealth (PRDNER)	822 (333)	
	Private	31,841 (12,886)	
PR-3 Southwest, PR	Commonwealth (PRDNER)	6,913 (2,798)	Yes.
	Private	44,784 (18,123)	
PR-4 Ponce, PR	Commonwealth (PRDNER)	195 (79)	Yes.
	Private	21,855 (8,844)	
PR-5 Desecheo Island	USFWS	355 (144)	Yes.
Total .....	.....	143,947 (58,253)	

Note: Area sizes may not sum due to rounding.

We present brief descriptions of all units, and reasons why they meet the definition of critical habitat for the Puerto Rican skink, below.

Unit PR-1: Quebradillas

Unit PR-1 consists of 37,093 ac (15,011 ha) located in northwest Puerto Rico. This unit is bounded by the selected PR GAP hexagons (Gould et al.

2008, pp. 2–3) that contain forested areas along its north boundary within the Municipalities (east to west) of Camuy, Quebradillas, Isabela, and

Moca, and moving south towards San Sebastián, and east back to Camuy.

Most of this unit, 94 percent (34,711 ac), is composed of private land, while 6 percent (2,382 ac) is considered public and managed for conservation as the Guajataca Commonwealth Forest and the Lago Guajataca Wildlife Refuge. Approximately 2 percent of the private areas are also managed for conservation by Para La Naturaleza (PLN), the management unit of the Puerto Rico Conservation Trust, as the Montadero, Los García, and Terra Firme Natural Protected Areas.

The primary threat to the skink habitat in Unit PR-1 is habitat destruction and modification (e.g., urban development, including single family house construction, large-scale residential projects, tourist development projects, and transportation) and predation from nonnative predators, mainly mongooses, cats, and rats. Special management considerations to manage nonnative predators and to protect the habitat from development may be required within this unit.

Unit PR-2: Florida

Unit PR-2 consists of 32,752 ac (13,254 ha) located in north-central Puerto Rico. This unit is bounded by the selected PR GAP hexagons (Gould et al. 2008, pp. 2–3) that contain forested areas along its north boundary within the Municipalities (east to west) of Manatí, Barceloneta, and Arecibo, and moving south towards Utuado and Ciales, and east back to Manatí.

Most of this unit, 97 percent (31,841 ac), is composed of private land, while 3 percent (911 ac) is considered public and managed for conservation as the Cambalache Commonwealth Forest. Approximately 6 percent (1,851 ac) of the private areas are also managed for conservation by PLN as part of the Río Encantado Natural Protected Area. Less than 1 percent (89 ac) is managed by the USDA as the Manatí Research Area.

The primary threat to the skink habitat in Unit PR-2 is habitat destruction and modification (e.g., urban development, including single

family house construction, large-scale residential projects, tourist development projects, and transportation) and predation from nonnative predators, mainly mongooses, cats, and rats. Special management considerations to manage nonnative predators and to protect the habitat from development may be required within this unit.

Unit PR-3: Southwest

Unit PR-3 consists of 51,697 ac (20,921 ha) located in southwestern Puerto Rico. This unit is bounded by the selected PR GAP hexagons (Gould et al. 2008, pp. 2–3) that contain forested areas along its north boundary within the Municipalities (east to west) of Yauco, Maricao, Las Marías, Mayagüez, and San Germán, and moving south towards Cabo Rojo, Lajas, and Sabana Grande, and east back to Yauco.

Most of this unit, 87 percent (44,784 ac), is composed of private land, while 13 percent (6,913 ac) is considered public and managed for conservation as the Maricao and Susúa Commonwealth Forests. Approximately 1 percent (394 ac) of the private areas is also managed for conservation by PLN as part of the Río Maricao Natural Protected Area.

The primary threat to the skink habitat in Unit PR-3 is habitat destruction and modification (e.g., urban development, including single family house construction, large-scale residential projects, tourist development projects, and transportation) and predation from nonnative predators, mainly mongooses, cats, and rats. Special management considerations to manage nonnative predators and to protect the habitat from development may be required within this unit.

Unit PR-4: Ponce

Unit PR-4 consists of 22,050 ac (8,923 ha) located in south-central Puerto Rico. This unit is bounded by the selected PR GAP hexagons (Gould et al. 2008, pp. 2–3) that contain forested areas across its north and south boundary within the Municipalities (east to west) of Villalba, Juana Díaz, and Ponce.

Most of this unit, 99 percent (21,855 ac), is composed of private land, while

approximately 1 percent (195 ac) is considered public and managed for conservation as the Cerrillos and Toro Negro Commonwealth Forests. Less than 1 percent (86 ac) of a private area known as the Picaflor Conservation Easement is managed by PLN.

The primary threat to the skink habitat in Unit PR-4 is habitat destruction and modification (e.g., urban development, including single family house construction, large-scale residential projects, tourist development projects, and transportation) and predation from nonnative predators, mainly mongooses, cats, and rats. Special management considerations to manage nonnative predators and to protect the habitat from development may be required within this unit.

Unit PR-5: Desecheo Island

Unit PR-5 consists of the entire Desecheo Island (355 ac (144 ha)) in the Mona Passage, approximately 13 mi (21 km) from the closest point off the west coast of Puerto Rico. Desecheo Island is managed for conservation as a National Wildlife Refuge (Service 2012b, entire), and management activities include restoration, protection, and conservation of the habitat and wildlife resources and plant communities. Threats to the habitat in this unit are considered minimal since Desecheo is managed for conservation, it is closed to the general public, and no nonnative predators are currently present.

Virgin Islands Bronze Skink

We are proposing three units as critical habitat for the Virgin Islands bronze skink. The critical habitat areas we describe below constitute our current best assessment of areas that meet the definition of critical habitat for the Virgin Islands bronze skink. The three areas we propose as critical habitat are: (1) Water Island Unit, (2) Buck Island Unit, and (3) Turtledove Cay Unit. Table 14 shows the proposed critical habitat units, the approximate area of each unit, and land ownership for each unit.

TABLE 14—PROPOSED CRITICAL HABITAT UNITS FOR THE VIRGIN ISLANDS BRONZE SKINK

[Area estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit	Land ownership by type	Size of unit in acres (hectares)	Occupied?
VBIS-1 Water Island	U.S. Territorial Government	93 (38)	Yes.
	Private	247 (100)	
VBIS-2 Buck Island	USFWS	48 (19)	Yes.
VBIS-3 Turtledove Cay	U.S. Territorial Government	4 (2)	Yes.

TABLE 14—PROPOSED CRITICAL HABITAT UNITS FOR THE VIRGIN ISLANDS BRONZE SKINK—Continued

[Area estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit	Land ownership by type	Size of unit in acres (hectares)	Occupied?
Total		392 (159)	.....

Note: Area sizes may not sum due to rounding.

We present brief descriptions of all units, and reasons why they meet the definition of critical habitat for the Virgin Islands bronze skink, below.

Unit VIBS-1: Water Island

Unit VIBS-1 consists of 340 ac (138 ha) of entire Water Island, less than 1 mile (1.6 km) south from the south-central coast of St. Thomas, USVI, and less than 1 mile (1.6 km) west of Hassel Island. Most of this unit, approximately 73 percent (247 ac (100 ha)), is composed of private land, of which approximately 12 percent (30 ac (12 ha)) is managed for conservation by The Nature Conservancy (Gould et al. 2010, entire). Approximately 93 acres (38 ha) are owned by the U.S. Territorial Government, but there is no specific information available to specify the management purpose of those areas. Water Island contains all the physical and biological features for the species. Threats to the skink habitat in Unit VIBS-1 may include habitat destruction and modification (e.g., urban development, including single family house construction, tourist development projects, and transportation) and predation from nonnative predators, mainly cats and rats. Special management considerations to manage nonnative predators and to protect the habitat from development may be required within this unit.

Unit VIBS-2: Buck Island

Unit VIBS-2 consists of the entire Buck Island (48 ac (19 ha)), approximately 2 miles (2 km) south from the southeastern coast of St. Thomas, USVI, and just west of Capella Island. Buck Island is managed for conservation as the Buck Island NWR (Service 2010, entire) and contains all the physical and biological features for the species. The principal management objective is to support migratory bird populations through habitat restoration and management (Service 2010, p. 16). Threats in this unit are considered minimal since Buck Island is managed for conservation and no nonnative predators are currently present.

Unit VIBS-3: Turtledove Cay

Unit VIBS-3 consists of the entire Turtledove Cay (4 ac (2 ha)), also locally known as Little Saba, approximately 3 miles (4.8 km) south from the southwestern coast of St. Thomas, USVI, and approximately 3 miles west from the southern coast of Water Island (Unit VIBS-1). Turtledove Cay is managed for conservation by the Territorial Government (Platenberg and Valiulis 2018, p. 81) and contains all the physical and biological features for the species. Threats in this unit are considered minimal since Turtledove Cay is managed for conservation and no nonnative predators are currently present.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of proposed critical habitat.

Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of a listed species (50 CFR 402.02).

Compliance with the requirements of section 7(a)(2) is documented through our issuance of:

- (1) A concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or
- (2) A biological opinion for Federal actions that may affect, and are likely to adversely affect, listed species or critical habitat.

When we issue a biological opinion concluding that a project is likely to

jeopardize the continued existence of a listed species and/or destroy or adversely modify critical habitat, we provide reasonable and prudent alternatives to the project, if any are identifiable, that would avoid the likelihood of jeopardy and/or destruction or adverse modification of critical habitat. We define “reasonable and prudent alternatives” (at 50 CFR 402.02) as alternative actions identified during formal consultation that:

- (1) Can be implemented in a manner consistent with the intended purpose of the action,
- (2) Can be implemented consistent with the scope of the Federal agency’s legal authority and jurisdiction,
- (3) Are economically and technologically feasible, and
- (4) Would, in the Service Director’s opinion, avoid the likelihood of jeopardizing the continued existence of the listed species or avoid the likelihood of destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 set forth requirements for Federal agencies to reinstate consultation. Reinitiation of consultation is required and shall be requested by the Federal agency, where discretionary Federal involvement or control over the action has been retained or is authorized by law and: (1) If the amount or extent of taking specified in the incidental take statement is exceeded; (2) if new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (3) if the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion or written concurrence; or (4) if a new species is listed or critical habitat designated that may be affected by the identified action. As provided in 50 CFR 402.16, the requirement to reinstate consultations

for new species listings or critical habitat designation does not apply to certain agency actions (e.g., land management plans issued by the Bureau of Land Management in certain circumstances).

Destruction or Adverse Modification of Critical Habitat

The key factor related to the destruction or adverse modification determination is whether implementation of the proposed Federal action directly or indirectly alters the designated critical habitat in a way that appreciably diminishes the value of the critical habitat for the conservation of the listed species. As discussed above, the role of critical habitat is to support physical or biological features essential to the conservation of a listed species and provide for the conservation of the species.

Section 4(b)(8) of the Act requires that our **Federal Register** documents “shall, to the maximum extent practicable also include a brief description and evaluation of those activities (whether public or private) which, in the opinion of the Secretary, if undertaken may adversely modify [critical] habitat, or may be affected by such designation.”

Activities that may be affected by designation of critical habitat for the Puerto Rican skink, the Culebra skink, the Lesser Virgin Islands skink, and the Virgin Islands bronze skink include those that may affect the physical or biological features of each of the species’ critical habitat (see Physical or Biological Features Essential to the Conservation of the Species).

Exemptions

Application of Section 4(a)(3) of the Act

Section 4(a)(3)(B)(i) of the Act (16 U.S.C. 1533(a)(3)(B)(i)) provides that the Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense (DoD), or designated for its use, that are subject to an integrated natural resources management plan (INRMP) prepared under section 101 of the Sikes Act Improvement Act of 1997 (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation. No DoD lands with a completed INRMP are within the proposed critical habitat designations.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act states that the Secretary shall designate and make

revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, the impact on national security, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude any area from critical habitat if the benefits of exclusion outweigh those of inclusion, so long as exclusion will not result in extinction of the species concerned. Exclusion decisions are governed by the regulations at 50 CFR 424.19 and the Policy Regarding Implementation of Section 4(b)(2) of the Endangered Species Act (hereafter, the “2016 Policy”; 81 FR 7226, February 11, 2016), both of which were developed jointly with the National Marine Fisheries Service (NMFS). We also refer to a 2008 Department of the Interior Solicitor’s opinion entitled “The Secretary’s Authority to Exclude Areas from a Critical Habitat Designation under Section 4(b)(2) of the Endangered Species Act” (M–37016).

In considering whether to exclude a particular area from the designation, we identify the benefits of including the area in the designation, identify the benefits of excluding the area from the designation, and evaluate whether the benefits of exclusion outweigh the benefits of inclusion. If the analysis indicates that the benefits of exclusion outweigh the benefits of inclusion, the Secretary may exercise discretion to exclude the area only if such exclusion would not result in the extinction of the species. In making the determination to exclude a particular area, the statute on its face, as well as the legislative history, are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor. In our final rules, we explain any decision to exclude areas, as well as decisions not to exclude, to make clear the rational basis for our decision. We describe below the process that we use for taking into consideration each category of impacts and any initial analyses of the relevant impacts.

Consideration of Economic Impacts

Section 4(b)(2) of the Act and its implementing regulations require that we consider the economic impact that may result from a designation of critical habitat. To assess the probable economic impacts of a designation, we must first evaluate specific land uses or activities and projects that may occur in the area of the critical habitat. We then must evaluate the impacts that a specific critical habitat designation may have on restricting or modifying specific land uses or activities for the benefit of the species and its habitat within the areas

proposed. We then identify which conservation efforts may be the result of the species being listed under the Act versus those attributed solely to the designation of critical habitat for this particular species. The probable economic impact of a proposed critical habitat designation is analyzed by comparing scenarios both “with critical habitat” and “without critical habitat.”

The “without critical habitat” scenario represents the baseline for the analysis, which includes the existing regulatory and socio-economic burden imposed on landowners, managers, or other resource users potentially affected by the designation of critical habitat (e.g., under the Federal listing as well as other Federal, State, and local regulations). Therefore, the baseline represents the costs of all efforts attributable to the listing of the species under the Act (*i.e.*, conservation of the species and its habitat incurred regardless of whether critical habitat is designated). The “with critical habitat” scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts would not be expected without the designation of critical habitat for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat, above and beyond the baseline costs. These are the costs we use when evaluating the benefits of inclusion and exclusion of particular areas from the final designation of critical habitat should we choose to conduct a discretionary 4(b)(2) exclusion analysis.

Executive Order (E.O.) 14094 amends and reaffirms E.O. 12866 and E.O. 13563 and directs Federal agencies to assess the costs and benefits of available regulatory alternatives in quantitative (to the extent feasible) and qualitative terms. Consistent with the E.O. regulatory analysis requirements, our effects analysis under the Act may take into consideration impacts to both directly and indirectly affected entities, where practicable and reasonable. If sufficient data are available, we assess to the extent practicable the probable impacts to both directly and indirectly affected entities. Section 3(f) of E.O. 12866 identifies four criteria when a regulation is considered a “significant regulatory action” and requires additional analysis, review, and approval if met. The criterion relevant here is whether the designation of critical habitat may have an economic effect of \$200 million or more in any given year (section 3(f)(1) of E.O. 12866 as amended by E.O. 14094). Therefore,

our consideration of economic impacts uses a screening analysis to assess whether a designation of critical habitat for Puerto Rican skink, Culebra skink, Lesser Virgin Islands skink, and Virgin Islands bronze skink is likely to exceed the threshold for a regulatory action significant under section 3(f)(1) of E.O. 12866, as amended by E.O. 14094.

For this particular designation, we developed an incremental effects memorandum (IEM) considering the probable incremental economic impacts that may result from this proposed designation of critical habitat. The information contained in our IEM was then used to develop a screening analysis of the probable effects of the designation of critical habitat for the Puerto Rican skink, Culebra skink, Lesser Virgin Islands skink, and Virgin Islands bronze skink (IEc 2024, entire). We began by conducting a screening analysis of the proposed designation of critical habitat for each species in order to focus our analysis on the key factors that are likely to result in incremental economic impacts. The purpose of the screening analysis is to filter out particular geographical areas of critical habitat that are already subject to such protections and are, therefore, unlikely to incur incremental economic impacts. In particular, the screening analysis considers baseline costs (*i.e.*, absent critical habitat designation) and includes any probable incremental economic impacts where land and water use may already be subject to conservation plans, land management plans, best management practices, or regulations that protect the habitat area as a result of the Federal listing status of the species. Ultimately, the screening analysis allows us to focus our analysis on evaluating the specific areas or sectors that may incur probable incremental economic impacts as a result of the designation.

The presence of the listed species in occupied areas of critical habitat means that any destruction or adverse modification of those areas is also likely to jeopardize the continued existence of the species. Therefore, designating occupied areas as critical habitat typically causes little if any incremental impacts above and beyond the impacts of listing the species. As a result, we generally focus the screening analysis on areas of unoccupied critical habitat (unoccupied units or unoccupied areas within occupied units). Overall, the screening analysis assesses whether designation of critical habitat is likely to result in any additional management or conservation efforts that may incur incremental economic impacts. This screening analysis combined with the

information contained in our IEM constitute what we consider to be our economic analysis of the proposed critical habitat designation for the Puerto Rican skink, Culebra skink, Lesser Virgin Islands skink, and Virgin Islands bronze skink; our economic analysis is summarized in the narrative below.

As part of our screening analysis, we considered the types of economic activities that are likely to occur within the areas likely affected by the critical habitat designation. In our evaluation of the probable incremental economic impacts that may result from the proposed designation of critical habitat for the Puerto Rican skink, Culebra skink, Lesser Virgin Islands skink, and Virgin Islands bronze skink, first we identified, in the IEM dated April 16, 2024, probable incremental economic impacts associated with the following categories of activities: (1) Federal lands management (U.S. Fish and Wildlife Service National Wildlife Refuges); (2) roadway construction; (3) dam construction and maintenance; (4) unexploded ordnance management; (5) power grid repairs; and (6) commercial or residential development. We considered each industry or category individually. Additionally, we considered whether their activities have any Federal involvement. Critical habitat designation generally will not affect activities that do not have any Federal involvement; under the Act, designation of critical habitat affects only activities conducted, funded, permitted, or authorized by Federal agencies. If we list the species, in areas where the Puerto Rican skink, Culebra skink, Lesser Virgin Islands skink, or Virgin Islands bronze skink is present, Federal agencies would be required to consult with the Service under section 7 of the Act on activities they authorize, fund, or carry out that may affect the species. If, when we list the species, we also finalize this proposed critical habitat designation, Federal agencies would be required to consider the effects of their actions on the designated habitat, and if the Federal action may affect critical habitat, our consultations would include an evaluation of measures to avoid the destruction or adverse modification of critical habitat.

In our IEM, we attempted to clarify the distinction between the effects that would result from the species being listed and those attributable to the critical habitat designation (*i.e.*, difference between the jeopardy and adverse modification standards) for the Puerto Rican skink's, Culebra skink's, Lesser Virgin Islands skink's, or Virgin Islands bronze skink's critical habitat.

Because the designation of critical habitat for each is being proposed concurrently with the listing, it has been our experience that it is more difficult to discern which conservation efforts are attributable to the species being listed and those which will result solely from the designation of critical habitat. However, the following specific circumstances in this case help to inform our evaluation: (1) The essential physical or biological features identified for critical habitat are the same features essential for the life requisites of the species, and (2) any actions that would likely adversely affect the essential physical or biological features of occupied critical habitat are also likely to adversely affect the species itself. The IEM outlines our rationale concerning this limited distinction between baseline conservation efforts and incremental impacts of the designation of critical habitat for this species. This evaluation of the incremental effects has been used as the basis to evaluate the probable incremental economic impacts of this proposed designation of critical habitat.

The proposed critical habitat designation for all four skink species totals approximately 150,464 ac (60,891 ha) in Puerto Rico and the U.S. Virgin Islands, including 143,947 ac (58,253 ha) in 5 units for the Puerto Rican skink, 5,648 ac (2,286 ha) in 5 units for the Culebra skink, 477 ac (193 ha) in 1 unit for the Lesser Virgin Islands skink, and 392 ac (159 ha) in 3 units for the Virgin Islands bronze skink. All lands within the proposed designation are considered occupied by each species. In the proposed areas, any actions that may affect the species or its habitat may also affect designated critical habitat, and it is unlikely that any additional conservation efforts would be recommended to address the adverse modification standard over and above those recommended as necessary to avoid jeopardizing the continued existence of each skink species. Therefore, only administrative costs are expected for the proposed critical habitat designations.

The entities most likely to incur incremental costs are parties to section 7 consultations, including Federal action agencies and, in some cases, third parties, most frequently State/Territory/Commonwealth agencies or municipalities. Activities we expect would be subject to consultations that may involve private entities as third parties are residential and commercial development that may occur on private lands. The probable incremental economic impacts of the skink critical habitat designations are expected to be

limited to additional administrative effort as well as minor costs of conservation efforts resulting from a small number of future section 7 consultations. This limitation is due to the entirety of proposed critical habitat areas are considered to be occupied by the species. At approximately \$10,000 or less per consultation, the burden resulting from the designation of critical habitat for each of the four skink species, based on the anticipated annual number of consultations and associated consultation costs, is not expected to exceed \$259,000 (2024 dollars) in most years. The designation is unlikely to trigger additional requirements under Territory, Commonwealth, or local regulations. Thus, the annual administrative burden is relatively low.

Any future probable incremental economic impacts are not likely to exceed \$200 million in any single year, and impacts that are concentrated in any geographical area or sector are not likely as a result of this critical habitat designation. Additionally, as described in the economic analysis, the analysis is likely conservative, thus more likely to overstate than understate the actual number of future actions that will result in future consultations (IEc 2024, p. 13).

We are soliciting data and comments from the public on the economic analysis discussed above. During the development of a final designation, we will consider the information presented in the economic analysis and any additional information on economic impacts we receive during the public comment period to determine whether any specific areas should be excluded from the final critical habitat designation under the authority of section 4(b)(2) of the Act, our implementing regulations at 50 CFR 424.19, and the 2016 Policy. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area, provided the exclusion will not result in the extinction of this species.

Consideration of National Security Impacts

Section 4(a)(3)(B)(i) of the Act may not cover all DoD lands or areas that pose potential national-security concerns (e.g., a DoD installation that is in the process of revising its INRMP for a newly listed species or a species previously not covered). If a particular area is not covered under section 4(a)(3)(B)(i), then national-security or homeland-security concerns are not a factor in the process of determining what areas meet the definition of "critical habitat." However, we must

still consider impacts on national security, including homeland security, on those lands or areas not covered by section 4(a)(3)(B)(i) because section 4(b)(2) of the Act requires us to consider those impacts whenever we designate critical habitat. Accordingly, if DoD, the Department of Homeland Security (DHS), or another Federal agency has requested exclusion based on an assertion of national-security or homeland-security concerns, or we have otherwise identified national-security or homeland-security impacts from designating particular areas as critical habitat, we generally have reason to consider excluding those areas.

However, we cannot automatically exclude requested areas. When DoD, DHS, or another Federal agency requests exclusion from critical habitat on the basis of national-security or homeland-security impacts, we must conduct an exclusion analysis if the Federal requester provides information, including a reasonably specific justification of an incremental impact on national security that would result from the designation of that specific area as critical habitat. That justification could include demonstration of probable impacts, such as impacts to ongoing border-security patrols and surveillance activities, or a delay in training or facility construction, as a result of compliance with section 7(a)(2) of the Act. If the agency requesting the exclusion does not provide us with a reasonably specific justification, we will contact the agency to recommend that it provide a specific justification or clarification of its concerns relative to the probable incremental impact that could result from the designation. If we conduct an exclusion analysis because the agency provides a reasonably specific justification or because we decide to exercise the discretion to conduct an exclusion analysis, we will defer to the expert judgment of DoD, DHS, or another Federal agency as to: (1) Whether activities on its lands or waters, or its activities on other lands or waters, have national-security or homeland-security implications; (2) the importance of those implications; and (3) the degree to which the cited implications would be adversely affected in the absence of an exclusion. In that circumstance, in conducting a discretionary section 4(b)(2) exclusion analysis, we will give great weight to national-security and homeland-security concerns in analyzing the benefits of exclusion.

In preparing this proposal, we have determined that the lands within the proposed designation of critical habitat for the Puerto Rican skink, the Culebra

skink, the Lesser Virgin Islands skink, and the Virgin Islands bronze skink are not owned or managed by the DoD or DHS. Therefore, we anticipate no impact on national security or homeland security.

Consideration of Other Relevant Impacts

Under section 4(b)(2) of the Act, we consider any other relevant impacts, in addition to economic impacts and impacts on national security discussed above. To identify other relevant impacts that may affect the exclusion analysis, we consider a number of factors, including whether there are approved and permitted conservation agreements or plans covering the species in the area—such as safe harbor agreements (SHAs), candidate conservation agreements with assurances (CCAAs) or "conservation benefit agreements" or "conservation agreements" (CBAs) (CBAs are a new type of agreement replacing SHAs and CCAAs in use after April 2024 (89 FR 26070; April 12, 2024)) or HCPs—or whether there are non-permitted conservation agreements and partnerships that would be encouraged by designation of, or exclusion from, critical habitat. In addition, we look at whether Tribal conservation plans or partnerships, Tribal resources, or government-to-government relationships of the United States with Tribal entities may be affected by the designation. We also consider any State, local, social, or other impacts that might occur because of the designation.

Summary of Exclusions Considered Under Section 4(b)(2) of the Act

In preparing this proposal, we have determined that no HCPs or other management plans for the Caribbean skink species currently exist, and the proposed designation does not include any Tribal lands or trust resources or any lands for which designation would have any economic or national security impacts. Therefore, we anticipate no impact on Tribal lands, partnerships, or HCPs from this proposed critical habitat designation and thus, as described above, we are not considering excluding any particular areas on the basis of the presence of conservation agreements or impacts to trust resources.

However, if through the public comment period we receive information that we determine indicates that there are potential economic, national security, or other relevant impacts from designating particular areas as critical habitat, then as part of developing the final designation of critical habitat, we will evaluate that information and may

conduct a discretionary exclusion analysis to determine whether to exclude those areas under the authority of section 4(b)(2) of the Act and our implementing regulations at 50 CFR 424.19. If we receive a request for exclusion of a particular area and after evaluation of supporting information we do not exclude, we will fully describe our decision in the final rule for this action.

Required Determinations

Clarity of the Rule

We are required by E.O.s 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Regulatory Planning and Review (Executive Orders 12866, 13563, and 14094)

Executive Order (E.O.) 14094 amends and reaffirms the principles of E.O. 12866 and E.O. 13563 and states that regulatory analysis should facilitate agency efforts to develop regulations that serve the public interest, advance statutory objectives, and are consistent with E.O.s 12866, 13563, and 14094. Regulatory analysis, as practicable and appropriate, shall recognize distributive impacts and equity, to the extent permitted by law. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

E.O. 12866, as reaffirmed by E.O. 13563 and amended by E.O. 14094, provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will

review all significant rules. OIRA has determined that this rule is not significant.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 et seq.), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; title II of Pub. L. 104–121, March 29, 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than \$5 million in annual sales, general and heavy construction businesses with less than \$27.5 million in annual business, special trade contractors doing less than \$11.5 million in annual business, and agricultural businesses with annual sales less than \$750,000. To determine whether potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term “significant economic impact” is meant to apply to a typical small business firm’s business operations.

Under the RFA, as amended, as understood in light of recent court decisions, Federal agencies are required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself; in other words, the RFA does not

require agencies to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried out by the agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7, only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Consequently, only Federal action agencies would be directly regulated if we adopt the proposed critical habitat designation. The RFA does not require evaluation of the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities. Therefore, because no small entities would be directly regulated by this rulemaking, the Service certifies that, if made final as proposed, the proposed critical habitat designation will not have a significant economic impact on a substantial number of small entities.

In summary, we have considered whether the proposed designation would result in a significant economic impact on a substantial number of small entities. For the above reasons and based on currently available information, we certify that, if made final, the proposed critical habitat designation would not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

Energy Supply, Distribution, or Use— Executive Order 13211

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare statements of energy effects “to the extent permitted by law” when undertaking actions identified as significant energy actions (66 FR 28355; May 22, 2001). E.O. 13211 defines a “significant energy action” as an action that (i) meets the definition of a “significant regulatory action” under E.O. 12866, as amended by E.O. 14094; and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy. This rule is not a significant regulatory action under E.O. 12866 as amended by 14094 (88 FR 21879, April 11, 2023) as determined by OIRA, and the OIRA administrator has not designated this rule as a significant energy action.

Therefore, this action is not a significant energy action, and there is no requirement to prepare a statement of energy effects for this action.

Unfunded Mandates Reform Act
(2 U.S.C. 1501 *et seq.*)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following finding:

(1) This proposed rule would not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or Tribal governments, or the private sector, and includes both “Federal intergovernmental mandates” and “Federal private sector mandates.” These terms are defined in 2 U.S.C. 658(5)–(7). “Federal intergovernmental mandate” includes a regulation that “would impose an enforceable duty upon State, local, or Tribal governments” with two exceptions. It excludes “a condition of Federal assistance.” It also excludes “a duty arising from participation in a voluntary Federal program,” unless the regulation “relates to a then-existing Federal program under which \$500,000,000 or more is provided annually to State, local, and Tribal governments under entitlement authority,” if the provision would “increase the stringency of conditions of assistance” or “place caps upon, or otherwise decrease, the Federal Government’s responsibility to provide funding,” and the State, local, or Tribal governments “lack authority” to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. “Federal private sector mandate” includes a regulation that “would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.”

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions are not likely to destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for

an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) We do not believe that this proposed rule would significantly or uniquely affect small governments because small governments will be affected only to the extent that any programs or agencies using or issuing Federal funds, Federal permits, or conducting other authorized activities must ensure that their actions will not adversely affect critical habitat. Therefore, a small government agency plan is not required.

Takings—Executive Order 12630

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of designating critical habitat for the Puerto Rican skink, the Culebra skink, the Lesser Virgin Islands skink, and the Virgin Islands bronze skink in a takings implications assessment. The Act does not authorize the Service to regulate private actions on private lands or confiscate private property as a result of critical habitat designation. Designation of critical habitat does not affect land ownership, or establish any closures, or restrictions on use of or access to the designated areas. Furthermore, the designation of critical habitat does not affect landowner actions that do not require Federal funding or permits, nor does it preclude development of habitat conservation programs or issuance of incidental take permits to permit actions that do require Federal funding or permits to go forward. However, Federal agencies are prohibited from carrying out, funding, or authorizing actions that would destroy or adversely modify critical habitat. A takings implications assessment has been completed for the proposed designation of critical habitat for the Puerto Rican skink, the Culebra skink, the Lesser Virgin Islands skink, and the Virgin Islands bronze skink, and it concludes that, if adopted, this designation of critical habitat does not pose significant takings implications for lands within or affected by the designation.

Federalism—Executive Order 13132

In accordance with E.O. 13132 (Federalism), this proposed rule does not have significant federalism effects. A federalism summary impact statement is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated development of this proposed critical habitat designation with, appropriate State resource agencies. From a federalism perspective, the designation of critical habitat directly affects only the responsibilities of Federal agencies. The Act imposes no other duties with respect to critical habitat, either for States and local governments, or for anyone else. As a result, the proposed rule does not have substantial direct effects either on the States, or on the relationship between the Federal Government and the States, or on the distribution of powers and responsibilities among the various levels of government. The proposed designation may have some benefit to these governments because the areas that contain the features essential to the conservation of the species are more clearly defined, and the physical or biological features of the habitat necessary for the conservation of the species are specifically identified. This information does not alter where and what federally sponsored activities may occur. However, it may assist State and local governments in long-range planning because they no longer have to wait for case-by-case section 7 consultations to occur.

Where State and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) of the Act would be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

Civil Justice Reform—Executive Order 12988

In accordance with E.O. 12988 (Civil Justice Reform), the Office of the Solicitor has determined that the rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. We have proposed designating critical habitat in accordance with the provisions of the

Act. To assist the public in understanding the habitat needs of the species, this proposed rule identifies the physical or biological features essential to the conservation of the species. The proposed areas of critical habitat are presented on maps, and the proposed rule provides several options for the interested public to obtain more detailed location information, if desired.

Paperwork Reduction Act of 1995
(44 U.S.C. 3501 *et seq.*)

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act
(42 U.S.C. 4321 *et seq.*)

Regulations adopted pursuant to section 4(a) of the Act are exempt from the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) and do not require an environmental analysis under NEPA. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This includes listing, delisting, and reclassification rules, as well as critical habitat designations and species-specific protective regulations promulgated concurrently with a decision to list or reclassify a species as threatened. The courts have upheld this position (*e.g.*, *Douglas County v. Babbitt*, 48 F.3d 1495 (9th Cir. 1995) (critical habitat); *Center for Biological Diversity v. U.S. Fish and Wildlife*

Service, 2005 WL 2000928 (N.D. Cal. Aug. 19, 2005) (concurrent 4(d) rule)).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951, May 4, 1994), E.O. 13175 (Consultation and Coordination with Indian Tribal Governments), the President's memorandum of November 30, 2022 (Uniform Standards for Tribal Consultation; 87 FR 74479, December 5, 2022), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with federally recognized Tribes and Alaska Native Corporations (ANCs) on a government-to-government basis. In accordance with Secretary's Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. We have determined that no Tribal lands fall within the boundaries of the proposed critical habitat for the Puerto Rican skink, the Culebra skink, the Lesser Virgin Islands skink, and the Virgin Islands bronze skink, so no Tribal lands would be affected by the proposed designation.

References Cited

A complete list of references cited in this rulemaking is available on the

internet at <https://www.regulations.gov> and upon request from the Caribbean Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this proposed rule are the staff members of the Fish and Wildlife Service's Species Assessment Team and the Caribbean Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. In § 17.11, amend paragraph (h) by adding entries for “Skink, Culebra”, “Skink, Lesser Virgin Islands”, “Skink, Puerto Rican”, and “Skink, Virgin Islands bronze” to the List of Endangered and Threatened Wildlife in alphabetical order under REPTILES to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
* * *	* * *	* * *	* * *	* * *
REPTILES				
* * *	* * *	* * *	* * *	* * *
Skink, Culebra	<i>Spondylurus culebrae</i>	Wherever found	T	[Federal Register citation when published as a final rule]; 50 CFR 17.42(t); ^{4d} 50 CFR 17.95(c). ^{CH}
Skink, Lesser Virgin Islands	<i>Spondylurus semitaeniatus</i> ...	Wherever found	E	[Federal Register citation when published as a final rule]; 50 CFR 17.95(c). ^{CH}
Skink, Puerto Rican	<i>Spondylurus nitidus</i>	Wherever found	E	[Federal Register citation when published as a final rule]; 50 CFR 17.95(c). ^{CH}
* * *	* * *	* * *	* * *	* * *
Skink, Virgin Islands bronze ...	<i>Spondylurus sloanii</i>	Wherever found	E	[Federal Register citation when published as a final rule]; 50 CFR 17.95(c). ^{CH}
* * *	* * *	* * *	* * *	* * *

■ 3. Amend § 17.42 by adding paragraph (t) to read as follows:

§ 17.42 Species-specific rules—reptiles.

* * * * *

(t) Culebra skink (*Spondylurus culebrae*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to Culebra skink. Except as provided under paragraph (t)(2) of this section and §§ 17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at § 17.21(b) for endangered wildlife.

(ii) Take, as set forth at § 17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at § 17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at § 17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at § 17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under § 17.32.

(ii) Take, as set forth at § 17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take, as set forth at § 17.31(b).

(iv) Possess and engage in other acts with unlawfully taken wildlife, as set forth at § 17.21(d)(2) for endangered wildlife.

(v) Take incidental to an otherwise lawful action caused by:

(A) Activities to eradicate or control nonnative species such as mongooses, rats, cats, pigs, goats, etc.

(B) Habitat management or restoration activities expected to provide a benefit to the Culebra skink or other sensitive species, including removal of nonnative, invasive plants. These activities must be coordinated with and reported to the Service in writing and approved the first time an individual or agency undertakes them.

4. In § 17.95 amend paragraph (c) by adding entries for the “Culebra Skink (*Spondylurus culebrae*)”, “Lesser Virgin Islands Skink (*Spondylurus semitaeniatus*)”, “Puerto Rican Skink (*Spondylurus nitidus*)”, and “Virgin Islands Bronze Skink (*Spondylurus sloanii*)”, after the entry for “Loggerhead Sea Turtle, Northwest Atlantic Ocean DPS (*Caretta caretta*)”, to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(c) *Reptiles*

* * * * *

Culebra Skink (*Spondylurus culebrae*)

(1) Critical habitat units are depicted for Culebra Island and surrounding cays in Puerto Rico, on the maps in this entry.

(2) Within these areas, the physical or biological features essential to the conservation of Culebra skink consist of the following components:

(i) Forest, shrub/scrub, and herbaceous habitat types below 500 m

(0.31 mi) elevation on Culebra, Cayo Agua, Cayo Botella, Cayo Lobito, and Cayo Yerba.

(ii) Sufficient, appropriate ground cover (including, but not limited to leaf litter, rocks, and vegetative debris) for protection from predators, refugia from temperature extremes, sources of food, and areas for reproduction.

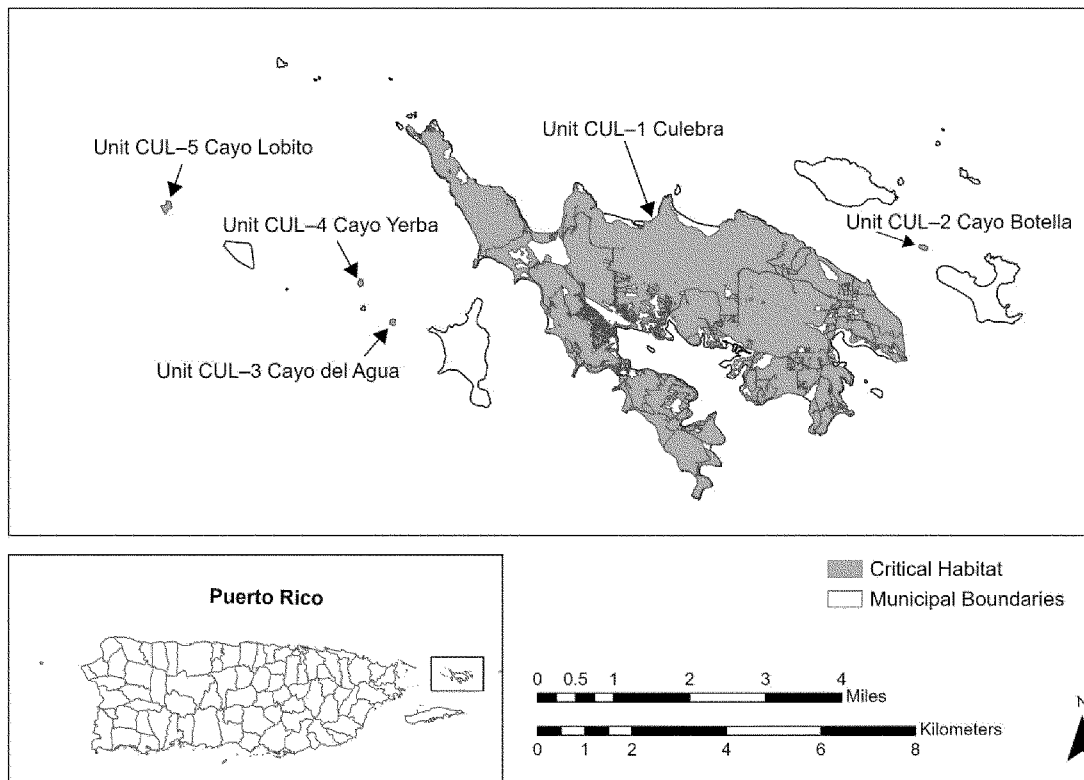
(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on the effective date of the final rule.

(4) Data layers defining map units were created by delineating habitats that contain at least one or more of the physical or biological features defined in paragraph (2) of this entry. We used the digital landcover layer for Puerto Rico created by the National Oceanographic and Atmospheric Administration 2010 Coastal Change Analysis Program 30m land cover dataset over color infrared imagery provided by the United States Army Corps of Engineers. The resulting critical habitat units were then mapped using Contiguous Albers North American Datum 83 coordinates. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation.

(5) Index map follows:

Figure 1 to Culebra skink (*Spondylurus culebrae*) paragraph (5)

Index Map: Culebra Skink Critical Habitat



(6) Unit CUL-1: Culebra, Puerto Rico.

(i) Unit CUL-1 consists of 5,631 ac (2,279 ha) of Culebra Island, approximately 18 miles (29 km) east from the northeastern corner of Puerto Rico. The majority of this unit, 89 percent (5,022 ac), is composed of private land, while 11 percent (609 ac) is managed for conservation as part of the Culebra National Wildlife Refuge.

Less than 1 percent of the private areas are also managed for conservation by Para La Naturaleza, as the Cerro Feliz Natural Protected Area.

(ii) Map of Unit CUL-1 is at paragraph (7)(ii) of this entry.

(7) Unit CUL-2: Cayo Botella; Culebra Island, Puerto Rico.

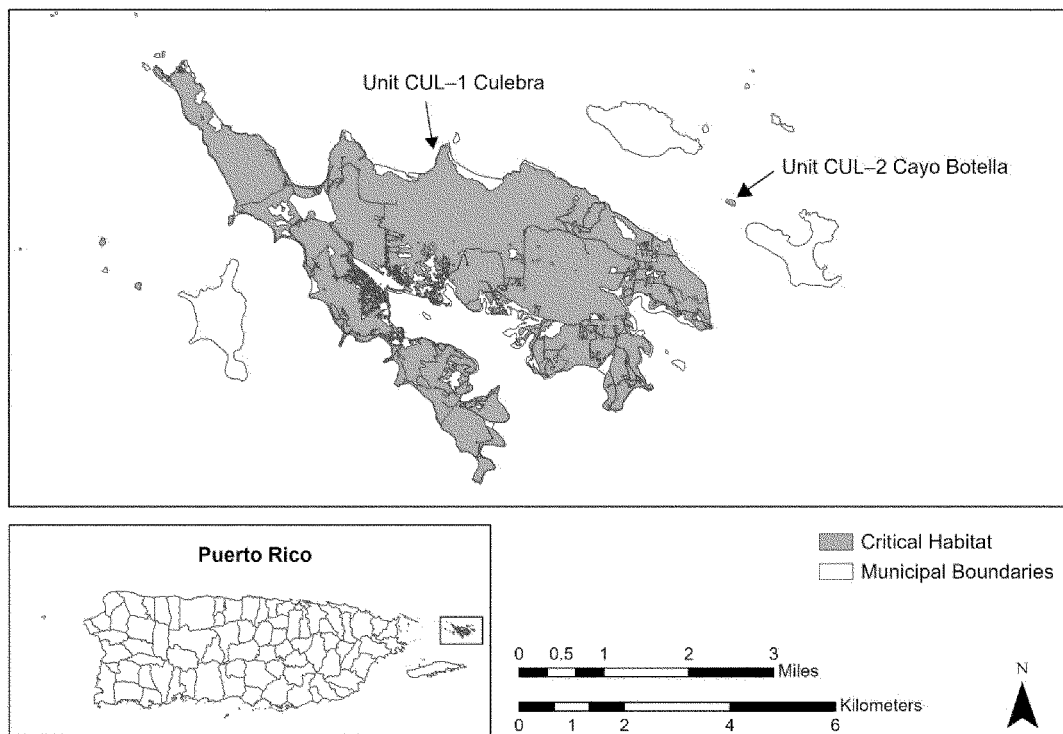
(i) Unit CUL-2 consists of the entire Cayo Botella (4 ac (2 ha)) approximately

1 mile (1.6 km) from the northeastern coast of Culebra Island, and in between Isla Culebrita and Cayo Norte. Cayo Botella is managed for conservation as part of the Culebra National Wildlife Refuge.

(ii) Map of Units CUL-1 and CUL-2 follows:

Figure 2 to Culebra skink (*Spondylurus culebrae*) paragraph (7)(ii)

Critical Habitat for Culebra Skink, Unit CUL-1 Culebra and Unit CUL-2 Cayo Botella, Culebra Island, Puerto Rico



(8) Unit CUL-3: Cayo del Agua; Culebra Island, Puerto Rico.

(i) Unit CUL-3 consists of the entire Cayo del Agua (3 ac (1 ha)), approximately 1 mile (1.6 km) from the western coast of Culebra Island and less than 1 mile (1.6 km) west from Cayo Luis Peña. Cayo del Agua is managed for conservation as part of the Culebra National Wildlife Refuge.

(ii) Map of Unit CUL-3 is at paragraph (10)(ii) of this entry.

(9) Unit CUL-4: Cayo Yerba; Culebra Island, Puerto Rico.

(i) Unit CUL-4 consists of the entire Cayo Yerba (3 ac (1 ha)), approximately 2 miles (3 km) from the western coast of Culebra Island and less than 1 mile (1.6 km) northwest from Cayo del Agua (Unit CUL-3). Cayo Yerba is managed for conservation as part of the Culebra National Wildlife Refuge.

(ii) Map of Unit CUL-4 is at paragraph (10)(ii) of this entry.

(10) Unit CUL-5: Cayo Lobito; Culebra Island, Puerto Rico.

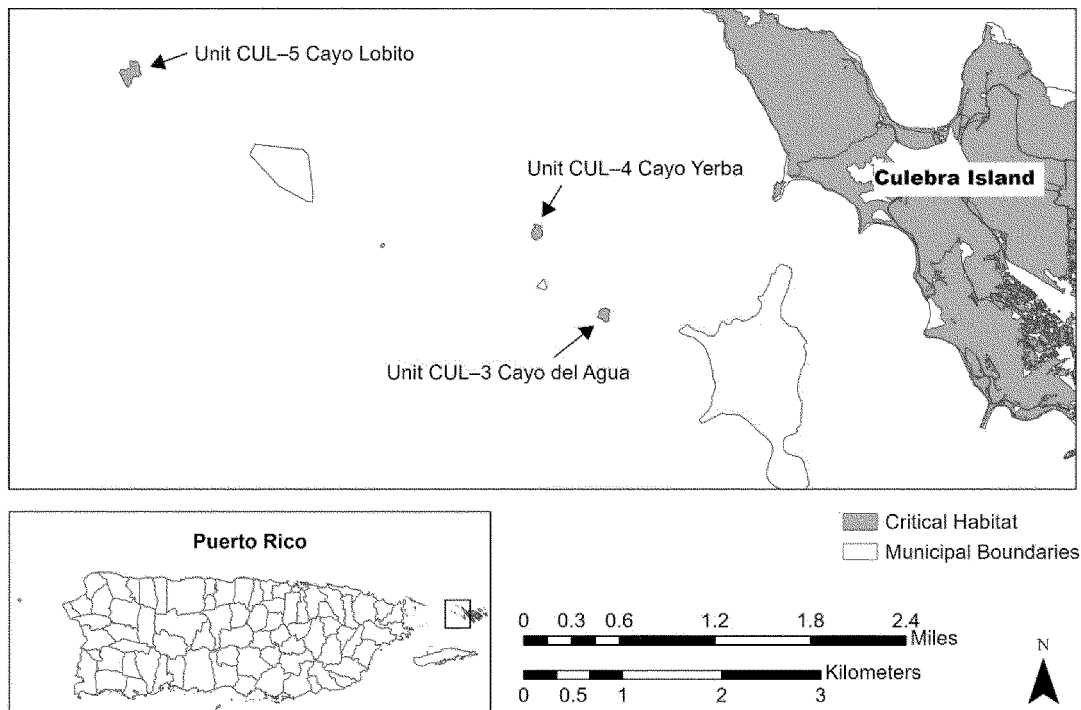
(i) Unit CUL-5 consists of the entire Cayo Lobito (7 ac (3 ha)), approximately

4 miles (6 km) from the northwestern coast of Culebra Island and 3 miles (5 km) northwest from Cayo Yerba (Unit CUL-4). Cayo Lobito is managed for conservation as part of the Culebra National Wildlife Refuge.

(ii) Map of Units CUL-3, CUL-4, and CUL-5 follows:

Figure 3 to Culebra skink (*Spondylurus culebrae*) paragraph (10)(ii)

**Critical Habitat for Culebra Skink, Unit CUL–3 Cayo del Agua,
Unit CUL–4 Cayo Yerba, and Unit CUL–5 Cayo Lobito,
Culebra Island, Puerto Rico**



**Lesser Virgin Islands Skink
(*Spondylurus semitaeniatus*)**

(1) A critical habitat unit is depicted for Hans Lollik Island, United States Virgin Islands, on the map in this entry.

(2) Within this area, the physical or biological features essential to the conservation of Lesser Virgin Islands skink consist of the following components:

(i) Forest, shrub/scrub, and herbaceous habitat types on Hans Lollik Island, United States Virgin Islands.

(ii) Sufficient, appropriate ground cover (including, but not limited to leaf litter, rocks, and vegetative debris) for protection from predators, refugia from temperature extremes, sources of food, and areas for reproduction.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on the effective date of the final rule.

(4) Data layers defining map units were created by delineating habitats that contain at least one or more of the physical or biological features defined in paragraph (2) of this entry. We used the digital landcover layer for St. Thomas created by the National Oceanographic and Atmospheric Administration 2012 Coastal Change Analysis Program 30m land cover dataset over color infrared imagery provided by the United States Army Corps of Engineers. The resulting critical habitat unit was then mapped

using Contiguous Albers North American Datum 83 coordinates. The map in this entry, as modified by any accompanying regulatory text, establishes the boundaries of the critical habitat designation.

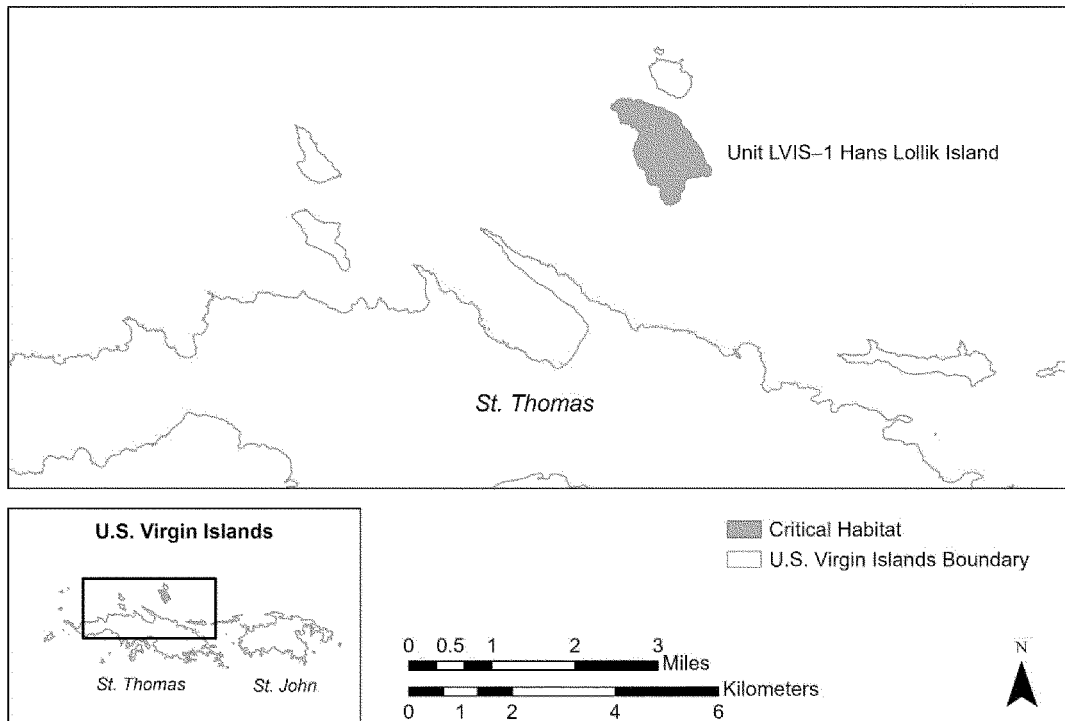
(5) Unit LVIS–1: Hans Lollik Island, United States Virgin Islands.

(i) Unit LVIS–1 consists of the entire Hans Lollik Island (477 (193 ha)), approximately 2 miles (3 km) north from the north-central coast of St. Thomas, United States Virgin Islands. Hans Lollik is a private island managed by Wild Ecology Group for conservation on behalf of its owners.

(ii) Map of Unit LVIS–1 follows:

Figure 1 to Lesser Virgin Islands Skink (*Spondylurus semitaeniatus*) paragraph (5)(ii)

Critical Habitat for the Lesser Virgin Island Skink, Unit LVIS-1 Hans Lollok Island, USVI



Puerto Rican Skink (*Spondylurus nitidus*)

(1) Critical habitat units are depicted for Desecheo Island and Puerto Rico, on the maps in this entry.

(2) Within these areas, the physical or biological features essential to the conservation of the Puerto Rican skink consist of the following components:

(i) Forest and shrub/scrub habitat types below 500 m (0.31 mi) elevation on mainland Puerto Rico and on Desecheo Island.

(ii) Sufficient, appropriate ground cover (including, but not limited to leaf litter, rocks, and vegetative debris) for

protection from predators, refugia from temperature extremes, sources of food, and areas for reproduction.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on the effective date of the final rule.

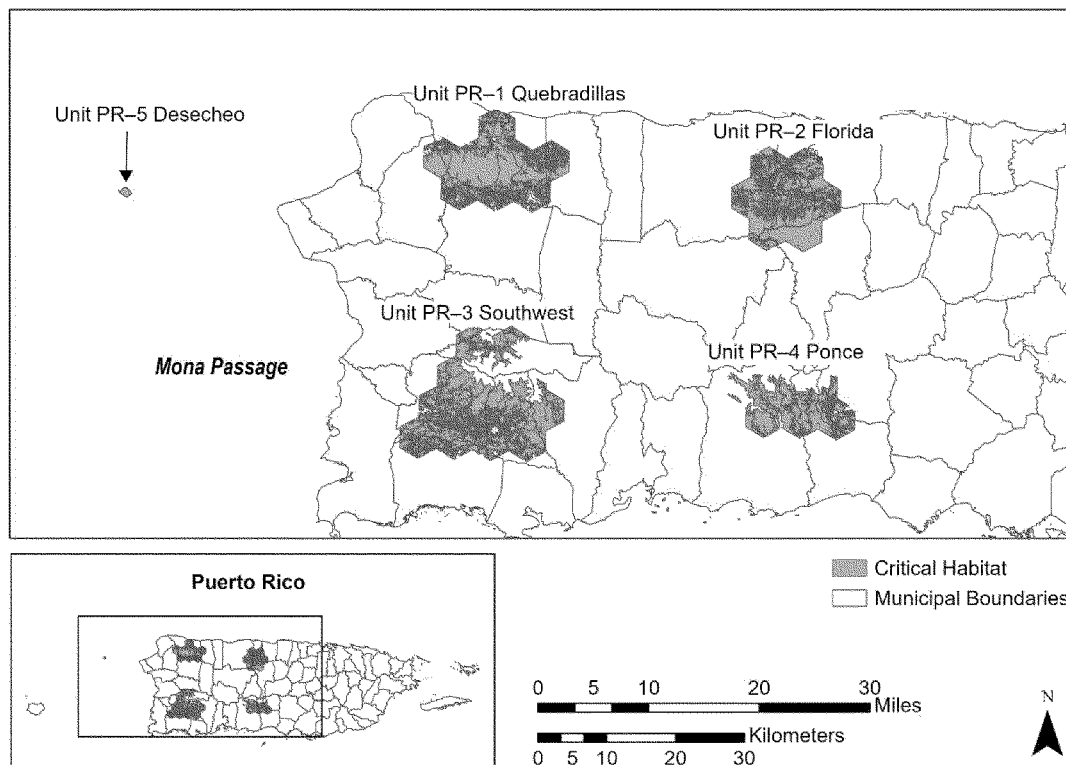
(4) Data layers defining map units were created by delineating habitats that contain at least one or more of the physical or biological features defined in paragraph (2) of this entry. We used the digital landcover layer for Puerto Rico created by the National

Oceanographic and Atmospheric Administration 2010 Coastal Change Analysis Program 30m land cover dataset over color infrared imagery provided by the United States Army Corps of Engineers. The resulting critical habitat units were then mapped using Contiguous Albers North American Datum 83 coordinates. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation.

(5) Index map follows:

Figure 1 to Puerto Rican skink (*Spondylurus nitidus*) paragraph (5)

Index Map: Puerto Rican Skink Critical Habitat Units



(6) Unit PR-1: Quebradillas; Municipalities of Camuy, Isabela, Quebradillas, Moca, and San Sebastián, Puerto Rico.

(i) Unit PR-1 consists of 37,093 ac (15,011 ha) located in northwestern Puerto Rico. This unit is bounded by selected Puerto Rican GAP hexagons that contain forested areas along its northern boundary within the

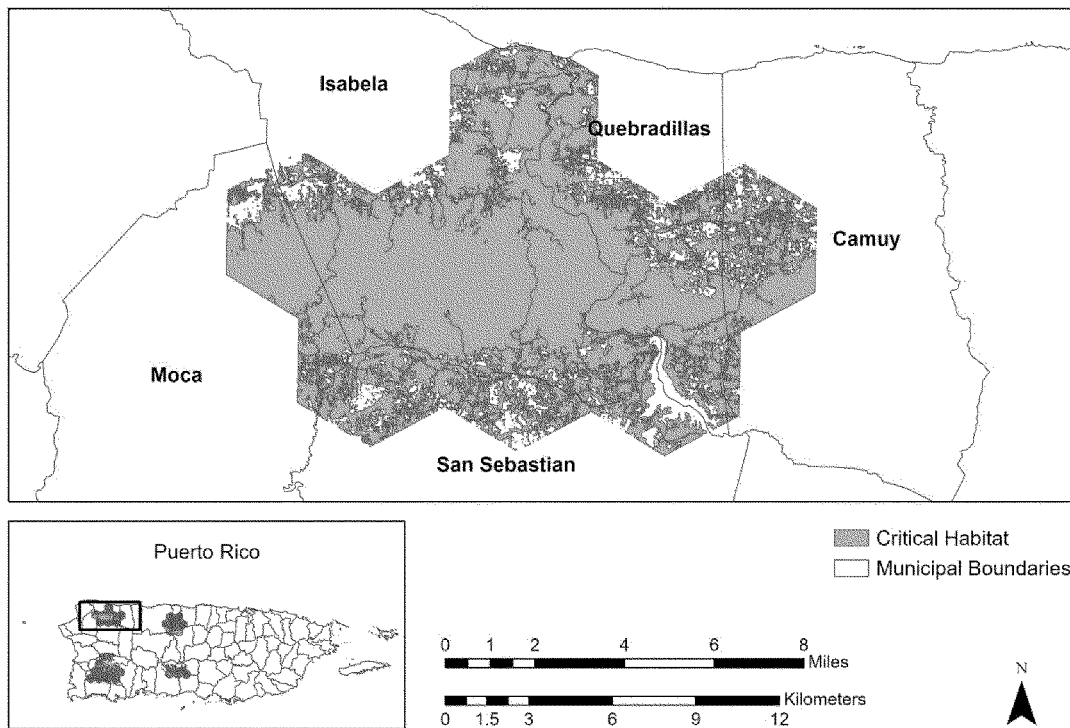
Municipalities (east to west) of Camuy, Quebradillas, Isabela, and Moca, and moving south towards San Sebastián, and east back to Camuy. Most of this unit, 94 percent (34,711 ac), is composed of private land, while 6 percent (2,382 ac) is public and managed for conservation as the Guajataca Commonwealth Forest and the Lago Guajataca Wildlife Refuge.

Approximately 2 percent of the private areas are also managed for conservation by Para La Naturaleza, Puerto Rico Conservation Trust, as the Montadero, Los García, and Terra Firme Natural Protected Areas.

(ii) Map of Unit PR-1 follows:

Figure 2 to Puerto Rican skink (*Spondylurus nitidus*) paragraph (6)(ii)

Critical Habitat for Puerto Rican Skink, Unit PR-1 Quebradillas, Municipalities of Camuy, Isabela, Quebradillas, Moca, and San Sebastian, Puerto Rico



(7) Unit PR-2: Florida; Municipalities of Arecibo, Barceloneta, Manati, Florida, Utuado, and Ciales, Puerto Rico.

(i) Unit PR-2 consists of 32,752 ac (13,254 ha) located in north-central Puerto Rico. This unit is bounded by selected Puerto Rico GAP hexagons that contain forested areas along its northern boundary within the Municipalities (east to west) of Manatí, Barceloneta,

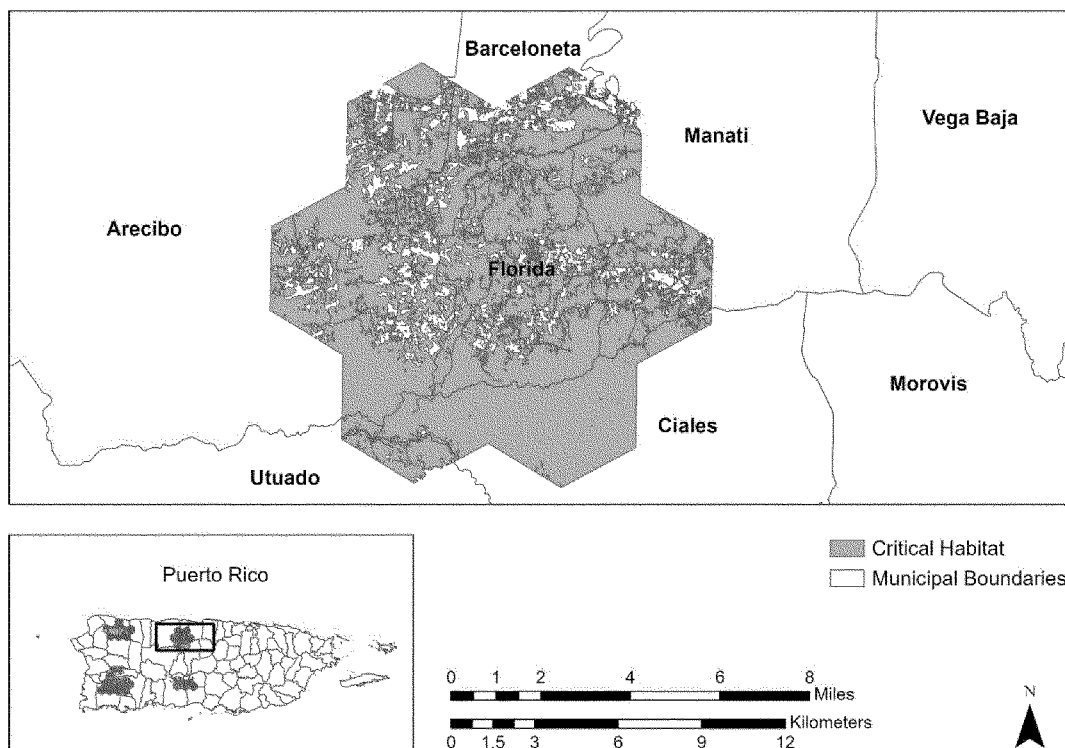
and Arecibo, and moving south towards Utuado and Ciales, and east back to Manatí. Most of this unit, 97 percent (31,841 ac), is composed of private land, while 3 percent (911 ac) is public and managed for conservation as the Cambalache Commonwealth Forest. Approximately 6 percent (1,851 ac) of the private areas are also managed for

conservation by Para La Naturaleza as part of the Río Encantado Natural Protected Area. Less than 1 percent (89 ac) is managed by the USDA as the Manatí Research Area.

(ii) Map of Unit PR-2 follows:

Figure 3 to Puerto Rican skink (*Spondylurus nitidus*) paragraph (7)(ii)

**Critical Habitat for Puerto Rican Skink, Unit PR-2 Florida, Municipalities of
Arecibo, Barceloneta, Manati, Florida, Utuado, and Ciales, Puerto Rico**



(8) Unit PR-3: Southwest; Municipalities of Lajas, San German, Sabana Grande, Maricao, Mayaguez, Las Marias, and Yauco, Puerto Rico.

(i) Unit PR-3 consists of 51,697 ac (20,921 ha) located in southwestern Puerto Rico. This unit is bounded by selected Puerto Rico GAP hexagons that contain forested areas along its northern boundary within the Municipalities

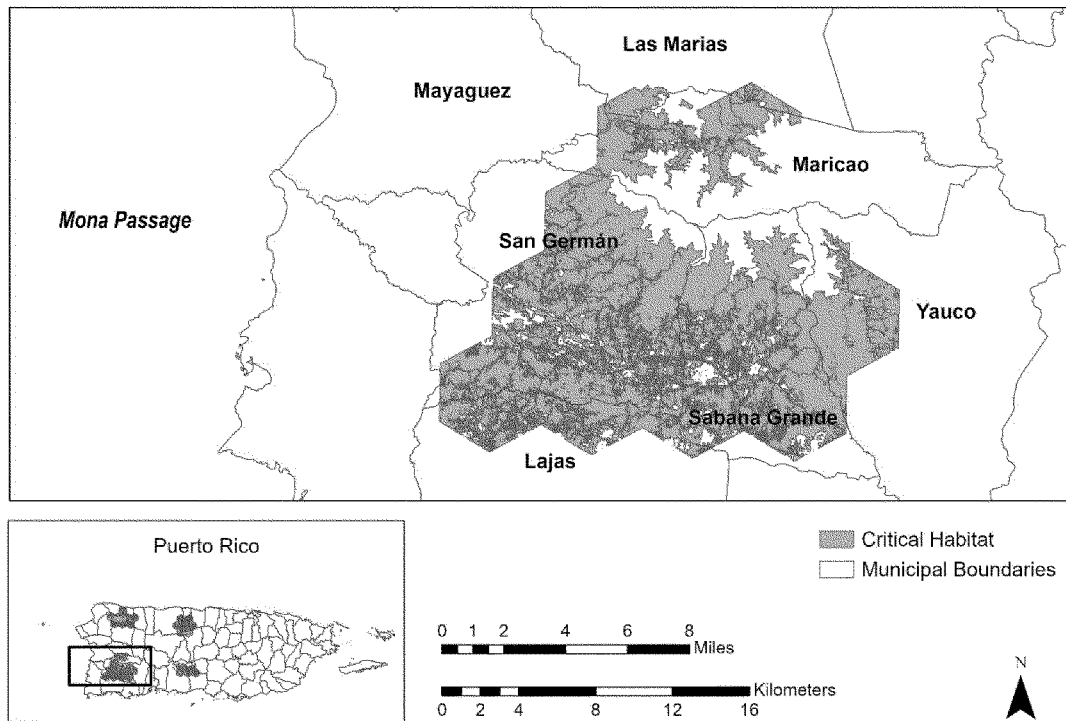
(east to west) of Yauco, Maricao, Las Marías, Mayagüez, and San Germán, and moving south towards Cabo Rojo, Lajas, and Sabana Grande, and east back to Yauco. Most of this unit, 87 percent (44,784 ac), is composed of private land, while 13 percent (6,913 ac) is public and managed for conservation as the Maricao and Susúa Commonwealth

Forests. Approximately 1 percent (394 ac) of the private areas are also managed for conservation by Para La Naturaleza as part of the Río Maricao Natural Protected Area.

(ii) Map of Unit PR-3 follows:

Figure 4 to Puerto Rican skink (*Spondylurus nitidus*) paragraph (8)(ii)

Critical Habitat for Puerto Rican Skink, Unit PR-3 Southwest, Municipalities of
Lajas, San Germán, Sabana Grande, Maricao, Mayaguez, Las Marias, and
Yauco, Puerto Rico



(9) Unit PR-4: Ponce; Municipalities of Ponce, Juana Díaz, and Villalba, Puerto Rico.

(i) Unit PR-4 consists of 22,050 ac (8,923 ha) located in south-central Puerto Rico. This unit is bounded by selected Puerto Rico GAP hexagons that contain forested areas across its northern and southern boundary within

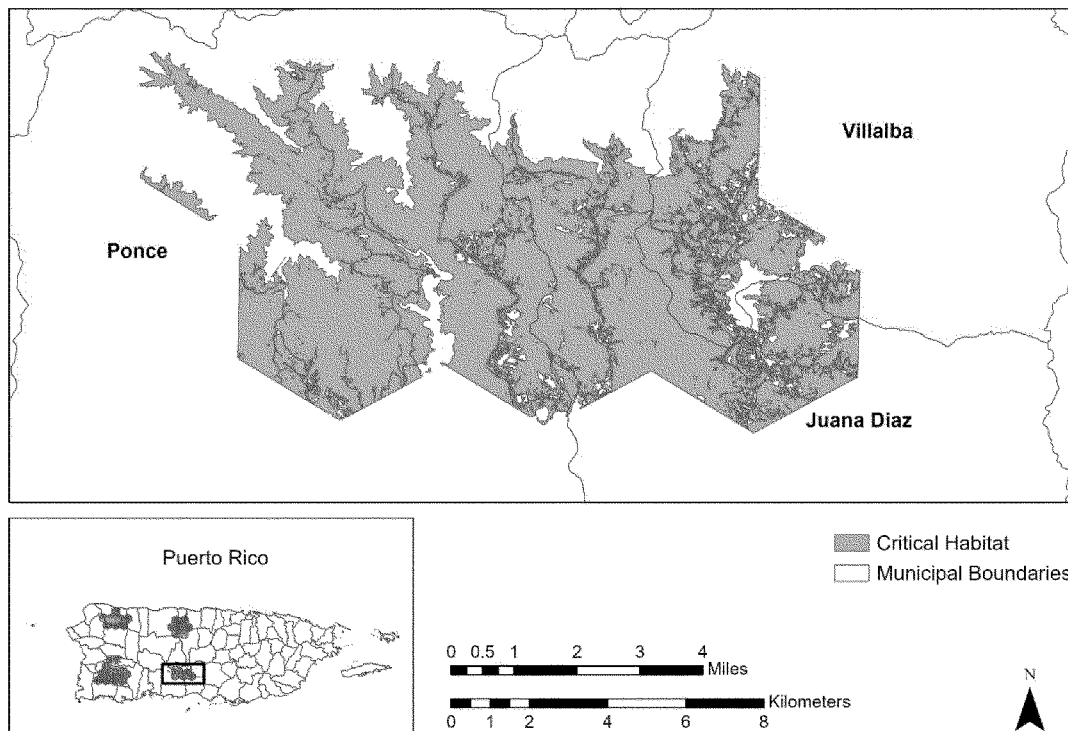
the Municipalities (east to west) of Villalba, Juana Díaz, and Ponce. This proposed critical habitat includes all forested habitat within this boundary and does not include developed areas. Most of this unit, 99 percent (21,855 ac), is composed of private land, while approximately 1 percent (195 ac) is public and managed for conservation as

the Cerrillos and Toro Negro Commonwealth Forests. Less than 1 percent (86 ac) of a private area known as the Picaflor Conservation Easement is managed by Para La Naturaleza.

(ii) Map of Unit PR-4 follows:

Figure 5 to Puerto Rican skink (*Spondylurus nitidus*) paragraph (9)(ii)

**Critical Habitat for Puerto Rican Skink, Unit PR-4 Ponce,
Municipalities of Ponce, Juana Díaz, and Villalba, Puerto Rico**



(10) Unit PR-5: Desecheo Island, Puerto Rico.

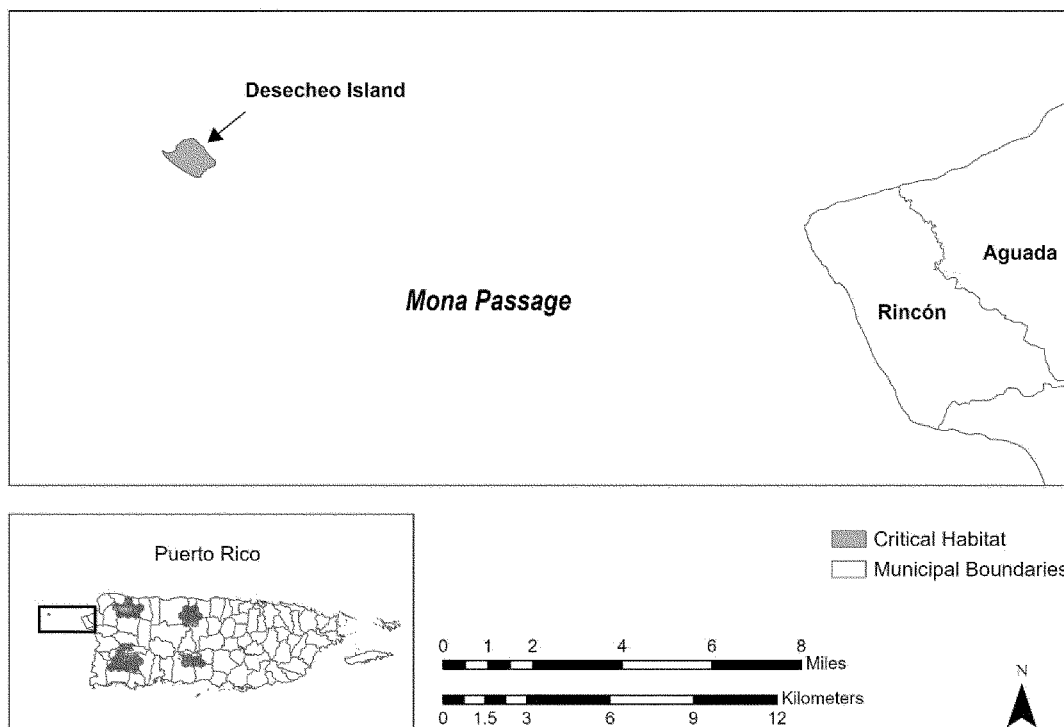
(i) Unit PR-5 consists of the entire Desecheo Island (355 ac (144 ha)) in the Mona Passage, approximately 13 miles

(21 km) from the closest point off the west coast of Puerto Rico. Desecheo Island is managed for conservation as a National Wildlife Refuge.

(ii) Map of Unit PR-5 follows:

Figure 6 to Puerto Rican skink (*Spondylurus nitidus*) paragraph (10)(ii)

Critical Habitat for Puerto Rican Skink, Unit PR-5 Desecheo, Desecheo Island, Puerto Rico



Virgin Islands Bronze Skink (*Spondylurus sloanii*)

(1) Critical habitat units are depicted for Water Island, Buck Island, and Turtledove Cay, U.S. Virgin Islands, on the maps in this entry.

(2) Within these areas, the physical or biological features essential to the conservation of the Virgin Islands bronze skink consist of the following components:

(i) Forest, shrub/scrub, and herbaceous habitat types on Buck Island, Turtledove Cay, and Water Island, USVI.

(ii) Sufficient, appropriate ground cover (including, but not limited to leaf litter, rocks, and vegetative debris) for protection from predators, refugia from temperature extremes, sources of food, and areas for reproduction.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on the effective date of the final rule.

(4) Data layers defining map units were created by delineating habitats that contain at least one or more of the

physical or biological features defined in paragraph (2) of this entry. We used the digital landcover layer for St. Thomas created by the National Oceanographic and Atmospheric Administration 2012 Coastal Change Analysis Program 30m land cover dataset over color infrared imagery provided by the United States Army Corps of Engineers. The resulting critical habitat units were then mapped using Contiguous Albers North American Datum 83 coordinates. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation.

(5) Unit VIBS-1: Water Island, United States Virgin Islands.

(i) Unit VIBS-1 consists of 340 ac (138 ha) of Water Island, less than 1 mile (1.6 km) south from the south-central coast of St. Thomas, United States Virgin Islands, and less than 1 mile (1.6 km) west of Hassel Island. Most of this unit, approximately 73 percent (247 ac (100 ha)), is composed of private land, of which approximately 12 percent (30 ac (12 ha)) is managed for conservation by The Nature Conservancy.

Approximately 93 acres (38 ha) are owned by the Territorial Government.

(ii) Map of Unit VIBS-1 is at paragraph (7)(ii) of this entry.

(6) Unit VIBS-2: Buck Island, United States Virgin Islands.

(i) Unit VIBS-2 consists of the entire Buck Island (48 ac (19 ha)), approximately 2 miles (2 km) south from the southeastern coast of St. Thomas, United States Virgin Islands, and just west of Capella Island. Buck Island is managed for conservation as the Buck Island National Wildlife Refuge.

(ii) Map of Unit VIBS-2 is at paragraph (7)(ii) of this entry.

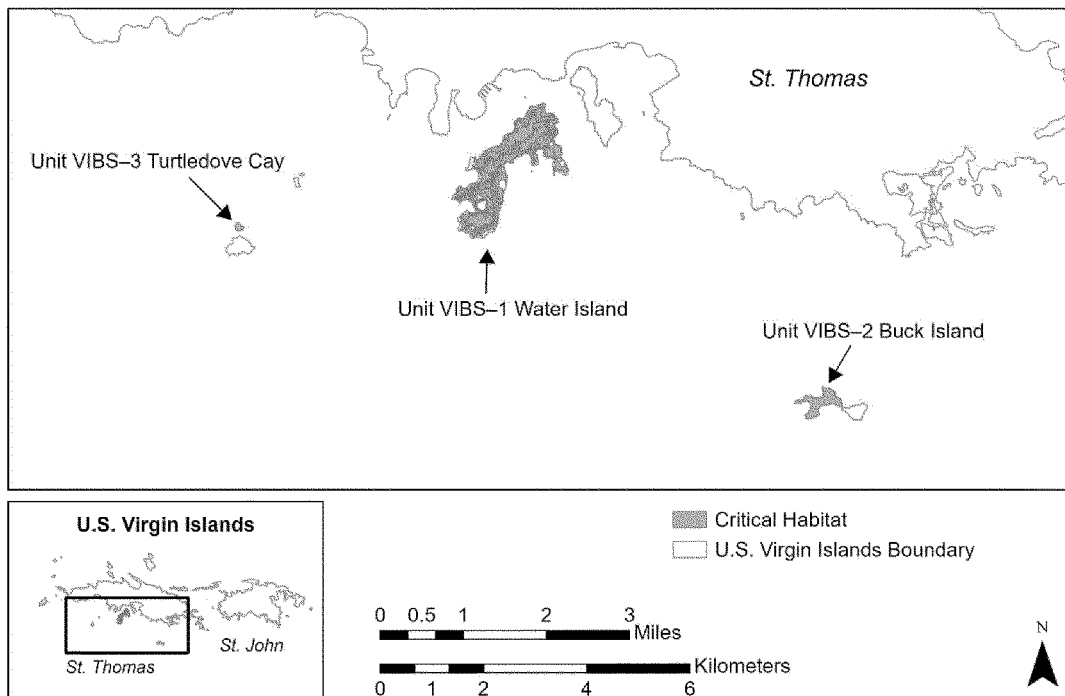
(7) Unit VIBS-3: Turtledove Cay, United States Virgin Islands.

(i) Unit VIBS-3 consists of the entire Turtledove Cay (4 ac (2 ha)), also locally known as Little Saba, approximately 3 miles (4.8 km) south from the southwestern coast of St. Thomas, United States Virgin Islands, and approximately 3 miles west from the southern coast of Water Island (Unit VIBS-1). Turtledove Cay is owned by the Territorial Government.

(ii) Map of Unit VIBS-1, Unit VIBS-2, and Unit VIBS-3 follows:

Figure 1 to Virgin Islands Bronze Skink (*Spondylurus sloanii*) paragraph (7)(ii)

Critical Habitat for Virgin Island Bronze Skink, Unit VIBS-1 Water Island, Unit VIBS-2 Buck Island, and Unit VIBS-3 Turtledove Cay, U.S. Virgin Islands



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Martha Williams,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2024-29125 Filed 12-18-24; 8:45 am]

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Part III

Department of Defense

Department of the Army, Corps of Engineers

33 CFR Part 234

Corps of Engineers Agency Specific Procedures To Implement the Principles, Requirements, and Guidelines for Federal Investments in Water Resources; Final Rule

DEPARTMENT OF DEFENSE**Department of the Army, Corps of Engineers****33 CFR Part 234****[Docket ID: COE–2023–0005]****RIN 0710–AB41****Corps of Engineers Agency Specific Procedures To Implement the Principles, Requirements, and Guidelines for Federal Investments in Water Resources****AGENCY:** U.S. Army Corps of Engineers, Army, Department of Defense (DoD).**ACTION:** Final rule.

SUMMARY: This rule establishes Agency Specific Procedures (ASPs) for the U.S. Army Corps of Engineers (Corps) to implement the Principles, Requirements, and Guidelines (PR&G) for Federal water resources investments. It provides a framework to govern how the Corps would evaluate proposed water resources investments, subject to the PR&G. The rule incorporates recommendations from interested parties. The Army is issuing this rule in response to congressional direction in the Water Resources Development Act of 2020.

DATES: This rule is effective on January 17, 2025.

FOR FURTHER INFORMATION CONTACT: Mr. Milton Boyd, Acting Director for Policy and Legislation, Office of the Assistant Secretary of the Army (Civil Works), 108 Army Pentagon, Washington, DC 20310–0108, at (202) 761–8546 or milton.w.boyd.civ@army.mil.

SUPPLEMENTARY INFORMATION:

- A. Executive Summary
- B. Background
- C. Response to Public Comments
- D. Section-by-Section Discussion of the Final Rule and Revisions from the Proposed Rule
- E. Expected Benefits and Costs
- F. Procedural Requirements

A. Executive Summary

The Principles and Requirements for Federal Investments in Water Resources (P&R) ¹ were established pursuant to the Water Resources Planning Act of 1965 (Pub. L. 89–8), as amended (42 U.S.C. 1962a–2), and consistent with Section 2031 of the Water Resources Development Act of 2007 (WRDA 2007) (Pub. L. 110–114, 42 U.S.C. 1962–3). In WRDA 2007, Congress instructed the

Secretary of the Army to revise the 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (P&G) ² for the U.S. Army Corps of Engineers (Corps). Section 110 of the Water Resources Development Act of 2020 (WRDA 2020) (Division AA of Pub. L. 116–260) directed the Army to issue its final Agency Specific Procedures (ASPs) necessary for the Corps' Civil Works program to implement the P&R and Interagency Guidelines ³ (henceforth “Principles, Requirements and Guidelines,” or PR&G).

The P&R were released in March 2013 and set the overarching policy direction. The Interagency Guidelines were finalized in 2014 and provide a common framework for Federal agencies to implement the P&R. The PR&G provide a framework to guide how Federal water resources agencies develop proposed investments in water resources. The PR&G replace the 1983 P&G. Each water resources agency is to develop ASPs to implement the PR&G.

This rule establishes the Corps' ASPs to implement the PR&G. The ASPs provide a framework for the Corps to use in the planning process for projects, plans, and programs. The ASPs focus project development on maximizing net public benefits. Public benefits are documented across economic, environmental, and social categories. The evaluation of alternatives will be consistent with the principle that environmental, economic, and social impacts are interrelated. The analysis of benefits may be quantified using monetary or non-monetary metrics. Qualitative descriptions of benefits may also be developed. The environmental, economic, and social benefits and costs are to be fully considered in formulating and evaluating alternative plans and making recommendations to decision-makers.

B. Background

The Army, through the Assistant Secretary of the Army for Civil Works, is responsible for policy direction and oversight of the Army's Civil Works program, whereas the Corps has the lead in implementing the Civil Works program. This document refers both to the Army (for policy direction) and the Corps (for implementation responsibility).

Section 2031 of WRDA 2007 (Pub. L. 110–114, 42 U.S.C. 1962–3) established

a national water resources planning policy. The national water resources planning policy states that all water resources projects should reflect national priorities, encourage economic development, and protect the environment by: (1) seeking to maximize sustainable economic development; (2) seeking to avoid the unwise use of floodplains and flood-prone areas and minimizing adverse impacts and vulnerabilities in any case in which a floodplain or flood-prone area must be used; and, (3) protecting and restoring the functions of natural systems and mitigating any unavoidable damage to natural systems.

Section 2031 of WRDA 2007 also called for the Secretary of the Army to revise the 1983 P&G for use by the Corps in the formulation, evaluation, and implementation of water resources projects. WRDA 2007 required that these revisions to the P&G address the following: the use of best available economic principles and analytical techniques, including techniques in risk and uncertainty analysis; the assessment and incorporation of public safety in the formulation of alternatives and recommended plans; assessment methods that reflect the value of projects for low-income communities and projects that use nonstructural approaches to water resources development and management; the assessment and evaluation of the interaction of a project with other water resources projects and programs within a region or watershed; the use of contemporary water resources paradigms, including integrated water resources management and adaptive management; and evaluation methods that ensure that water resources projects are justified by public benefits.

In 2014, the Council on Environmental Quality (CEQ) completed an interagency effort to update the 1983 P&G (79 FR 77460). The PR&G were developed through this interagency process to improve Federal decisions on investments in water resources by giving more prominence to ecological, public safety, environmental justice, and related concerns.

The PR&G, which govern how Federal agencies evaluate proposed water resources projects, programs activities, and related actions, consist of the following three components: (1) the P&R, providing the overarching concepts that the Federal Government seeks to achieve through policy implementation and requirements for inputs into analysis of Federal investment alternatives; (2) Interagency Guidelines, providing more detailed guidance for affected Federal agencies,

¹ See https://obamawhitehouse.archives.gov/sites/default/files/final_principles_and_requirements_march_2013.pdf. Last accessed May 21, 2024.

² See https://planning.erdc.dren.mil/toolbox/library/Guidance/Principles_Guidelines.pdf. Last accessed May 21, 2024.

³ See https://obamawhitehouse.archives.gov/sites/default/files/docs/prg_interagency_guidelines_12_2014.pdf. Last accessed May 21, 2024.

including the Departments of the Interior, Agriculture, and Commerce, the Environmental Protection Agency, the Corps, the Federal Emergency Management Agency, and the Tennessee Valley Authority, for determining the applicability of the P&R; and (3) the ASPs, outlining agency-specific procedures for incorporating the P&R into agency missions and programs.

The P&R describe the Federal Objective as reflecting national priorities, encouraging economic development, and protecting the environment. The Federal Objective is rooted in the national water resources planning policy established in Section 2031 of WRDA 2007. Two key concepts are “Federal investment” and “public benefit.” The PR&G focus on Federal water resources investments, including projects, plans, and programs that either directly or indirectly affect water quality or water quantity, including ecosystem restoration or related land management activities. The level of a given Federal investment will be determined on a present value basis over the life of the Federal investment, and the net public benefits of an investment will be assessed and used to guide Federal decision-making. Federal water resources investments should strive to achieve water resources goals and seek to maximize net public benefits, consistent with the PR&G.

The PR&G modernize the Federal Government’s approach to water resources development. They take a more comprehensive approach to water projects that seeks to maximize public benefits relative to the cost of an investment in water resources. Under the PR&G, decision-making is intended to be more transparent and better informed through risk recognition. Recommendations will be aimed at meeting the broader Federal Objective of reflecting national priorities, encouraging economic development, and protecting the environment by seeking to maximize sustainable economic development, seeking to avoid the unwise use of floodplains, and protecting and restoring the functions of natural systems and mitigating unavoidable damage to natural systems. The ASPs will serve as the framework for how the Corps will implement the PR&G.

The Army pursued rulemaking to provide codified direction for the Corps project planning process, which will achieve the purposes of the PR&G with input from robust and meaningful Tribal and public engagement. The Corps also reviewed and considered the approved ASPs of other Federal agencies in developing this final rule.

This final rule follows the general framework laid out in the PR&G. This rule formalizes the planning framework of the Corps under the PR&G in a transparent manner.

The final ASPs will apply to plans, projects, or programs that are initiated after this final rule takes effect. The Corps will apply the ASPs to plans, projects, or programs that have not yet issued a Draft Environmental Impact Statement or similar level of documentation on or before the final rule effective date.

C. Response to Public Comments

Initially, the Army sought input from Tribes, Federal, and State agencies, stakeholders, and other interested parties through the issuance of the Notice of Virtual Public and Tribal Meetings Regarding the Modernization of Army Civil Works Policy Priorities; Establishment of a Public Docket; Request for Input (Modernize Civil Works) that was published on June 3, 2022 (87 FR 33756).

Subsequently, on February 15, 2024, the Assistant Secretary of the Army for Civil Works published a proposed rule to establish the “Corps of Engineers Agency Specific Procedures To Implement the Principles, Requirements, and Guidelines for Federal Investments in Water Resources” (89 FR 12066). A 60-day public comment period closed on April 15, 2024.

On February 16, 2024, the Assistant Secretary of the Army for Civil Works sent letters to Tribal Nations, Alaska Native Corporations, and Native Hawaiian Organizations and Communities requesting consultation and seeking comments on the proposed rule. Tribal Nations, Alaska Native Corporations, and Native Hawaiian Organizations could request consultation through April 26, 2024.

During the comment period, three virtual public meetings were held to accept oral comments on the proposed rule. In addition, written comments were submitted by almost 250 organizations and individuals. Comments were provided by States, agencies, local governments, utilities, business interest groups, environmental organizations, academic institutions, farmers, businesses, and private citizens. Comments ranged from fully supportive of the proposed rule to viewpoints that were skeptical or not supportive. Many groups and individuals offered support along with recommendations to change parts of the proposed rule.

Virtual public meetings were hosted by the Office of the Assistant Secretary

of the Army for Civil Works on February 26, 2024, and March 12, 2024, and a virtual Tribal meeting was held on March 19, 2024. In total, 133 people attended the virtual meetings. The Office of the Assistant Secretary of the Army for Civil Works led the meetings and presented slides and moderated the public comment sessions. Verbal comments were accepted along with comments in the chat messages. Some of the meeting participants asked questions, and clarifying responses were provided to assist the public in understanding the proposed rule. All presentation materials, transcripts, and video recordings from the virtual meetings are available on the Army’s website (https://www.army.mil/article/273436/procedures_to_evaluate_water_resource_investments).

The Army received 13,292 pages of comments during the comment period. There were public comment letter submissions with multiple cosigners, including a single letter with over 100 signing organizations. The Army also received thousands of duplicated form letters within a single submission. Not counting the duplicated comments, the Army received over 500 unique comments.

One Tribal Nation elected to conduct Government-to-Government consultation on the proposed rule that resulted in revisions to the rule regarding Tribal treaty and reserved rights and consultation requirements.

The supporting materials used to prepare this rule, and the comments and materials received on the proposed rule are available on the Federal e-rulemaking portal (<https://www.regulations.gov>) (search Docket ID: COE-2023-0005).

The Office of the Assistant Secretary of the Army for Civil Works reviewed all comments and made changes, as appropriate, to the final rule based on those comments and an internal review. Those changes are described in detail in the “Section-by-Section Discussion of the Final Rule and Revisions from the Proposed Rule” in this preamble.

Most comments received were supportive of the ASPs but included specific recommendations and/or line-by-line edits. A significant portion of entries requested additional guidance on how to appropriately value non-monetized benefits when comparing economic, environmental, and social parameters and determining the net public benefits. Several commenters were concerned that the rule incorporates too much subjectivity into the planning and decision-making process. Others encouraged earlier and more consequential involvement of

Tribes and communities from the onset of and throughout the study process. A few letters expressed concerns that the rule will not be sufficient to ensure substantial changes on its own. At least two commenters recommended that the ASPs not be codified, indicating that not every agency went through rulemaking for their respective ASPs, and cited concerns over litigation. At least one commenter supported the decision to codify the ASPs, indicating it aligned with the good government principles of consistency, predictability, transparency, and accountability.

Some commenters did not broadly support the proposed rule. A couple commenters asserted that the ASPs exceed Congressional intent and the Army's authority. The Army notes that Congress expressly directed it to develop these ASPs for the PR&G in Section 110 of WRDA 2020. The Army is executing this direction.

A few comments focused on potential Federal budgeting and financing implications of the rule. One comment expressed that economic development remains an important objective of Federal budgetary criteria. Others sought the inclusion of Federal budget considerations in the rule and other supporting information. While these are valid considerations, the budget development and approval processes are separate from the framework outlined in the rule. Federal budgets are developed and proposed by the Administration and presented to Congress for appropriations considerations and approvals. These are separate and independent actions not related to the formulation of solutions to water resources related problems for potential implementation via the Army Civil Works program.

There were a few comments on specific project concerns. The rule will apply to plans, projects, or programs that are initiated after this final rule takes effect. In general, the Corps will apply the ASPs to plans, projects, or programs that have not yet issued a Draft Environmental Impact Statement or similar level of documentation on or before the final rule effective date.

In general, changes to the final rule included technical and grammatical corrections. In accordance with the Office of the Federal Register "Document Drafting Handbook," footnotes have been removed from the rule. A technical correction to the rule included updating the cited authority. The authority for the rule has been corrected to 42 U.S.C. 1962–3. Throughout the rule, the abbreviation of ASPs was added when necessary. Other technical corrections made to the final

rule, not covered in Section D of this preamble, included: correction of the issuing office for the PR&G in § 234.1; removal of "and" prior to "buyouts/acquisition" in the second sentence of § 234.2(l); name correction for the Corps' Interagency and International Services program in § 234.4(d)(2)(xi); clarifying the reference in paragraph 234.4(d)(2)(xv) to "Section 234.3"; added "protect Tribal treaty rights" to list of environmental justice principles in § 234.6(c)(1)(ii); deleted duplicative text in next-to-last sentence within § 234.6(c)(6); fixing a typographical error in the numbering of § 234.6(f)(7); deleting the caveat in § 234.7(h) "where feasible and consistent with the purpose of the water resources study"; deleted the caveats in § 234.8(a) "if one exists,"; deleted duplicative text in the sixth sentence of § 234.9(c); and a numbering correction within § 234.11(a)(2).

Based on comments received, text within the rule was updated to better describe the full consideration of economic, environmental, and social benefits in decision-making. The rule text has also been updated to add clarity and emphasis to respecting Tribal treaty rights throughout the planning process for any plan, project, or program.

A large majority of comments received were seeking further clarity on process, procedures, methodology, and tools. The Corps will review current guidance following publication of the final rule to determine the need for updates.

The Army received many comments stressing the importance of environmental protection or conservation. This input is incorporated into various sections of the rule ranging from Guiding Principles to alternatives formulation to benefits analysis and the clear presentation of evaluation results.

The proposed rule included 58 items where the Army solicited specific input from interested parties. The public provided input on 44 of the topic areas. The input received is presented in the "Section-by-Section Discussion of the Final Rule and Revisions from the Proposed Rule" section of this preamble, including how the information was used to change the rule or whether the information was not incorporated into the rule.

The items that did not receive input were: the use of the term "water resources development projects;" the inclusion of additional resilience measurement concepts; the exclusion of Corps watershed studies from the ASPs; the type of data to use in inflating the monetary applicability thresholds; whether to account for the non-Federal

share of the costs in setting the monetary thresholds; whether there are alternative forms to measure ecosystem health; comment on particular models, tools, methodologies, or other information that may be helpful in assessing ecosystem resilience; whether the description of public safety as proposed should be broadened; whether additional threats to public safety should be included for consideration beyond those related to natural events; comment on risk informed frameworks that can supplement or improve the current risk informed planning processes used by the Corps; comment on when a multi-criteria decision analysis would be appropriate for the application within PR&G analysis; and comment on the tools, methods, and processes for assessing the tradeoffs to best elicit preferences resulting in the most informed recommendations in a consistent manner.

The input request also solicited comment in general on issues or concerns related to this proposed rule. That feedback, when received, is noted in the "Section-by-Section Discussion of the Final Rule and Revisions from the Proposed Rule" section of this preamble.

D. Section-by-Section Discussion of the Final Rule and Revisions From the Proposed Rule

The final rule incorporates changes based on input received through the comment process. A summary of the comments received, responses, and changes to each section are as follows:

Section 234.1 General. This section of the rule describes the background of the PR&G as well as the authority for the development of the Corps' ASPs. Nothing in this rule will change any other legal requirements to which the Corps is subject, including applicable WRDA provisions. There were no public comments submitted on this section. No changes were made to the final rule.

Section 234.2 Definitions. This section provides definitions for relevant terms used in the rule. The Army solicited input on additional terms that needed to be defined and on whether the definitions required additional clarity. Several commenters recommended adding various definitions to § 234.2. A letter was received seeking clarity on the terms "actionable science" and/or "best available science," and another sought to include a definition of "environmental infrastructure projects." The following paragraphs describe other comments received with respect to definitions and the Army responses.

Response: As a result of the public comment process, the only addition made to the definitions section is the addition of the term “professional judgment.”

Section 234.2(a) Acceptability. This paragraph provides a definition for the term “acceptability.” This definition is provided in the P&R. Acceptability is one of four criteria to be considered when formulating an alternative. Acceptability takes into consideration the general public’s perspectives in the determination of an alternative’s viability and appropriateness and ensures consistency with existing Federal laws, authorities, and public policies. There were no public comments concerning the definition of the term “acceptability.”

Response: No changes were made to the definition of the term “acceptability.”

Section 234.2(b) Adaptive management. This paragraph provides a definition for the term “adaptive management.” This definition is provided in the P&R and describes the process to address changes, uncertainty, and maximization of goals over time. Adaptive management should be incorporated into alternatives, where warranted, to address risk and uncertainty. One Tribal Organization proposed that the definition should reference the need to monitor ecological responses to the Corps’ operations and to institute operational flexibility to respond to changing conditions. Another comment was received suggesting that future guidance related to adaptive management include requirements for how and when those measures are to be evaluated throughout a project’s lifecycle.

Response: No changes were made to the definition of the term “adaptive management.” The Army disagrees with the comment proposing a change to the definition. The ASPs will apply to all Army Civil Works water resources investments (except in cases outlined in § 234.3(d)(1)), where analysis may include the monitoring of ecological responses to proposed Civil Works projects.

Section 234.2(c) Completeness. This paragraph provides a definition for the term “completeness.” This definition is provided in the P&R and describes when an alternative is complete enough to realize the planned effects. Completeness does not equate to a particular scope or scale to be considered complete. Completeness is one of four criteria to be considered when formulating an alternative. No comments were received concerning the definition of the term “completeness.”

Response: No changes were made to the definition of the term “completeness.”

Section 234.2(d) Effectiveness. This paragraph provides a definition for the term “effectiveness” and describes that an alternative is effective when it alleviates the specific problems and achieves the specified opportunities. One comment letter was received that recommended adding resiliency to the definition.

Response: No changes were made to the definition of the term “effectiveness.” The Army does not agree that the suggested changes would improve the definition, and is retaining the definition provided in the P&R for consistency with other Federal agencies.

Section 234.2(e) Efficiency. This paragraph provides a definition for the term “efficiency.” This definition is provided in the P&R and describes the extent to which an alternative may alleviate the specified problems and realize the specific opportunities at the least cost. Efficiency is similar to effectiveness with the additional element of cost consideration. Two commenters recommended including environmental and social efficiency in the definition. Another commenter recommended referencing economic efficiency in the definition.

Response: No changes were made to the definition of the term “efficiency.” The Army does not agree that the suggested changes would improve the definition, and is retaining the definition provided in the P&R for consistency with other Federal agencies.

Section 234.2(f) Federal investment. This paragraph provides a definition for the term “Federal investment.” The ASPs are intended to assist the Corps in designing and evaluating potential Federal investments in water resources. Federal investment, as used in the PR&G, is broad and intended to capture a wide array of activities that the Federal Government undertakes relating to water resources, including projects, programs, and plans. The definition in this rule is specific to the Corps. A few comment letters recommended expanding the definition to reference Corps mission areas and to include water supply and hydropower, among others.

Response: No changes were made to the definition of the term “Federal investment.” The final rule applies broadly, including investments in primary missions, as well as hydropower and water supply.

Section 234.2(g) Federal objective. This paragraph provides a definition for the term “Federal Objective,” which is the fundamental goal of Federal

investments in water resources. This basic definition is provided in the PR&G but originates in Section 2031 of WRDA.

Multiple comments were received about the definition of the term “Federal Objective.” Comments were received recommending the inclusion of the complete text from Section 2031 of WRDA 2007. One commenter recommended text from Engineer Regulation 1105–2–100 where the planning objectives describe the desired results of the planning process. Two commenters recommended adding the terms “resiliency” and “sustainability” and including broader public benefits to key parts of the definition. One comment recommended including “remedying past inequities” and “respecting the treaty rights of Tribal Nations” as a part of the definition of the term “Federal Objective.” One commenter recommended the rule clearly state that the Federal Objective be considered as project outcomes for all Federal water resource projects. Another comment sought to incorporate clearer standards, thresholds, and directives in the definition to provide for robust stakeholder engagement similar to current guidance in Engineer Regulations and Engineer Pamphlets.

Response: No changes were made to the definition of the term “Federal Objective.” The Army does not agree with adding the terms “resiliency” or “sustainability” or broader public benefits to the definition. The full definition of Federal Objective is detailed in law (Section 2031 of WRDA 2007) and mirrored in the PR&G. The definition in the ASPs is abbreviated but the full concepts are detailed in other parts of the rule. See §§ 234.4 and 234.6 of the rule.

The Army does not agree with adding text from Engineer Regulation 1105–2–100 as that description explains the planning objectives of the study and not necessarily the Federal Objective itself. The Army already provides guidance that the alternatives should be compared to the Federal Objective during the formulation stage of a study.

The Army does not agree with including “remedying past inequities” in the definition of the term “Federal Objective.” The P&R defines the Federal Objective based on section 2031(a) of WRDA 2007, which does not include this term.

Regarding respecting treaty rights of Tribal Nations, the Corps is committed to meeting its trust responsibility by integrating the Civil Works Tribal Consultation Policy into the implementing guidance for the PR&G. The Corps will review existing guidance and provide updated guidance, where

warranted, following completion of the final rule. This would include identification of any guidance needed to address the protection of Tribal treaty rights and trust resources and identifying opportunities for communities with environmental justice concerns. The final rule was modified with respect to the treatment of Tribal treaty rights in §§ 234.6, 234.7, and 234.9.

Section 234.2(h) Indigenous Knowledge. This paragraph provides a description of the term “Indigenous Knowledge”. The description used in the rule is consistent with the definition codified by the Department of Interior, Bureau of Land Management in 43 CFR 2361.5, and 43 CFR 6101.4 (h); and with the description in the November 30, 2022 White House memorandum, “Guidance for Federal Departments and Agencies on Indigenous Knowledge.” Indigenous Knowledge must be considered in and used to inform all aspects of the implementation of the ASPs, where relevant and applicable.

Multiple comments were received concerning the proposed rule’s definition of Indigenous Knowledge. One noted that the term should be defined by Tribal Governments through Government-to-Government consultation. Another called for incorporating a definition from the Advisory Council on Historic Preservation. The other expressed the need to recognize other types of first-hand and long-term knowledge from local communities.

Response: The final rule describes Indigenous Knowledge, and is consistent with the descriptions and definitions used in existing law and existing Federal guidance. The Corps has revised the description for clarity. While no substantive changes were made, aspects of the comments received are key to the successful implementation of the Corps’ Civil Works Tribal Consultation Policy and will be considered in the development of future Corps guidance.

Section 234.2(i) Nature-based alternatives. This paragraph provides a definition for the term “nature-based alternatives.” Two commenters recommended changes to the definition by adding text recognizing that the same land can be used for multiple purposes and benefits as well as the addition of created ecosystems. One comment letter requested further details regarding establishing clear objectives for use of nature-based solutions, monitoring requirements, and adaptive management parameters. One commenter indicated that nature-based solutions should be excluded from the definition of

nonstructural approaches. Another commenter recommended that the Corps actively partner with industry to test technologies for nature-based solutions.

Response: No changes were made to the definition of the term “nature-based alternatives.” The Army does not agree that the suggested changes would improve the definition, and is using the definition provided in the report entitled, “Opportunities to Accelerate Nature-based Solutions: A Roadmap for Climate Progress, Thriving Nature, Equity, & Prosperity”,⁴ issued by CEQ, the White House Office of Science and Technology Policy, and the White House Domestic Climate Policy Office (2022). This approach aligns with the practice of other Federal water resources agencies.

The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the rule to include any necessary details regarding the application, evaluation, and recommendation of nature-based alternatives.

Section 234.2(j) Non-Federal interest. This paragraph provides a definition for the term “non-Federal interest.” The definition is taken from 42 U.S.C. 1962d–5b(b). The Army solicited comment on whether equating the non-Federal interest with the local interest is an appropriate approach for implementation. The Army also solicited recommendations on how the ASPs can incorporate and identify the role of the non-Federal interest.

Multiple commenters recommended expansion of the definition of the term “non-Federal interest” to include responsibilities required of the non-Federal interest as well as their role in the development of a water resources development project. Several comments were received suggesting early coordination with non-Federal interests to establish a solid foundation for any study, to include problem identification, objectives, constraints, etc. One comment letter suggested the definition be expanded to acknowledge contributions of non-Federal interests in defining problems, objectives, and constraints associated with a water resources development project. One comment letter sought details on cost-sharing and ownership responsibilities associated with a completed project. One comment letter requested the acknowledgement of multiple non-Federal partners on any given study/

project. One comment letter requested early coordination to leverage contributions from a non-Federal interest in a study/project. Another suggested the Army should recognize that many projects with non-Federal and local interests are also of Federal interest because regional economic benefits have spillover and additive benefits to the national economy. Another comment letter requested clarity on the implementation authorities of the non-Federal interest and details on locally preferred plans.

Response: No changes were made to the definition of the term “non-Federal interest.” The Army does not agree that changes to the definition of the term “non-Federal interest” are required as the definition is codified in law. Existing Corps documents such as “Partnering with the U.S. Army Corps of Engineers: A Guide for Communities, Local Governments, States, Tribes, and Non-Governmental Organizations” (2019) outline the role and responsibilities of the non-Federal interest(s) in development (planning, design, construction, and maintenance) of water resources projects. Cost-share requirements for non-Federal interest(s) are established in statute, or otherwise directed by Congress.

Section 234.2(k) Nonstructural alternative. This paragraph provides a definition for the term “nonstructural alternative.” One comment letter was received stating the opinion that nonstructural measures are distinctively different from natural and nature-based measures.

Response: No changes were made to the definition of the term “nonstructural alternative.” The Army has retained the definition provided in the P&R for consistency with other Federal agencies.

Section 234.2(l) Nonstructural approaches. This paragraph provides a definition for the term “nonstructural approaches.” Nonstructural approaches are intended to apply across the Corps missions and activities that are subject to the PR&G. Since WRDA 1974, the Corps has been required to evaluate opportunities to reduce flood damages using nonstructural approaches in plan formulation. Congress has expanded the definition of nonstructural approaches and included the requirement for nonstructural approaches in specific study authorities and for the rehabilitation of existing structures.

The Army solicited comment on whether the examples in the definition are appropriate and provide context for the term “nonstructural” or whether modifications should be made to the definition. The Army also solicited comment on whether the definition best

⁴ See <https://www.whitehouse.gov/wp-content/uploads/2022/11/Nature-Based-Solutions-Roadmap.pdf>. Late accessed May 21, 2024.

enables the Corps to achieve the long-term planning goals and objectives of the PR&G, including the P&R's healthy and resilient ecosystems and floodplains Guiding Principles.

A few commenters recommended modifying the definition of the term "nonstructural approaches" to show that the approach contributes to the Federal Objective and reduces project risks or accounts for externalities. One commenter recommended removing the nature-based alternative from the list of examples so that it may be presented as its own alternative during the evaluation process. One comment letter suggested that nonstructural approaches should not be mandatory when none exist to address the water resources problem under investigation. Another commenter worried that developing nonstructural alternatives would add unnecessary cost to studies.

Response: No changes were made to the definition of the term "nonstructural approaches." The Army does not agree that the suggested changes would improve the definition, and is retaining the definition provided in the P&R for consistency with other Federal agencies. Text was added to § 234.8(f) of the rule requiring documentation of any decision to not evaluate a particular measure/alternative if none exists. The Corps already routinely develops nonstructural measures and approaches in many of its studies without adding undue costs.

Section 234.2(m) Professional judgment. In response to comments seeking clarity on use of the term, a definition was added to the rule.

Note: From this point forward, the definitions within § 234.2 will advance one position in the rule (i.e., § 234.2(m) in the proposed rule will become (n)), due to the addition of the term "professional judgment."

Section 234.2(n) Public benefits. This paragraph provides a definition for the term "public benefits." Public benefits encompass economic, environmental, and social benefits, and include those that can be quantified in monetary terms, as well as those that can be quantified or described in other ways qualitatively. The PR&G provide for the maximization of public benefits relative to costs. This definition is adapted from the definition provided in the P&R.

One comment letter suggested public benefits should capture benefits for affected populations and not communities further removed from the issue at hand. One comment letter requested further details on how public benefits will be used to determine the price of storage and water supply

investigations. Another sought clarification of the meaning and role of public benefits.

The Army solicited comment on how benefits to Tribal Nations should be described, such as whether benefits to Tribal Nations should be considered a Federal trust responsibility, and whether benefits to Tribal Nation should be called out separately from the overarching "public benefits." The Army also solicited comment on how such analysis would best be conducted for projects affecting Tribal Nations, and whether the Corps should identify, characterize, and evaluate the benefits to the Tribal Nation separately, as opposed to including them in a broader assessment of the overall benefits of the proposed project and the alternatives to the U.S. Nation (including the affected Tribal Nations).

Multiple comments supported the distinction of Tribal benefits from public benefits. Two comments highlighted the challenges with adequately capturing or quantifying Tribal benefits through a cost-benefit analysis. One Tribal Nation stated that Tribal treaty and reserved rights, including treaty-protected resources and habitats, are not and should not be characterized as "benefits" (whether "Tribal" or "public"); rather, they are the supreme law of the land, which should not be evaluated in a cost-benefits analysis.

Response: No changes were made to the definition of the term "public benefits." The Army acknowledges that Tribal benefits are categorically separate from public benefits and must be identified in consultation with the Tribal Nation to which the benefits would accrue. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the rule to include additional details or procedures for presenting quantitative or qualitative public benefits and benefits to Tribal Nations. Additional clarifying text was added to the rule regarding the treatment of Tribal treaty rights in §§ 234.6, 234.7, and 234.9.

Section 234.2(o) Regulatory. This paragraph provides a definition for the term "regulatory." This definition is provided in the P&R and is a general definition of actions which are regulatory in nature promulgated by the Federal Government. "Regulatory" actions can include the promulgation of regulations as well as other activities such as permit decisions. There were no public comments concerning the use of the term "regulatory."

Response: No change was made to the definition of the term "regulatory."

Section 234.2(p) Resilience. This paragraph provides a definition for the term "resilience." This definition is provided in the P&R. The Army solicited comment on whether the resilience definition provided in Executive Order 13653 (Preparing the United States for the Impacts of Climate Change) (78 FR 66817 (Nov. 6, 2013)), the National Climate Resilience Framework, or M-24-03 (Advancing Climate Resilience through Climate Smart Infrastructure Investments and Implementation Guidance for the Disaster Resiliency Planning Act) should be included in the regulation instead of or in addition to the proposed definition. The Army also solicited comment on whether additional concepts from these documents should be included in the rule.

Some commenters felt the proposed definition of resilience was too narrow and recommended expanding the definition. Other commenters suggested that the definition was too broad, and asked that it be aligned with current Corps guidance.

Response: The Army updated the definition of resilience in the final Rule in accordance with the National Climate Resilience Framework.

Section 234.2(q) Sustainable. This paragraph provides a definition for the term "sustainable." This definition is provided in the P&R and refers to the conditions where humans and nature can coexist.

One commenter recommended expansion of the definition of sustainable to include a characterization of the effects or outcomes of potential actions to be assigned to benefits.

Response: No changes were made to the definition of the term "sustainable." The Army does not agree that the suggested changes would improve the definition, and is retaining the definition provided in the P&R for consistency with other Federal agencies.

Section 234.2(r) Tribal Nation. This paragraph provides a definition for the term "Tribal Nation." This definition is consistent with the Federal Government's definition and identification of a Tribal Nation by the Secretary of the Interior (25 U.S.C. 5130).

Environmental justice is one of the Guiding Principles of the P&R and this rule. The Army recognizes that there are other Indigenous populations, Native Hawaiian Organizations, and non-Federally recognized Tribes that may not meet the definition of the term "Tribal Nation." Many of these include communities having environmental justice concerns. Regardless of definitions and legal authorities

applicable to the Civil Works programs, the Corps would ensure full outreach and coordination occurs with all Tribal Nations, Indigenous populations, Native Hawaiian Organizations, and non-Federally recognized Tribes as relevant to a particular water resources investment as addressed in the preamble's discussion of § 234.6(d). Such outreach and coordination would be separate from Government-to-Government consultation requirements.

The Army solicited comment on whether non-Federally recognized Indigenous populations should be defined separately for the purposes of the PR&G. One public comment recommended that Indigenous populations be defined separately from Federally recognized Tribes for the purposes of the PR&G. One public comment supported full outreach with all Indigenous populations, regardless of Federal recognition, to fully assess environmental and equity concerns. One Tribal Nation supported the definition as proposed in the draft rule.

Response: In consideration of the comments received and after Nation-to-Nation consultation, the Army did not make a change to the definition of the term "Tribal Nation." The Army recognizes the complexities of Federal recognition for Indigenous communities, many of which have significant environmental justice concerns regardless of any status as Federally recognized Tribes. The Army will continue outreach and other best practices for Indigenous populations that do not have Federal recognition.

Section 234.2(s) Unwise use of floodplains. This paragraph provides a definition for the term "unwise use of floodplains." This definition is adapted from the definition provided in the P&R. The proposed definition of "unwise use of floodplains" included any action that is incompatible with or adversely impacts one or more floodplain functions that leads to a floodplain that is no longer self-sustaining. The Army solicited comment on how the Corps should evaluate the self-sustainability of a floodplain that is occupied or inhabited.

Multiple commenters recommended clarification and/or expansion of the definition. One commenter recommended alignment of the definition with Executive Order 11988. Others sought the inclusion of broader concepts such as a climate-informed science approach and a Federal Flood Risk Management Standard. Other commenters supplied recommended language to identify the category of broad impacts on attributes of the floodplain. One comment letter

requested the definition be expanded to acknowledge the importance of floodplains to fish and wildlife. Others noted that wetlands and floodplains are essential resources that provide numerous ecosystem services.

Response: The Army added the following sentence to the Rule definition: "To identify floodplain areas for the purpose of this section, the Corps will use the best-available and actionable science including a climate-informed science approach." This was done for consistency with the Federal Flood Risk Management Standard established under Executive Order 13690 (Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input) (80 FR 6425 (Feb. 4, 2015)).

Section 234.2(t) Watershed. This paragraph provides a definition for the term "watershed." This general definition for watershed is provided in the P&R. There were no public comments concerning the definition of the term "watershed."

Response: No changes were made to the definition of the term "watershed."

Section 234.3 Exceptions. This section describes a way to request an exception from the Assistant Secretary of the Army for Civil Works to the requirements or policy contained in this rule. Exception requests must be submitted in writing.

Several comments were received on this topic. One comment letter, from a Tribal Organization group representing seven Tribal Nations, recommended including criteria for the Assistant Secretary of the Army for Civil Works to grant exceptions. Several comment letters similarly requested clear parameters and criteria for seeking an exception from the Secretary for any policy exception. One comment letter requested additional details on unique circumstances that may require exceptions. Two comments were received requesting a public notification process when exceptions are obtained for an undertaking. Another recommended striking the provision allowing non-Federal sponsors to request exemptions. One comment requested an explanation of the intended use of the exception authority and a requirement for periodic reporting of the use of exceptions. A State water agency noted that stranded asset situations should be specifically identified as eligible for an exception.

Response: No changes were made to the final rule. The Corps will review existing guidance and provide updated guidance, where warranted, following

completion of the rule regarding process and procedures for exceptions.

Section 234.4 Objectives and applicability.

Section 234.4(a) Introduction. This paragraph of the final rule states the goals and objectives of the ASPs. The final rule will help ensure consistency and transparency in the Corps' implementation of the PR&G by providing a common framework codified in regulation. The rulemaking process provided an opportunity for review and comment prior to finalization. The Corps has various guidance documents for its water resources development project planning process, but the final ASPs will ensure all projects, plans, and programs subject to the PR&G are using the same Guiding Principles and considerations in developing alternatives and recommendations. After finalizing the ASPs, the Corps will review its guidance documents and rescind, modify, or develop new guidance as needed to comport with and further the objectives of the ASPs. However, the final ASPs are intended to stand on their own regarding the overall framework and provide the guideposts for the Corps when implementing the PR&G.

The Army solicited comment to identify where additional details may be warranted in the final rule and preamble, and where additional specific technical tools or methodologies may be warranted in follow-on Corps guidance documents.

A comment was received during a virtual public meeting questioning how the ASPs will integrate with the Engineer Regulation 1105-2-100, which was recently updated with Engineer Regulation 1105-2-103.

Response: No changes were made to the final rule. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the rule for any process and procedures necessary to implement the final rule.

Section 234.4(b) Objectives for Federal water resources investments. This paragraph of the rule discusses the Federal objectives for Federal water resources investments, building on the definition of the Federal Objective provided in § 234.2(g). Section 2031 of WRDA 2007 describes more specifically how to accomplish the Federal Objective. The Federal investments must reflect national priorities, encourage economic development, and protect the environment by seeking to maximize sustainable economic development; by seeking to avoid the unwise use of floodplains; and by

protecting and restoring the functions of natural systems and mitigating any unavoidable damage to natural systems. Consideration of the P&R Guiding Principles when developing Federal water resources investments will assist in achieving the Federal Objective. Section 2031 did not provide a hierarchy for how to accomplish the objective nor does this final rule.

National priorities may include general priorities (for example, health and safety) but can include more specific priorities that emerge and may evolve over time. There are often multiple national priorities at any one time, all of which should be considered and reflected in Federal water resources investments to the extent relevant. Such priorities can be found in laws or developed by the Administration and are informed by stakeholder and community engagements. The Corps will also fulfill its Tribal trust responsibilities under applicable treaties.

Response: No changes were made to the final rule. Please see this preamble's discussion of § 234.2(g) for a response to the public comments on the definition of the term "Federal Objective."

Section 234.4(c) Net public benefits. This paragraph of the rule describes the net public benefits to society, which are sought to be maximized. Per the P&R, public benefits encompass economic, environmental, and social goals. Public benefits include benefits that can be described in monetary terms and those that can be quantified or described in other ways or qualitatively.

A key aspect of the PR&G is that the environmental, economic, and social impacts are interrelated. In addition, the potential solutions to a water resources challenge or opportunity may produce varying degrees of effects relative to environmental, economic, and social goals. As a result, the Corps will describe, assess, and consider the tradeoffs among the potential solutions to inform the decision-making process.

The study should evaluate all key benefits and costs to society that are relevant to the investment decision. The extent to which the alternatives would have effects across the three categories will naturally vary across Corps studies.

The PR&G emphasizes that relevant environmental, social, and economic effects should all be considered and that both quantified and unquantified information will form the basis for evaluating and comparing potential Federal investments in water resources to the Federal Objective. The ASPs make clear that the Corps will use monetized and quantified data to the extent practicable, but that unquantified

information will be fully considered as well. This more integrated approach will allow decision-makers to view a more complete range of effects of alternative actions and will lead to more socially beneficial investments.

Some benefits may be difficult to categorize as economic, environmental, or social. Analysts should be as specific as possible when categories cannot easily be assigned and to describe the relevance when evaluating alternatives. Double-counting should be avoided. In addition, when economic, environmental, and social goals compete, the Corps will describe such instances and include the considerations in the tradeoff analysis (see § 234.10(b)).

Under the ASPs, consideration of the range of economic, environmental, and social benefits is an integral component of the planning process. Development of a comprehensive plan to address the water resources challenge or opportunity must begin in the earliest phases of the planning process and continue throughout the process.

The Army solicited comment on whether net public benefits should be described without the additional step of categorizing them into economic, environmental, and social categories, in order to display all benefits in their entirety without the risk of double-counting or having to identify a specific benefit category when there may be overlap.

The Army received a number of comments on this topic. Several commenters indicated that environmental, economic, and social impacts should be displayed separately. One commenter indicated that providing both combined and segregated data may provide a better understanding of projects as a whole and in parts but indicated that the benefit-to-cost ratio should not commingle non-economic costs in an economic efficiency analysis. Another commenter indicated that net public benefits should be described and displayed in separate national accounts for analysis, evaluation, and comparison. It suggested that tradeoffs, double-counting, overlaps, and other relationships between national accounts can be more easily identified when displayed in separate accounts. A commenter suggested that benefits should not be categorized as they felt that avoiding categorization implicitly avoids double-counting and allows the benefits to be included independent of any bias or importance ascribed to a particular category. Another felt that they should not be categorized as doing so suggests sharp distinctions between

economic, environmental, and social effects.

One comment suggested the consideration and evaluation of a range of benefits (environmental, economic, and social), especially for natural and nature-based solutions. Related comments focused on including environmental and social considerations in the comprehensive evaluation of costs and benefits.

Another commenter indicated that details on the methodology for determining net public benefits are not included in the rule and said that it is unclear how economic benefits calculated in the traditional national economic development approach will be reformulated to remove the bias toward higher property values, which it said is inherent to the calculation of avoidable damages. Multiple commenters mentioned the need for future guidance on how net benefits will be determined and displayed. One comment specifically called for clarification on how this concept will be used in pricing water supply storage.

Several commenters recommended including in the rule language from the Interagency Guidelines stating that there is no hierarchy among environmental, social, and economic benefits to ensure that economic objectives do not remain the driving force. However, one commenter suggested that life safety be given priority over all other considerations.

One commenter indicated that adherence to the P&G's national economic development objective, which avoids internal redistribution of economic benefits and costs, is inconsistent with elements of social impacts where the intent is the redistribution of benefits towards disenfranchised communities, and also said that a philosophical reconciliation needs to be explicitly addressed or a higher emphasis placed on regional economic development.

Response: No changes were made to the final rule. Net public benefits will be determined based on the economic, environmental, and social benefits and costs to society as a whole. There is no stated goal of redistribution of benefits for Corps projects but rather an emphasis on analyses and metrics that can account for communities with environmental justice concerns and Tribal lands. The use of social impacts (positive or negative) in the evaluation of potential Federal actions will allow the direct consideration of effects that are not captured by traditional economics. Any new metrics or monetization will be economically and scientifically sound.

Regional economic development effects are the changes in the distribution of economic activity that would result from implementation of an alternative plan. These economic effects amount to a transfer of resources from one part of the Nation to another (either from one region of the country to another, or within a region). They accrue in a local area or region but are offset by equivalent losses elsewhere in the country. A separate regional economic development analysis can account for the transfer effects of a proposed Federal investment where the effects of spending or jobs on the local area may be a consideration.

The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

The Army solicited comment on whether it should be acknowledged that Tribal benefits are part of the trust responsibility in implementing the PR&G.

Response: No changes were made to the final rule. In many circumstances, Indigenous Knowledge can be used to inform the benefits that may accrue as a result of any given alternative providing more transparency on the entirety of benefits provided to better inform decision-making. Some benefits are also difficult to monetize or quantify, for example, non-use values of wildlife loss (such as existence or bequest values), or some culturally valued experiences (for example, spiritual connection to nature and option to lead a subsistence way of life).

The Army solicited comment on approaches and tools that may be employed to best enable the Corps to have consistent and transparent implementation, including using any final guidance provided by the Office of Management and Budget (OMB) on ecosystem services in response to its August 2, 2023, proposal (88 FR 50912). OMB finalized its ecosystem services guidance, “Guidance for Assessing Changes in Environmental and Ecosystem Services in Benefit-Cost Analysis,” in February 2024.⁵

The Army received some comments suggesting potential tools and considerations regarding the use of ecosystem services valuations when assessing project alternative plans. One commenter indicated that the ASPs should state that the Corps must account for the value of ecosystem services lost as a project cost, and account for the value of ecosystem

services gained as a project benefit and that potential mitigation measures may not be used to offset the loss of ecosystem services. Another commenter mentioned that discounting methodologies applied to ecosystem services or natural resources incorporate the impact of potential scarcity into future cost/value of these natural services and resources.

Response: No changes were made to the final rule. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule. Ecosystem service impacts will be considered in the benefit costs analysis as appropriate. The Army disagrees that mitigation may not be used to offset the loss of ecosystem services.

The quantification of benefits relates to several evolving fields and new methods may develop over time. The PR&G and the ASPs emphasize that benefits should be monetized, when possible, quantified when they cannot be monetized, and described when neither monetization nor quantification is possible with available methodologies and data. Where qualitative descriptions and analysis are used, they should be of sufficient detail and quality to enable the decision-maker to make informed decisions.

The Army solicited comment on whether life safety benefits should be specifically identified, and if so, under which of the three benefits categories. Several commenters responded to this inquiry. One responder indicated that life safety benefits should be identified, include national security, and be considered under other social effects. Another responder indicated that they should be identified and have a greater focus while being integrated across economic, environmental, and social categories. Another responder indicated that they should be front and center to any analysis and not placed in any one category.

Response: No changes were made to the final rule. Life safety benefits will be displayed in the social benefits category. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

Section 234.4(d) Applicability. This paragraph describes the projects and programs that must use the ASPs and outlines those projects and programs that are excluded from the requirements of this rule. Essentially, the PR&G apply to all Corps projects and programs that are not identified as excluded in § 234.4(d)(2) or granted an exception under § 234.3. Even though such projects or programs would be excluded

from the full application of the ASPs and the PR&G, those projects and programs should still strive to meet the intent of the ASPs by applying similar concepts where relevant.

With respect to a project or program that qualifies for a NEPA categorical exclusion, such exclusion does not automatically trigger an exclusion for applicability of the ASPs. However, projects or programs may meet the terms of an exclusion under both NEPA and this rule.

This rule will also apply to non-Federal interests who undertake feasibility studies to support an authorization to construct a Corps water resources development project, such as under Section 203 of WRDA 1986, as amended (33 U.S.C. 2231).

The following actions are excluded from the ASPs as these actions and activities do not result in the consideration of a proposed Federal water resources investment: Corps Regulatory actions; real estate actions; technical services programs, such as Planning Assistance to States and Flood Plain Management Services; Section 408 actions; the Public Law 84–99 program; the Water Infrastructure Finance and Innovation Act Program; environmental infrastructure projects; land management plans; operation and maintenance (O&M) activities carried out in a manner consistent with an existing O&M manual or O&M plan; Interagency and International Services and Support for Others program actions; research or monitoring activities; and emergency actions.

Monitoring (e.g., water quality monitoring or fish monitoring) and research activities are excluded from the requirements of this rule. Such activities may be used to inform Federal investments in a proposed or existing water resources development project, but they are not themselves a water resources development project, program, or a related Federal investment decision. The Interagency Guidelines provide that the PR&G are not intended to include data collection, except insofar as its purpose is to inform an investment decision involving permanent site-specific actions.

The Corps’ Interagency and International Services and Support for Others program actions are excluded from the requirements of this rule. These actions are provided on a reimbursable basis and as such are assistance to other programs and not a proposed Federal investment by the Corps, as are the other activities covered under the ASPs. All the work that the Corps performs under these programs is requested by other agencies that pay the

⁵ See <https://www.whitehouse.gov/wp-content/uploads/2024/02/ESGuidance.pdf>. Last accessed May 21, 2024.

Corps the full cost of providing these services. For example, on a reimbursable basis, the Corps provides technical assistance under this program to non-DoD Federal agencies, State and local governments, Tribal Nations, private U.S. firms, international organizations, and foreign governments. The Corps provides engineering and construction services, environmental restoration and management services, research and development assistance, management of water and related land natural resources, relief and recovery work, and other management and technical services. While some of this work may be related to a water resources investment by another Federal agency, it is not related to an investment decision by the Corps and, as such, is not covered under the Corps ASPs. Although excluded from the Corps ASPs, the Corps' international programs are subject to other international environmental requirements and DoD environmental commitments.

In addition, those projects, programs, or plans that meet the threshold criteria in the Table 1 are generally for routine investments. In most cases, these investments would not have significant adverse effects on water resources. Projects or plans implemented under programmatic authorizations from Congress (e.g., Tribal Partnership Program and Continuing Authorities Program) are potentially included under the ASPs depending on the monetary thresholds for the actions. Any study, project, or plan that meets the monetary thresholds contained in Table 1 would need to be assessed to determine the appropriate level of analysis to be applied. Any study, project, or plan that falls below the \$15 million threshold would be excluded from the ASPs.

Also included in the list of exclusions are those programs, plans, or projects that fall under an exception in § 234.3.

Excluded activities within these projects or programs will follow the relevant laws, Tribal treaty and reserved rights, regulations, and general planning processes, and will still strive to meet the intent of the PR&G by applying similar concepts where relevant.

The Army solicited comment on whether modifications allowed under the Public Law 84–99 program should not be excluded from the requirements of this rule. Two responders commented on the ASPs applicability to the Public Law 84–99 program. One commenter indicated that the Corps should apply the improved planning framework in the ASPs to Public Law 84–99 to the greatest extent practicable to help communities prepare for natural disasters and ensure these projects are

designed and evaluated for the full range of comprehensive benefits, and that the process for applying these ASPs to the Public Law 84–99 program should be scaled in a manner to be consistent with the emergency response nature of this program. Another responder indicated that the Army and the Corps should consider removing or limiting the proposed exclusion of the Public Law 84–99 program regarding repair or restoration activities on flood control and shoreline management works threatened or destroyed by flooding. However, the commenter indicated that it is appropriate to retain the exclusion for inspections, preparedness activities, technical assistance, direct flood fighting assistance, rescue operations, and post-flood response.

Response: No changes were made to the final rule. Upon further consideration, modifications implemented under the Public Law 84–99 program are better addressed in the Public Law 84–99 rule (33 CFR part 203) and associated guidance and thus have been excluded from the PR&G.

The Army solicited comment on whether additional exclusions should be added, such as dredged material management plans, Tribal Partnership Program activities, Continuing Authorities Program, and major rehabilitation evaluation reports due to scope, scale, level of investment, project partner, technical nature of the product, etc.

One commenter suggested that the ASPs should be applied to operating manuals and water control plans. One comment sought the addition of renewals and replacements to the actions in § 234.4(d)(2)(x). Another suggested removing § 234.4(d)(2)(xv) or prescribing a process for these decisions. It was also suggested that § 234.4(d)(2)(xiv) be deleted or clarified with provisions. Another commenter indicated that the ASPs should apply to existing projects. Comments received from a Tribal Nation and a Tribal Organization also recommended that the PR&G should apply to existing operations of Corps' projects affecting Tribal land or water. One commenter responded and suggested that when formulating dredged material placement alternatives, the Corps should account for all benefits of beneficial use placement opportunities, including the economic value of clean dredged material for ecosystem restoration and storm damage reduction and cost savings available.

One comment recommended adding a sentence indicating that excluded projects should still strive to meet the intent of the PR&G and ASPs by

applying similar concepts where relevant.

Response: No changes were made to the final rule. The ASPs will apply to all new Army Civil Works' water resources investments that meet the threshold criteria contained in Table 1, to include feasibility studies; general reevaluation reports; major rehabilitation reports; studies performed under the continuing authorities program of the Corps; studies to support significant changes to operations including any such changes that warrant preparation of an environmental impact statement, re-allocation studies, and studies conducted under Section 216 of the Flood Control Act of 1970 (33 U.S.C. 349a); and any other project or program not otherwise excluded under § 234.4(d)(2).

The suggestion to add operating manuals and water control plans under the ASPs was not adopted for O&M activities that are carried out in a manner consistent with the existing approved O&M manual or plan that are routine in nature. However, the ASPs would apply to significant proposed changes to an existing O&M plan that may be controversial, significant changes to the existing plan to meet new goals, and other significant changes that may warrant a fresh exploration of the options.

Section 234.4(d)(2)(xiv) was modified to remove "that meet the threshold criteria for exclusion or". This was done to clarify that Table 1 determines the cost-based threshold criteria for the application of the ASPs to projects, programs or plans.

Section 234.4(d)(2)(xv) was retained to preserve the Assistant Secretary of the Army for Civil Works' ability to make exceptions on a case-by-case basis.

The ASPs provide a framework to govern how the Corps would evaluate proposed water resources investments and do not apply to existing projects where no changes are proposed. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

In addition, the Army solicited comment on whether any of the actions identified as proposed exclusions in the rule should not be excluded, in which case the ASPs would apply to them. The Army did receive input in response to whether any of the actions identified as proposed exclusions should not be excluded. This input was related to the Public Law 84–99 program and those comments are addressed earlier in this section of the preamble.

Response: The final rule clarifies the scope of the O&M exclusions. No other

changes were made to the list of exclusions in the final rule.

The Army solicited comment on whether watershed studies should be specifically included to ensure that they align with the goals of the PR&G and result in better outcomes for integrated water resources management.

A number of respondents indicated that studies should follow a watershed approach. Multiple responders indicated that the PR&G should apply to watershed studies. One responder indicated that if watershed studies include the development of specific future projects or potential future projects, they should follow the ASPs. The specific requirement for such plans might be less than the full planning approach outlined for specific projects, but these studies seek to maximize net public benefits in a manner consistent with the ASPs and the Federal Objective.

Response: No changes were made to the final rule.

The Army solicited comment on whether watershed studies should be excluded from the requirements of this rule. A responder indicated that the concept of watershed studies brings its own set of challenges, highlighted by concerns regarding the practicability of advancing individual Civil Works projects within broader watershed study areas.

Response: No changes were made to the final rule. Watershed studies do not typically result in specific Federal investment construction recommendations; in those cases, they would not be subject to the ASPs. If a watershed study does include recommendations that meet the monetary thresholds for inclusion, then the ASPs would apply. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

Section 234.5 Level of analysis. Once a decision is made that the PR&G apply under § 234.4, the next step is to determine what level of analysis should be applied.

Section 234.5(a) Standard and scaled level of analysis. There are two levels of analysis under the PR&G that are applied based on the scope and magnitude of the proposed projects, programs, or plans, and the significance of the Federal investment. The different levels of analysis allow for investment decisions to be made effectively and efficiently. Many small, routine activities are excluded from the PR&G analysis under the rule (refer to § 234.4(d)(2)) such as O&M activities that are carried out in a manner consistent with the existing approved

O&M manual or routine investments in invasive species removal. A scaled PR&G analysis would generally include fewer alternatives with a more streamlined formulation process and justification procedures than a standard analysis, while still adhering to the PR&G and resulting in a systematic decision. A scaled analysis reflects the scope and complexity of the problem being assessed. The ASPs include a table that provides the monetary threshold criteria to be used for identifying the types of projects, programs, or plans and their corresponding level of analysis.

The Army solicited comment on whether the proposed rule language regarding benefit-cost analysis in this section is adequate or whether additional content or examples are needed in the rule text. The Army also solicited comment on the types of analyses that may best be used to evaluate the full range of public benefits under both standard and scaled levels of analysis.

The Army received comments that more rigorous analysis may be warranted if significant non-monetized effects are likely to occur. The Army also received comments that the standard level of analysis is appropriate for any proposal that would require an Environmental Impact Statement under NEPA. Another comment advised in-depth analysis when the uncertainty is so high that the performance metric ceases to be informative.

Other comments were that the benefit transfer methods discussed in this section of the proposed rule were weak and that the Army should define what should be similar for projects to apply other studies' benefit functions, and to include guidance on how to scale or weight studies to better match the local context. Another comment expressed concern over the use of benefit transfer and expressed the need for more clarity regarding when it is appropriate.

One organization offered that a benefit-cost analysis tool has an inherent error that could be avoided with external review. One commenter expressed concern that the ASPs should also clarify that they do not establish a new requirement for a positive, quantified benefit-cost determination to justify the recommendation of an ecosystem restoration project.

Response: No changes were made to the final rule. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

Section 234.5(b) Determining the appropriate level of analysis. This paragraph of the rule describes the

process for determining the appropriate level of analysis under the PR&G. In addition to the considerations and descriptions provided in § 234.5(a) for the scaled and standard analysis and the criteria provided in Table 1 to be used as a general guide, the ASPs note that professional judgment and available resources are also important factors in determining the appropriate levels of analysis.

The Army solicited comment on additional considerations to be applied when determining the appropriate level of analysis under the PR&G and whether additional clarity is needed on how such determinations may be made.

One commenter indicated that mechanisms other than project cost should be considered to determine the appropriate level of analysis and indicated that planning efforts that do not exceed the monetary thresholds can inform major investment decisions that vastly exceed these thresholds, and it would be difficult to reassess climate change during the implementation phase if a quantitative climate change analysis is not included in the planning phase.

One commenter indicated that the rule fails to identify specific criteria that will be applied to determine the level of analysis, and to address this lack of clarity additional content or examples are needed in the regulatory text. Another commenter indicated that the Corps should consult with State and local partners when determining the appropriate level of analysis. In particular, the Corps should work with State partners that have permitting and review obligations to ensure that the planning analysis, including investigations and data collection, meets both the Corps' and State review data needs. Another commenter expressed concern that the ASPs puts too much emphasis on monetary criteria and inadequate emphasis on potential environmental impacts in discussing how the Corps will determine which level of analysis to apply to a particular project. The commenter recommended including language describing factors that could justify deviating from Table 1 in the text of the final rule. The responder also recommended adding language to Table 1 to clarify that the monetary thresholds are not decisive on their own. Finally, this responder indicated that the standard level of analysis is appropriate for any project that would require an Environmental Impact Statement under NEPA. Another commenter stated that industrial-scale offshore wind projects that involve significant ocean area must trigger the full PR&G and must require in-depth,

extensive scientific analysis as part of the Corps' regulatory process to ensure no harm to the ocean ecosystem and the communities that depend on access to fisheries.

Response: No changes were made to the final rule. This rule does not apply to the Corps' Regulatory program. The Corps will consult with Federal, State, and local partners in determining the appropriate level of analysis to include State partners with permitting and review obligations. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule regarding the level of analysis to be used in planning studies.

Section 234.5(c) Scope and magnitude of analysis required. The threshold criteria provided in Table 1 are guidelines to establish an appropriate scope and magnitude for the analysis based on the Federal cost (excluding the non-Federal share) of a proposed activity, measured in terms of the present value of the Federal investment. The present value is the current dollar value, after discounting. In the proposed rule, Table 1 was taken straight from the Interagency Guidelines. The monetary thresholds were designed to be relevant to all agencies implementing the PR&G to provide a common framework and baseline. Programmatic-level analyses require the detail necessary to ensure decision-makers have sufficient information to make an informed decision, but they may be conducted differently than project-level analyses. The Corps may choose to analyze the effects of a Federal investment at a higher level of detail than called for by Table 1.

The Interagency Guidelines state that the P&R specifically apply to operational modifications, modernization of existing facilities, dam safety modifications, culvert replacements, water conveyance, and fish ladder modifications. The analysis of significant O&M investments of this kind would be subject to the thresholds in Table 1. O&M activities resulting in consequential effects on water quantity or water quality that have not been previously analyzed should be appropriately analyzed using either the project- or programmatic-level processes laid out in the rule. More significant operational changes, such as adding a new project purpose or significantly modifying project outputs, warrant analysis under the PR&G. However, routine O&M activities are excluded (see § 234.4(d)). O&M activities that are included in original project authorizations do not require a separate analysis if the activity is carried out in

a manner that is consistent with that authorization. Significantly changed O&M plans or those changed to meet new goals may require a new analysis at the standard or the scaled level.

The Army solicited comment on whether the values provided in Table 1 are the appropriate thresholds to apply for the Corps and also whether the amounts should be adjusted for inflation from the original amounts provided, which were developed in 2014. The Corps further solicited comment about what data should be used to make those adjustments going forward, such as Gross Domestic Product deflator, Consumer Price Index, or something else. The Army solicited comment on whether the Corps should account for the non-Federal share of the costs in setting these thresholds to reflect the total cost to society (Federal plus non-Federal costs) of the proposed investment. The Army also solicited comment on whether more clarity is needed for which types of projects would fall under the project vs. program vs. plan criteria.

The Interagency Guidelines state that if the Corps develops a revised proposed Table 1 specific to the Corps, the following considerations should be taken into account: (1) thresholds relevant to the specific activities of the Corps; and (2) criteria relevant to the Corps for determining the level of analysis. The Army solicited comment on whether either of those considerations warrant a revision to Table 1 for the Corps.

Comments received from a Tribal Nation and a Tribal Organization recommend threshold criteria provided in Table 1 should not limit the evaluation of proposed activities that could impact Tribal Nations. Another commenter recommended indexing the threshold values to account for economic conditions since 2014.

Response: Table 1 was modified in response to comments received. Threshold values and ranges were updated and increased to reflect total investment (Federal and non-Federal). These thresholds are not intended to preclude or minimize the Tribal trust responsibility and resulting Government-to-Government consultation requirements when determining the scope and scale of analysis where a Federal action may have Tribal implications.

Section 234.6 The planning process.

Section 234.6(a) Introduction. This paragraph describes how the planning process will incorporate the Guiding Principles from the P&R in the analysis and development of Corps Federal

investments in solving water resources problems.

Response: The Army made minor edits to this section of the Rule for clarity. In response to comments from Tribes and a Tribal Organization concerned that the Army recognizes Tribal treaty rights, the following text was added to this section of the rule: "The Corps will identify impacts to Tribal treaty and water rights at the earliest phases and throughout the plan evaluation process, screening alternatives that impact Tribal treaty and water rights."

Section 234.6(b) National Environmental Policy Act. This paragraph encourages the Corps to integrate the NEPA and the PR&G processes as much as possible to produce a single analytic document to meet both requirements. Compliance under NEPA and this rule does not eliminate the Corps' obligations under other statutory requirements (for example, Endangered Species Act compliance) or fulfillment of Tribal trust responsibilities.

The Army solicited comment on how the navigation program can use tools and resources to directly assess and, as appropriate, demonstrate project benefits for disadvantaged communities and other nearby communities, in particular.

One comment was received requesting that the Corps update its models and policies to better reflect the full economic and environmental benefits of channel expansion projects.

Response: No changes were made to the final rule. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

Section 234.6(c) Guiding principles. This section describes the Guiding Principles for the planning process that the P&R identify, which are environmental justice, avoiding the unwise use of floodplains, healthy and resilient ecosystems, public safety, sustainable economic development, and a watershed approach. The Guiding Principles are intended as overarching concepts to ensure that Federal water resources investments best serve the public.

Many comments suggested that the rule provides insufficient guidance for achieving goals aligned with the Guiding Principles. Another comment suggested including a new Guiding Principle associated with rising sea levels.

Response: No changes were made to the final rule. The Guiding Principles were identified in the P&R. The Corps will review existing guidance and

provide updated guidance, where warranted, following completion of the final rule.

Section 234.6(c)(1) Environmental justice. This section defines the term “environmental justice” and states that communities with environmental justice concerns will be “at the front and center of studies.”

The Army received multiple comments about the Guiding Principle of environmental justice. The majority of commenters support the inclusion of environmental justice as a Guiding Principle. Comments recognized the benefits to communities with environmental justice concerns of the broader evaluation framework and the decision-making criteria in the ASPs. Another organization suggested adding text from the preamble to the rule itself to highlight potential issues that should be evaluated.

Some commenters requested additional specifics about how the Corps will realize the goals of environmental justice, including how relevant communities will be identified. One commenter mentioned the need to define communities with environmental justice concerns and disadvantaged communities.

Some commenters recommended specific tools, techniques, or procedures to help realize these goals; others called for environmental justice to be prioritized throughout all aspects of the ASPs. Others advocated to strengthen the standard for project selection.

Commenters noted the need to transparently include communities in decision-making. One commenter recommended targeted outreach to ensure equitable access to participation.

Another commenter asked how communities would be compensated should they endure negative environmental impacts from Corps’ projects.

Response: The Army made minor edits to this section of the Rule for clarity. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule. In accordance with the Water Resources Development Act of 2007, Section 2036, the Corps is required to develop a mitigation plan to address environmental impacts from Corps projects. If a community is enduring long-term negative environmental impacts from a Corps project, appropriate response could be considered on a case-by-case basis in accordance with Federal law, regulation, and policy.

The opportunity for meaningful input by affected communities is a component

of the definition of the term “environmental justice.” Comments pertaining to outreach and collaboration with communities with environmental justice concerns are addressed under this preamble’s discussion of § 234.6(d).

Additional commenters expressed concerns, not about the Guiding Principle itself, but about the tone with which environmental justice is discussed in the rule. Some wished for the principle to be emphasized more strongly; others expressed concern that the rule over-emphasizes the importance of environmental justice and that such over-emphasis ultimately could impair the quality of the Corps’ decision-making, especially in cases when achieving environmental justice-related goals may appear to conflict with the objectives or feasibility of specific projects.

Response: The Army reiterates that environmental justice is an important Guiding Principle of these ASPs, identified in the P&R alongside the other Guiding Principles. The Army disagrees with the supposition that any of these principles, including environmental justice, will negatively impact the Corps’ work. On their own, the Guiding Principles do not mandate specific mission or project outcomes; rather, they act as policy guideposts to ensure that the Corps serves the public in the execution of its authorities.

One commenter asserted that the inclusion of environmental justice as a Guiding Principle exceeds Congressional intent and asked for it to be removed from the rule.

Response: The P&R identifies environmental justice as a Guiding Principle, and the consideration of impacts on local communities embodied by that principle is reflected in Section 2031(a) and (b)(3) of WRDA 2007. Congress expressly directed the Corps to develop these ASPs for the PR&G in Section 110 of WRDA 2020. The Army is executing this direction.

Some commenters, including a Tribal Organization, suggested that remedying past inequities should be a Guiding Principle or a standard decision-making factor in the planning criteria for existing and future water resources development projects. One comment from a Tribal Nation supported the inclusion of subsistence and social impact assessments, and greater transparency for evaluating benefits and impacts under environmental justice analysis of a proposed project. Through Government-to-Government consultation with another Tribal Nation, a comment was made to differentiate broader environmental justice concerns

from protected Tribal treaty or reserved rights.

Response: The Guiding Principles are defined in the P&R. The Army agrees that subsistence activities should be considered in agency decision-making under the environmental justice Guiding Principle. The rule includes this language at § 234.6(c)(1)(ii). The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

Related to environmental justice, the Army solicited comment on how the navigation program can use tools and resources to assess and, as appropriate, demonstrate project benefits for disadvantaged communities and other nearby communities.

Commenters representing Tribes recommended a social impact assessment tool, not specific to navigation, for identifying impacts on Tribes and other communities with environmental justice concerns. These comments are addressed under the discussion of § 234.9(c) in this preamble.

Response: No changes were made to the final rule.

Section 234.6(c)(2) Floodplains. This section states that Federal investments shall strive to sustain floodplains’ natural and beneficial functions to the maximum extent practicable.

The Army received comments expressing support for the inclusion of floodplains in the Guiding Principles. Some sought for the principle to be strengthened, especially with respect to long-term implications of a changing climate, or to be aligned expressly with current Corps guidance and other Federal policy documents. Other commenters wanted to see explicit language in the ASPs ensuring that projects are self-sustaining and do not result in the unwise use of a floodplain. A commenter suggested that the rule specifically address how the Corps would implement the Federal Flood Risk Management Standard established under Executive Order 13690 (Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input) (80 FR 6425 (Feb. 4, 2015)).

The Army solicited comment on how the Corps should evaluate the self-sustainment of a floodplain that is occupied or inhabited. Some commenters suggested a variety of specific assessment methodologies. They also recommended working with academic experts to identify approaches after the ASPs are finalized.

Response: The following information was added to the Rule: “To identify floodplain areas for the purpose of this section, the Corps will use the best-available and actionable science including a climate-informed science approach.” The Army reiterates that effective floodplain management and increasing resilience to flooding and storms are important Guiding Principles of these ASPs and the PR&G. For a discussion specific to the term “unwise use of floodplains,” see § 234.2(s) of this preamble. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

Section 234.6(c)(3) Healthy and resilient ecosystems. The ASPs reinforce the directive in WRDA 2007 to protect and restore ecosystem functions and to minimize and mitigate those impacts if they cannot be avoided. The rule states: “Alternatives shall protect the existing functions of ecosystems and may restore the health of damaged ecosystems to a less degraded and more natural state where feasible . . .” Alternatives must include avoidance, minimization, and compensatory mitigation considerations for each identified alternative solution. Appropriate mitigation of adverse effects is to be an integral part of each alternative plan.

Some commenters suggested that the phrase “may restore” be changed to “shall restore,” and others suggested removing “where feasible” from the text. Commenters also recommended specific approaches for how best to follow this Guiding Principle.

The Army solicited input on whether there are alternative forms to measure ecosystem health such as specific assessment methods in particular for the Corps’ aquatic ecosystem restoration mission.

One commenter recommended quantification of multi-purpose benefits and effects of nature-based solutions.

When evaluating water resources investment alternatives, the health of the affected ecosystem should be measured in its current condition (baseline) and projected under each of the alternatives being considered. A Tribal Organization commented that the current baseline may already be degraded by an existing project or as a cumulative effect of a different Federal action and that this should be considered when establishing the baseline conditions.

When determining the environmental baseline for new water resources development investment decisions, the Corps does consider impacts by existing projects or Federal actions.

Response: No changes were made to the final rule. Regarding “may” versus “shall,” the Army notes that, while aquatic ecosystem restoration is one of the Corps’ missions, not all studies are authorized to restore damaged ecosystems. In some cases, imperative language would put the ASPs at odds with congressional authority. On the other hand, contingent language acknowledges potential opportunities. Thus, the original language has been retained. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

Section 234.6(c)(4) Public safety. The rule describes “public safety” in terms of loss of life and injury. It calls for alternatives to avoid, reduce, or mitigate significant risks to public safety.

The Army solicited comment on whether the description of the term “public safety” should be broadened and whether additional threats to public safety should be included for consideration beyond those related to natural events.

Several commenters responded. One suggested that life safety should be recognized as a benefit of national security. Another commenter indicated that public safety should include both drought and flood resilience and stressed the role of water supply in ensuring public health and safety. Some commenters suggested that improved life safety be recognized as a benefit of many navigation projects. Another commenter indicated that alternatives should consider any risk of harm or injury to persons and property and should utilize qualified design professionals to achieve these safety goals.

The Army solicited comment on whether life loss should be monetized.

Some commenters supported monetizing loss of life, with one of these commenters suggesting that the Corps consider the methodologies used to determine the value of a statistical life presented in U.S. Department of Transportation and Federal Emergency Management Agency documents.

Response: No changes were made to the final rule. The Army will consider additional factors in the discussion of public safety through future updates to planning and engineering guidance. However, the Army does not believe that changes to the rule are required to address these factors.

The Corps includes an analysis of the risk to life safety in its flood and coastal storm risk management studies and in its dam safety modification studies. The Corps generally considers this risk in assessing costs and benefits and in

formulating potential solutions. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule, to include a review of Department of Transportation and Federal Emergency Management Agency approaches.

Section 234.6(c)(5) Sustainable economic development. The term “sustainable” is defined in the rule at § 234.2(p). The sustainable economic development Guiding Principle in the P&R states, “alternative solutions for resolving water resources problems should improve the economic well-being of the Nation for present and future generations through the sustainable use and management of water resources . . .”

Numerous commenters expressed support for the Guiding Principle of sustainable economic development. Commenters suggested that a set of quantitative and qualitative metrics and/or methodologies be developed for measuring sustainable development. Another commenter argued that the goal of sustainable development should be not just for humans and nature to coexist but to thrive. This commenter requested that the definition of sustainable development be strengthened accordingly.

Response: No changes were made to the final rule. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule. The need for metrics and methodologies will be a specific area of review. The Guiding Principle of sustainable economic development is defined in the P&R. The Army reiterates the importance of this Guiding Principle.

Section 234.6(c)(6) Watershed approach. The term “watershed” is defined in the rule at § 234.2(s). When developing alternatives, the water resources problem being addressed should be analyzed on a watershed-based level to facilitate inclusion of a complete range of solutions, after considering the breadth of impacts across the watershed.

The Army received multiple comments on the Guiding Principle of taking a watershed approach in the planning process. The majority of commenters expressed support for this principle. Some commenters offered suggestions for how best to implement this Guiding Principle. Some commenters worried that the watershed approach Guiding Principle effectively mandates a minimum scope (comprehensive, multipurpose watershed analysis) and geographic

scale for all Corps studies, increasing study costs and complexity.

The Army solicited comment on example frameworks, tools, and methods for implementing a watershed approach, such as whether the Department of Energy's Basin-Scale Opportunity Assessment methodology could be adapted for use under the ASPs.

Response: No changes were made to the final rule. The Army reiterates the importance of this Guiding Principle in the PR&G. As a Guiding Principle, the watershed approach does not mandate specific study methodologies or outcomes. The approach does not require all studies to conduct robust and detailed watershed analyses at any specific scope or scale, or require a multipurpose or comprehensive watershed analysis; rather, it acknowledges that watersheds are complex systems and that water resources management entails identifying and addressing systemically interdependent problems. A watershed approach encourages Corps planning teams to maintain awareness of watersheds as systemic units. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

Section 234.6(d) Collaboration.

Section 234.6(d)(1). This paragraph outlines an increased focus on collaboration for the Corps to improve decision-making and promote transparency. The Army recognizes that Tribal Nations, regional, State, local, and non-governmental entities, as well as communities and landowners, are interested in the water resources problems that affect them, have expertise, and share in the responsibility of managing and protecting public water resources. The Corps will seek to collaborate fully with a wide range of affected entities, stakeholders, and the public in all stages of the planning process. The Corps will initiate coordination with appropriate Federal or State agencies administering Federal laws as early in the process as practicable to fully integrate environmental considerations into the planning process, identifying early on critical information, analyses, and requirements needed for the planning decision and maximizing opportunities to avoid and minimize impacts to the human environment to the extent practicable. These engagements should account for the desired form and type of engagement from communities to ensure such engagements are culturally relevant and appropriate. Another key element of the enhanced collaboration is

transparency, ensuring that Tribal Nations and interested parties are kept informed about the Corps' process and various factors under consideration. The Army recognizes that enhanced collaboration and engagement will take time, skill, and commitment on the part of the Corps and project sponsors, as well as those who are engaging in the Corps' process.

Section 234.6(d)(1) also makes clear that enhanced collaboration does not obviate the need for Tribal consultation, where appropriate. In addition, Tribal consultation does not obviate the need for the Corps to ensure that enhanced collaboration with Tribal Nations occurs. Consultation and enhanced collaboration are not the same thing, and in certain circumstances, Tribal engagements result in a greater understanding of the Tribal Nations' needs than what may be achieved in consultation. Tribal Nations may serve as Cooperating Agencies under the NEPA process, contributing their expertise on environmental issues. Engagement beyond consultation is necessary to improve overall relationships and communication with Tribal Nations and to identify areas for participation in and access to Civil Works programs.

Multiple comments supported the intent of this section to enhance collaboration to ensure transparency, promote public participation, and have full collaboration with a wide range of affected Tribal, State, and local governments, non-governmental stakeholders, communities, and the general public. A significant number of letters were received requesting that the rule retain provisions that require the Corps to fully engage with local interests, stakeholders, and Tribal Nations. These letters also recommended that the Corps vigorously assess the impacts of climate change during project planning.

One comment received through Nation-to-Nation consultation on the rule emphasized the importance of early and robust Government-to-Government consultation, not just collaboration, with Tribal Nations, and that consultation, both at the initial stage of formulating alternatives and following more detailed analysis of alternatives, is critical to identifying Tribal treaty rights and water rights that may be impacted by a potential water resources development project. The comment also stated that details regarding the timing and notification of Tribal partners would be helpful guidance to include in the rule. Another comment from a Tribal Organization representing seven Tribal Nations expressed concern that

the Corps will not follow the extensive requirements to consult and collaborate as prescribed in the ASPs.

One commenter expressed concern over Indigenous communities being informed of any changes that could be made on potentially sacred lands.

Response: In response to comments received, the rule was revised. The Corps acknowledges the unique relationship with Tribal governments and is committed to meeting its Federal trust responsibility in accordance with the Corps' Civil Works Tribal Consultation Policy. The rule was amended in § 234.6(d)(1) to acknowledge that robust, early collaboration with Tribes is in addition to the requirement to conduct early, meaningful, and robust Government-to-Government consultation with Tribal Nations.

Section 234.6(d)(2). Although this paragraph recognizes that tools and levels of engagement will vary based on a variety of factors, the section requires use of best practices of engagement, such as the spectrum of engagement from the International Association for Public Participation and modifications from various U.S. government agencies, including the Corps. In addition, the Corps will ensure that it considers and incorporates the information that it receives from Tribal Nations and external sources into the problem definition, the forecast of future conditions, and the alternatives analysis. See § 234.6(c)(1) of the rule and the discussion of § 234.6(c)(1) in the preamble for other considerations in engaging communities with environmental justice concerns.

Another element of enhanced collaboration is in instances where a water resources problem identified in community engagement is beyond the Corps' traditional mission areas. In such instances, the Corps can collaborate with Tribal Nations, Federal, State, and local agencies, and non-governmental organizations or private entities, through either formal or informal public participation processes, such as in scoping, to identify alternative solutions to the problem, including solutions that may be outside Corps mission areas but where communities may seek further assistance elsewhere. Following the ASPs may result in alternatives that are outside (in whole or in part) of the Corps mission areas or its core capabilities, or are better suited to another Federal agency or a Tribal, State, or local government to implement.

Enhanced collaboration also helps to ensure transparency, promote Tribal and public participation, and assist in

developing community-driven solutions to water resources problems. The Corps would ensure that the collaboration includes opportunities for engaged participants to assess the effectiveness of the collaboration, identify areas of concern that could be redressed moving forward, note areas of success to continue to build on for the effort at hand, and discuss lessons learned to inform future efforts.

Multiple commenters expressed strong support for robust collaboration and enhanced transparency in the planning process, with many offering suggestions for implementation. One comment suggested incorporating more specific and explicit engagement requirements throughout the regulation, including that the Corps should bring to the table all relevant State agencies at key points in the planning process. Another comment recommended that the rule direct planners to establish a collaboration and public engagement plan prior to initiation of the formal scoping phase and to modify the plan as needed to improve collaboration throughout the planning process. Other comments suggested the Corps identify and perform outreach to a wide variety of organizations and informal groups, and that the Corps should be required to hold meetings with stakeholders at various stages of the planning process or invest in dedicated staff members for community engagement. Comments requested more details on, and made recommendations for, achieving robust collaboration throughout the planning process and developing a formal approach for community engagement in decision-making.

Response: The Army made minor edits to this section of the Rule for clarity. The Army appreciates the supportive comments on this section. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the rule. This may include additional details on public engagement tools, techniques, and the use of information from local sources.

Section 234.6(e) Investigations and data collection. This section discusses investigations and data collection, which should be ongoing and integrated early in planning process. However, additional investigations should be performed as necessary. The section outlines areas for the study team to consider and relevant data to collect in investigations. It recommends that the Corps leverage existing information and conduct new investigations and data collection, where appropriate, when existing information is not present.

Federally recognized Tribes indicated support for the inclusion of environmental considerations as discussed in the rule and noted that cultural impacts must also be considered. Additionally, one Tribal Nation commented that the rule should identify impacts on historic properties and traditional cultural properties, requesting that the planning process described in § 234.6 identify the need to comply with the National Historic Preservation Act and Native American Graves Protection and Repatriation Act in water resources planning and the operation of existing projects.

Another comment urged that local and regional technical and scientific data be included in the study when that data is available and more specific than Federal data.

Response: No changes were made to the final rule. The Army concurs that impacts on cultural resources and practices will be identified in the planning process for water resources development investment decisions. The Corps must comply with existing Federal laws and regulations, such as the National Historic Preservation Act and Native American Graves Protection and Repatriation Act, as well as treaties with Tribal Nations.

Section 234.6(f) Identify purpose, problems, needs, and opportunities. This section sets out the requirements for framing the investigation of Federal water resources investments. The section also sets expectations for early collaboration with Tribal Nations and stakeholders (also see § 234.6(d)). The Corps would begin with a clear statement of the water resources challenges, including the problems and opportunities to be addressed. The causes of the problems should be identified, as well as any planning objectives, constraints, and the relationship of the problems to the missions, statutory authorities, and other requirements of the Corps. A watershed-based or systems approach should generally be applied when defining the scope of a water resources challenge.

The scope of any study should be broad enough to cover the full range of reasonable alternatives while avoiding an unwieldy number of alternatives. The various perspectives from those participating in the process can ensure a more robust and holistic view of the current conditions and potential solutions to the key water resources challenges.

The scoping process is an iterative process. The scope would include actions to obtain stakeholder, partner, and public input; however, that input

may not be available early in the study process.

Clearly defined problems, opportunities, and constraints are key to enable the Corps to identify a potential Federal investment for consideration. In general, this step corresponds to the identification of the project's purpose and need under NEPA; however, the scoping process for a Corps study may be different than what is required under NEPA scoping. To most fully integrate the PR&G and NEPA processes at the earliest stages, the Corps should describe and request public input on the study purpose, problems, needs and opportunities in the Notice of Intent to prepare an Environmental Impact Statement.

The Corps would seek to align the study scoping for a project and NEPA scoping to the extent practicable. As implementation of NEPA and the PR&G should be fully integrated, the identification of problems, needs, and opportunities apply to both applications and can be accomplished in study scoping. Typically, more background information is available when NEPA scoping is conducted. Corps study teams may not have all the information that is identified in this section of the rule during the initial development of the project management plan. For example, finalizing the planning objectives and constraints to be used in the analysis of the Federal investment cannot be developed until other actions have been conducted, such as inventorying and forecasting, that are identified in the study scope.

The Army solicited comment on how to address specific limitations on the scoping process due to factors such as the scope of the study authority, cost-sharing requirements, non-Federal interest support, and Corps mission areas and core capabilities. The Army also solicited comment on whether there may be terms and conditions under which additional consideration may proceed that would enable the Corps to consider alternatives beyond those that the non-Federal interest supports.

Several comments were received on this topic. One commenter suggested that study goals and objectives should align with the Federal Objective. Another commenter asked for this section of the rule to spell out specifically how the Guiding Principles would guide and constrain the planning process. One comment letter suggested that the Corps explain how individual study objectives comply with the Federal Objective established in WRDA 2007. Another stated that objectives should be broadly framed to avoid the

pre-selection of recommended alternatives and to avoid locking in structural approaches. Another letter encouraged early collaboration to reach agreement on problems to be addressed in a study. One Tribal letter expressed the need to establish study problems, needs, and objectives following consultation with Tribal Nations to better understand Tribal treaty rights. Another comment suggested the rule more clearly describe how social and environmental justice will be considered in the selection of the project study area.

Response: A typographic correction was made to the numbering of this subsection. Additional edits were made to this section of the Rule for clarity. Planning objectives will be developed with input from stakeholders, including consultation with Tribes, and framed in such a manner that they do not prescribe a particular solution. The Guiding Principles are neither procedural mandates nor hard constraints; they are overarching policy polestars. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule. Future planning guidance may provide additional details regarding the development of planning objectives, problems, needs, and opportunities.

Section 234.6(g) Inventory existing resources and forecast future conditions. To determine baselines, the Corps will identify the existing conditions and the baseline levels and, to the extent practicable, identify current trends and variability in key environmental and economic indicators and conditions such as climate, population, urbanization, and land use. The current existing conditions provide the baseline for forecasting both the future “with-project conditions” and the future “without-project conditions.” The inventory and forecast provide information for understanding existing conditions and for establishing a baseline for forecasting “with-project conditions” and “without-project conditions.” The existing conditions and forecast provide a basis for comparing the effects of alternative water resources investments. These forecasts help define the problems, needs and opportunities that the study will address in the subsequent steps.

The existing and forecasted future conditions will include descriptions of the economic, environmental, and social settings within the study area. The Corps will consider future climate change and economic development and land use change scenarios. A watershed approach should also be used in

describing current and future conditions.

The Corps will use peer-reviewed (where possible and appropriate) and reasonable projections. In addition, Indigenous Knowledge and local knowledge should be included in the descriptions, following appropriate procedures for free, prior, and informed consent for use in the descriptions, consistent with memoranda and Executive Orders on the recognition and inclusion of Indigenous Knowledge. The conditions would be described as appropriate and applicable to the specific investment, with consideration for the Guiding Principles of the P&R. The level of detail provided in the inventories should be commensurate with the rest of the analysis and level of scope and scale of the proposed Federal investment.

The forecast of future conditions is comparable to the NEPA identification of future impacts associated with the proposed alternatives. Such comparisons will also be conducted with the No Action alternative. Any key assumptions made for forecasting future conditions will be disclosed.

The terms “without-project condition” and “with-project condition” refer to the conditions that the Corps estimates are most likely to occur in the future over the period of the analysis. Since the future is inherently uncertain, the Corps study should identify and describe the key known drivers of the uncertainties. The inventory of existing resources and forecast of future conditions should also include assumptions for scenarios and for extreme weather events to evaluate sensitivity of alternatives to a range of conditions, such as drought or hurricanes. The Corps will use the scenario analysis and discussions on extreme weather events to inform how alternatives may perform under future conditions with respect to climate resilience. Scenario analyses may help to evaluate other sources of uncertainty beyond those associated with extreme weather or climate conditions.

Reasonably foreseeable actions by public and private entities should be included to understand how key resources and services may change in the future, and used to better understand the most likely future condition in the absence of the proposed Federal investment. As with any projections of future conditions, there is an inherent degree of uncertainty. Characterization of uncertainty should be quantitative, when feasible, and qualitative when not, and should provide a commensurate level of detail to the analysis. Residual

risk that is not proposed to be, or cannot be, addressed or mitigated should be disclosed to aid in the decision-making process. Where the effects of climate variability and climate change are relevant to the investment decision, the study should fully describe the key sources of uncertainty and the range of its possible effects over time.

The proposed future “without-project condition” is what is expected to occur, over the period of analysis, in the absence of a proposed further investment by the Corps in a project, action, or program. The Corps typically uses a 50-year timeframe for the period of analysis (see Engineer Regulation 1105-2-103⁶ paragraph 2-4b(4)). Future land use changes would be incorporated. The future “without-project condition” is the baseline for comparison of alternatives. The proposed future “with-project condition” is what is expected to occur in the future, over the period of analysis, with a specific Corps proposed project or program in place. Climate change would need to be considered in both the future “without-project condition” and the future “with-project condition.” Projections of future conditions would account for expected environmental, social, and economic changes, including those that result from climate variability and climate change, particularly for projects with relatively long service or operational lives, as these projects may be subject to additional climate variability and change.

A summary of the process used to identify the existing and future conditions for the administrative record ensures that appropriate considerations were incorporated and provides transparency in the process. The summary includes discussion of Tribal, partner, stakeholder, and public inputs.

Identification of existing resources seeks to quantify relevant resource conditions in the study area as they currently exist. The forecasting of future conditions would do the same over the period of analysis. The period of analysis does not reflect the expected service or operational life of the investment. The Army solicited comment on what the standard period of analysis should be when the Corps implements the PR&G.

The Corps received several comments indicating that the period of analysis should not be limited to 50 years. Two commenters indicated that the period of evaluation should be extended to 100

⁶ See https://www.publications.usace.army.mil/Portals/76/ER%201105-2-103_7Nov2023.pdf. Last accessed May 21, 2024.

years. One commenter indicated that the design analysis of structures should reflect their actual use life rather than being limited to 50 years, and instead use an “adaptive adaptation” approach rather than planning for a time horizon and then rebuilding when the infrastructure is obsolete. Another commenter recommended that the final rule include new text clarifying the period of analysis regarding project lifespan and the cumulative effects of Federal projects. In particular, they noted that a shorter period of analysis may not account for sea level rise impacts. Another commenter stated that certain Corps projects have conflated existing conditions with the future “without-project conditions,” and requested that the rule specify parameters for the future “without-project conditions.” One comment was received suggesting that when forecasting future conditions, the Corps should also include scenarios for extreme weather events to determine sensitivity to a range of conditions, such as drought or hurricanes. The Corps also received a comment that the analysis consider future conditions that are plausible and result in a high risk of failure.

Response: The Army made minor edits to this section of the Rule for clarity. The Army concurs that a period of evaluation longer than 50 years may be appropriate in some instances. The Corps may issue additional guidance on how the period of analysis will be determined and used in studies. As described above, in standard Corps analyses, future “without-project conditions” include what is expected to occur, over the period of analysis, in the absence of a proposed further investment by the Corps in a project, action, or program. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

Section 234.6(h) Formulate alternatives. The paragraph establishes the framework for developing a full range of alternatives that will address the water resources problem and sets the evaluation criteria of acceptability, efficiency, effectiveness, and completeness. Investigations, data collection, and analysis should be ongoing and should leverage and incorporate information from Tribal, State, local, non-governmental, scientific, and economic literature, and other relevant sources.

A range of potential plans must be investigated with a subset retained for further analysis, including alternatives with only nonstructural elements and an environmentally preferred

alternative. Nonstructural measures and nature-based solutions are important considerations of the PR&G and should be integrated into alternatives for Federal water resources investments wherever appropriate. As with structural solutions, considerations should be made for technical feasibility, land use, cost, past performance, and longevity. In addition, the rule requires the Corps to include an environmentally preferred alternative in the final array of alternatives, which is consistent with the current Corps’ planning process as well as consistent with NEPA.

The Corps will formulate the alternative plans in a systematic manner that ensures that it has identified and considered the full range of reasonable alternatives. The studies will evaluate alternatives based on the most likely future conditions. The alternatives should seek to address the water resources challenge, problem, or need identified in § 234.6(f), achieve the planning objectives of the study and the Federal Objective, and follow the Guiding Principles. Alternatives should reflect potential solutions that are feasible. The range of alternatives provides a framework for comparing the relative effectiveness and efficiency of the alternatives in achieving economic, environmental, and social goals.

In addition, as noted in § 234.6(e), the same period of analysis should be used in alternatives analysis. The period of analysis selected can bias selection of one option or another. A shorter analysis period would benefit alternatives with fewer upfront costs and more upfront benefits, as compared to an alternative with more upfront costs but more long-term benefits and lower cost over time. Thus, the period of analysis selected must be long enough to account for costs and benefits including the principal significant long-term effects.

When an alternative is beyond the Corps missions, such an alternative may be carried forward for further analysis where it provides solutions to the identified problem, meets the identified economic, environmental and social goals, and appropriate funding is available or may be made available (including from other agencies and partners without Corps action). In such case, the alternative should specifically identify the relevant parties with requisite responsibility for any action beyond Corps missions, their authority for that action, the interrelation between that action and the recommended Corps project, action, or program and appropriate sequencing of implementation. Any recommendations for authorization should clearly and

specifically delineate the Federal water resources project being recommended for Corps authorization, and any condition precedent for construction. The rule provides that for Corps investments, the Corps would be the designated lead for completing the PR&G analysis.

The Army solicited comment on whether and when the Corps should consider alternatives beyond those that the non-Federal interest supports, such as when an alternative may be beyond Corps missions.

Several comment letters were received that supported no limitations on alternatives when identifying effective water resources solutions. Another comment letter was received which suggested that in no case should a sponsor or non-Federal interest be asked to support water resources investments that include increments that do not meet their objectives or are beyond their capabilities.

Additional comment letters were received regarding the treatment of alternative solutions, incremental analysis of separable elements and any additional costs to meet investment objectives. Specifically, comments were received indicating that the Corps should establish clear principles on how separable elements and investment increments will be considered within the budget formulation process. One recommended identification and evaluation of all investment increments and separable elements to achieve efficient and effective investment outcomes, to illuminate the value and impact of each project component.

Response: The Army made minor edits to this section of the Rule for clarity. The Corps will review existing guidance and provide updated guidance needs, where warranted, following completion of the final rule. Specifically, the Corps will review guidance regarding the development of alternatives and treatment of separable elements.

Section 234.6(h)(1). In this paragraph, the screening of alternatives in a systematic manner is discussed. An initial set of alternatives would be refined for reasons such as having excessive cost or unavoidable impacts, not sufficiently addressing the problem or opportunity, or other factors. The refinement would also consider the Federal Objective and the Guiding Principles. Alternatives that are eliminated should still be briefly discussed in publicly available documents, as well as the reasons for their elimination. The remaining alternatives are considered the reasonable range of alternatives to be

carried through the analysis and NEPA evaluation. They should be distinct enough to warrant individual consideration and entail different potential solutions to the water resources challenges. The alternatives should describe not just the economic, environmental, and social conditions and benefits, but also impacts. Alternatives should also describe any potential institutional barriers that the Corps or others would have to address or overcome to implement the alternative, including Federal, State, or local statutory or regulatory requirements, and current policies. Transparency and full consideration of economic, environmental, and social effects, both quantifiable and non-quantifiable, must be provided for each alternative. Descriptions of the social, environmental, and economic impacts of not investing, or underinvesting, in any Tribal or disadvantaged community, under the future “without-project condition” and the No Action alternative, should be included. Programmatic-level procedures would generally be expected to have fewer alternatives than project-level procedures, as they are generally of a lower level of detail with fewer options for developing them. In all cases, the alternatives analyzed under the PR&G will be included in the NEPA document. As discussed previously in § 234.6(f) of the preamble, the Corps will work to integrate the PR&G analysis with NEPA to the extent practicable.

Response: The Rule was modified to clarify that the Corps will identify and consider a full range of reasonable alternatives.

Section 234.7 Evaluation framework.

Section 234.7(a) The ASPs provide a common framework and general requirements for the Corps to use in evaluating full consideration of social, environmental, and economic benefits and costs of any separable elements and potential alternatives for Federal investment. This will include their performance with respect to the Guiding Principles, and their contributions to the Federal Objective.

Response: The Army made changes to the Rule for clarity. The Rule was updated to stress the need to fully consider all attributes when evaluating separable elements and alternatives. The Army added the word “clearly” for emphasis.

Section 234.7(b) Economic, environmental, and social effects. The Corps will identify and evaluate the economic, environmental, and social effects across alternatives. Such effects comprise the full range of relevant

public benefits potentially provided by Corps projects.

Many commenters supported evaluation of the economic, environmental, and social effects in the Corps planning process. Some commenters wanted to see stronger language emphasizing that the three categories of effects would be balanced and nonhierarchical between each other, and that the three categories would be equally considered.

Multiple commenters wished to see methodologies detailed in this paragraph. For example, one commenter requested more specifics on how the Corps would account for the social, environmental, and economic impacts of chronic underinvesting in communities, especially disadvantaged communities, during the planning process, while another wanted to know how the Corps would incorporate evaluation of ecosystem services, and yet another wished to see inclusion of cost-effectiveness and reasonable cost as key approaches for evaluating environmental effects. One organization recommended adding language clarifying that the Corps must account for the value of ecosystem services lost as a project cost, and account for the value of ecosystem services gained as a project benefit.

One commenter discussed discount rates and OMB Circulars A–4 and A–94 in the context of this section. Another commenter discussed the similarities between this Section and OMB Circulars A–4 and A–94 and suggested that this section simply reference the OMB Circulars. See preamble § 234.9(c) for the Army’s response to comments on this topic.

Another commenter proposed adding a new paragraph to § 234.7, identifying biodiversity as a priority of alternative plans.

The Army solicited comment on specific tools and methodologies that commenters wished to recommend for quantifying or monetizing economic, environmental, and social effects. Multiple such recommendations were received. Additional recommendations were received regarding qualitative and non-monetary evaluation approaches. Some commenters wished to see an explicit constraint on prioritizing any type of data (quantitative vs. qualitative, monetized vs. non-monetized) over any other. One commenter mentioned that monetization should follow sound economic principles and practices.

Response: The Army edited the rule for clarity: “Relevant monetary, quantitative, and descriptive information will be fully assessed and considered in the analysis.” It is

important to include relevant monetary, quantitative, and qualitative descriptive information in this section. The Army acknowledges the importance of biodiversity as an index of ecosystem health. The Corps already evaluates biodiversity in its studies; future guidance will describe any changes to biodiversity evaluation in the planning process, as appropriate. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule. This may include how the Corps will identify, collect, assess, and consider relevant data of all types.

Section 234.7(c) Best available actionable science and commensurate level of detail. This section of the rule specifies that to support the evaluation of alternatives, the analysis should use the best available actionable science, Indigenous Knowledge, data, techniques, procedures, models, and tools across a wide variety of pertinent subjects.

Regarding data used for planning studies, one comment letter found the terms “actionable science” and “best available science” to be confusing. One commenter recommended including in the rule a commitment to use a specific sea level rise scenario adopted by an interagency task force. Another comment letter conveyed that the Corps should ensure that data utilized in planning studies should meet multiple objectives by producing it in a transferable, accessible, multi-use format at a high enough resolution for use by others beyond the planning context. An additional letter was received commenting on the capabilities that non-Federal interests contribute to water resources investigations, and how this should allow for the use of local or region-specific analysis. One commenter suggested inclusion of “other place-based knowledge” in addition to Indigenous Knowledge. One Tribal Nation letter supported the inclusion of environmental considerations as discussed in 89 FR 10266 and said that cultural impacts must also be considered in evaluations.

Response: No changes were made to the final rule. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

Section 234.7(d) Risk and uncertainty. To improve decision-making, the ASPs require that risks and uncertainty be identified, described, considered, and quantified if feasible. This section explicitly calls for consideration of the costs and benefits of reducing risks and uncertainties.

For project planning purposes, the “risk” of an adverse outcome reflects two factors—the probability that an adverse outcome will occur; and its consequences if it were to occur. The term “uncertainty” is used to express doubt or lack of knowledge about a positive (beneficial) or negative (harmful) outcome. Risk and uncertainty may be expressed either qualitatively or quantitatively. Some elements of uncertainty are described in § 234.6(g) regarding future conditions. The risks and uncertainties need to be disclosed for transparency and in plain language and made relevant to the comparison of alternatives. When available, such risks and uncertainties should be contextualized in a format readily understandable by the public. In some instances, reducing risks and uncertainties may result in increased costs, and the advantages of doing so in informing decision-making should be weighed against those additional costs. The Corps practices risk-informed decision-making (see Planning Manual Part II: Risk-Informed Planning).⁷

The Army solicited comment on risk-informed frameworks to supplement or improve the current risk-informed planning process.

Multiple commenters stated that all risk-informed planning should conform to OMB Circular A–4 and that the Corps should make risk-informed decision-making apply to levee safety consistent with Circular A–4, and refrain from unconventional notions, such as tolerable risk, which are no more than expressions of the risk preferences of the agency or analysts within the agency. Another commenter indicated that the Corps needs to clearly and specifically articulate, in this rule and elsewhere, what the term “risk-informed decision-making” is, how it is to be applied, and under what statutory authorities.

Response: OMB Circular A–4 covers regulatory actions, which are beyond the scope of the ASPs. The Corps may follow OMB Circular A–4, where applicable. The Corps consolidated the discussion of risk and uncertainty in one place in the final rule. Therefore, the final rule no longer includes § 234.10(d); and some of the language proposed in that subsection has moved to § 234.7(d). The Corps also has revised § 234.7(d) to include language on providing an estimate in the study of the extent to which the uncertainty may change over time. The Corps will review existing guidance and provide updated

guidance, where warranted, following completion of the final rule. That review will encompass risk-informed decision-making as well as levee safety guidance and practice.

Section 234.7(e) Adaptive management. Adaptive management is defined under this rule in § 234.2(b). Adaptive management is highlighted as a tool to help reduce or manage uncertainties. The rule calls for adaptive management measures to be clearly identified and evaluated as part of the alternatives. Adaptive management should be considered throughout the process and should be employed as soon as triggers are identified which necessitate such measures. Post-construction adaptive management measures to address unforeseen conditions or impacts of the project should also be included in Corps recommendations for project authorization.

No comments were received on this section.

Response: No changes were made to the final rule.

Section 234.7(f) and (g) Climate change and water availability, water use, and resilience. These paragraphs require consideration of climate change, water availability, water use, and drought and flood resilience in all aspects of the planning process.

The Army received multiple comments supporting this requirement. Many commenters stressed the importance of both climate change and drought resilience and water supply to the health of ecosystems and communities. Some comments recommended specific methods, approaches, or data sources to meet the requirements described in the rule. One comment recommended that a framework be developed that establishes processes and procedures for using inland climate change in the evaluation, design, authorization, and construction of flood risk reduction facilities. One commenter stated that it would be difficult to reassess climate change if it was not evaluated during the planning stage. Another commenter stressed the importance of considering nonstationarity for drought resilience and water supply projects as well as flood risk management studies. One organization sought the inclusion of the consideration of multiple flood risks when conducting investigations.

One commenter asserted that there may be a contradiction between maximizing economic outputs, and protecting and conserving the environment. The commenter did not make specific recommendations to change the rule.

Response: No changes were made to the final rule. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

Section 234.7(h) Nonstructural and nature-based alternatives. This paragraph further describes requirements to develop alternatives that use nonstructural and nature-based solutions to address the water resources problem. Nonstructural approaches are defined in § 234.2(l) of the rule. The paragraph requires the consideration of natural systems, ecosystem processes, and nature-based solutions.

Nonstructural and nature-based alternatives are to be developed with the same rigor as other alternatives. A full nonstructural alternative and a full nature-based solutions alternative will also be included in the final array of alternatives, to the extent that such a solution exists. In some cases, these may be one and the same. Nature-based solutions should also be considered as components of other alternatives in the final array, providing integrated or “hybrid” alternatives with these other measures.

The Army received a comment on this section questioning the inclusion of caveat language for these types of alternatives but not including similar caveat language for structural alternatives. One comment letter was received which expressed the opinion that natural and nature-based solutions may not always be compatible as a remedy and recommended that flexibility be allowed for each situation. The Army received multiple comments suggesting that nonstructural and nature-based alternatives be prioritized, by default, over other alternatives in the formulation and consideration of alternative plans. The Army received comment that nature-based solutions may reduce overall costs and offer more benefits than static-built infrastructure.

Response: The rule text was changed to remove the caveat language. The Army disagrees with the prioritization of various alternatives because they would be inconsistent with a requisite standard of rigor in the evaluation and comparison of potential solutions to water resources problems. In addition, the PR&G note that nonstructural approaches must be given full and equal consideration in the decision-making process. Establishing a higher priority for certain alternatives would contradict the concept of equal consideration. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

⁷ See <https://planning.erdc.dren.mil/toolbox/library/PlanningManualPartII/IWR2017R03.pdf>. Last accessed May 21, 2024.

Section 234.7(i) Tribal treaty rights. This paragraph provides that each of the alternatives considered for a water resources investment must protect Tribal treaty rights. Each treaty is unique and must be analyzed to ensure any possible impacts, as well as benefits, to treaty rights are fully understood and accounted for in the evaluation of alternatives. The Corps will ensure consistency with the “Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights and Reserved Rights”⁸ during the evaluation framework process. The Corps commits to enhancing interagency coordination and collaboration to protect Tribal treaty and reserved rights and to fully implement Federal Government treaty obligations. If Tribal treaty rights preclude selection of an alternative, the Corps will disclose such details. The Corps also commits to following the “Best-Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and Other Similar Rights in Federal Regulatory Actions and Federal Decision-Making.”⁹

Several commenters supported the inclusion of evaluating Tribal treaty and reserved rights during scoping and throughout the alternatives development and evaluation process in § 234.7(i) of the rule. One public comment suggests consideration of Tribal treaty rights and other environmental justice impacts to ensure that Corps investments appropriately address the needs of historically underrepresented stakeholders and potential uncertainties that may threaten the viability of a project alternative. A Tribal Organization and a Federally recognized Tribe commented that only Congress may abrogate or interfere with Tribal treaty rights, and that the Corps may not recommend a water resources development project that violates Tribal treaty rights. Further, the Federally recognized Tribe recommends that evaluation of Tribal treaty rights starts as a threshold inquiry, not to be deferred to the evaluation phase, as any alternative that violates Tribal treaty rights is not a viable alternative and should be eliminated as soon as it is identified. One comment from a Tribal Nation acknowledges that in some cases the full extent of impacts to Tribal treaty rights

and water rights may not be known until detailed environmental analysis is completed and recommends that impacts to Tribal treaty rights continue to be evaluated at each stage of the project planning process. The comment continues, stating if the Corps determines in consultation with a Tribal Nation that an alternative does not interfere with Tribal treaty or water rights, the Corps must then take affirmative steps to protect and advance Tribal interests throughout the remainder of the planning process, as required by its trust responsibility to Tribal Nations through consultation.

Response: Section 234.7(i) was updated to remove reference to “an otherwise viable alternative” when identifying impacts to Tribal treaty and water rights. The Army agrees that unless Congress provides explicit authority, the agency does not have authority to recommend projects that interfere with Tribal treaty rights. The Army also concurs that this analysis must be done at the earliest phases and iteratively through the plan formulation and evaluation process. Additional edits in § 234.6(d) of the rule added emphasis on the requirement to conduct Nation-to-Nation consultation in addition to the robust, early collaboration with Tribal Nations, which will be paramount in the development of implementing guidance for the PR&G.

Another comment states while Tribal treaty rights should be considered in the analysis, it would be inappropriate for the Corps to determine any treaty or reserved rights that may be in dispute, that Federal agencies are not the appropriate arbitrators of these rights, and this determination is beyond the Corps’ expertise and authority.

Response: Treaties are between the Federal Government and Federally recognized Tribes. The Corps is required to consult with Tribal Nations on potential impacts on Tribal treaty rights through Nation-to-Nation consultation, as treaties are “not a grant of rights to the Indians, but a grant of rights from them, a reservation of those not granted” (*United States v. Winans*, 198 U.S. 371, 381 (1905)). While the Corps does not get involved in water rights or treaty rights determinations unless it is a part of developing a water resources project, the Corps does have relevant expertise developed through implementation of its statutory authorities and in fulfilling the Federal trust responsibility.

One comment recommends that this evaluation of Tribal treaty rights follow the Department of the Army permitting context to balance the broad range of public and private interest factors and

weigh the cost and benefits of a proposed activity (33 CFR 320.4). Lastly, one comment recommended revisions to the existing Missouri River operations to comply with the treaty provisions in § 234.7(i).

Response: When planning a future water resources investment, the Corps is engaged at each stage of the process—from the initial scoping, through project formulation and evaluation, and ultimately to the recommendation of a water resources investment. In comparison to the Department of the Army permitting context, the project planning process provides multiple opportunities to identify and screen out alternatives that may adversely impact Tribal treaty rights. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the rule to include an evaluation of guidance related to the Tribal Treaty Rights Effects Determination process.

Section 234.7(j) and (k) State water law and international obligations. These paragraphs provide that the alternatives for Federal investments must ensure compliance with State water laws to the extent they do not conflict with Federal laws and regulations as well as treaty and other international obligations. If any constraints within that compliance require an otherwise viable alternative to not be carried forward, then the Corps would disclose those details.

A commenter suggested that a similar statement be added requiring compliance with Federal environmental laws. Another commented that the procedures should require deference to State and local preferences on trade-offs. A commenter noted that a set of statutes broader than “state water laws” may apply to Corps projects and recommended broadening the language to acknowledge all applicable State laws. Another commenter stated the rule must be revised to give deference to State water allocation decisions.

Response: Section 234.7(j) of the rule was modified to broaden the applicability of State laws. Compliance with applicable Federal law is a required baseline. These paragraphs acknowledge the diversity of State laws and international obligations, and explicitly establish a requirement to comply with all applicable such laws.

The Army has not included language in the rule to give deference to State water allocations. The Water Supply Act of 1958 (Title III of Pub. L. 85–500) recognizes the primary responsibilities of the States and local interests in

⁸ See <https://www.doi.gov/sites/doi.gov/files/interagency-mou-protecting-tribal-treaty-and-reserved-rights-11-15-2021.pdf>. Last accessed May 21, 2024.

⁹ See https://www.bia.gov/sites/default/files/dup/inline-files/best_practices_guide.pdf. Last accessed May 21, 2024.

developing water supplies. The Army does not allocate water but allocates the storage space within its reservoirs.

Section 234.7(l) Period of Analysis. This paragraph complements the preamble discussion of § 234.6(g) of the rule regarding the period of analysis and review of alternatives. The period of analysis selected will be documented with appropriate supporting information. The same timeframe would be used across all alternative evaluations. The Corps has typically used a 50-year timeframe for the period of analysis (see Engineer Regulation 1105–2–103 paragraph 2–4b). The Corps recognizes the importance of consistency and comparability within a given study in evaluating the alternatives. Under the final rule, the Corps would determine the period of analysis for each study to reflect a time frame that will sufficiently capture all important effects of each of the alternatives.

The Army solicited comment on whether there should be an upper limit established for the period of analysis. The Army also solicited comment on whether the Corps' current timeframe is the appropriate period of analysis for implementing the Corps' projects. Further, the Army solicited comment on whether the period of analysis should be longer given that some benefits could accrue over timescales beyond 50 years. To round out the period of analysis considerations the Army solicited comment on whether the period of analysis should vary based upon the mission area and the particular purpose and need of the proposed investment.

The Corps received three comments addressing the period of analysis. Two commenters indicated that the period of evaluation should be extended to 100 years. Another indicated that the design analysis of structures should reflect their actual use life rather than being limited to 50 years, and instead use an "adaptive adaptation" approach rather than planning for a time horizon and then rebuilding when the infrastructure is obsolete. Another commenter recommended that the final rule include new text clarifying the period of analysis, including regarding project lifespan and the cumulative effects of Federal projects. In particular, the commenter noted that a shorter period of analysis may not account for sea level rise impacts.

Response: The Army changed the name of this subsection from "Timing" to "Period of Analysis" and made additional edits for clarity. As previously discussed within the Preamble for § 234.6(g), the Army concurs that a period of evaluation

longer than 50 years may be appropriate in some instances. The Corps will review existing guidance and provide updated guidance relative to the period of analysis for investigations, where warranted, following completion of the final rule.

Section 234.8 Final array of alternatives. This paragraph outlines the final array of alternatives to address the problem that would be identified and subject to analysis and consideration. The rule requires the Corps to include six alternatives in the final array: a No Action or "without-project condition" alternative, a fully nonstructural alternative, a fully nature-based alternative, an environmentally preferred alternative, an alternative that seeks to maximize net public benefits, and a locally-preferred alternative. A single alternative might satisfy more than one category, such as a nature-based alternative that is also the net public benefits alternative. There may be cases where there are two or more alternatives in a category that will be considered as part of the final array of alternatives. All alternatives in the final array must be developed using a comparable level of rigor and detail.

The Army received public comments about locally preferred alternatives. One commenter noted that impacted communities should have meaningful and informed input regarding the identification of the locally preferred alternative. Another emphasized the need for analysis to help justify a locally preferred plan as a Federal plan, while another mentioned a need to consider the locally preferred plan in a revised definition of non-Federal interest. Another commenter requested clarity on cost allocation among project purposes and the corresponding cost sharing.

A number of letters were received regarding the treatment of alternatives. One comment identified conflicting statements regarding the requirements to include nonstructural approaches. Another commenter recommended that if any of the required alternatives is not included in the final array, the analysis will need to fully justify that decision. One comment letter suggested that the Corps consider alternatives outside of its authorities if they could maximize net public benefits. Another commenter suggested alternatives be described based on method rather than have alternatives that are based on achieving an objective. Another comment requested that any caveats associated with consideration of alternative plans be removed to force creative thinking about nonstructural and natural and nature-based solutions. One comment letter suggested consideration of natural

and nature-based solutions over all other measures; whereas another letter suggested priority for structural measures in certain applications. One comment letter went further, requesting future guidance clearly identify procedural and methodology requirements to include nonstructural and natural and nature-based solutions. A commenter suggested that the Corps has the discretion to modify the identification of the nature-based solution alternative based on project-specific considerations of local conditions. One commenter indicated that a fully nature-based alternative may limit efforts to identify an implementable nature-based alternative and that nature-based solutions could include structural and non-structural features. One comment recommended that the non-Federal interest be fully involved in determining the final array of alternatives, especially to ensure that they can fulfill any associated requirements for lands, cost-share, and maintenance activities. Another commenter recommended that § 234.8 be accompanied by standard guidance and case studies that exemplify the use of innovative and diverse tools and methods for comprehensive evaluation of economic, social, and environmental benefits. Another commenter indicated that the discussion on the final array of alternatives should be revised to reflect the fact that the final array will include the primary purpose of the analysis and the Federal Objective.

Response: Changes were made to the rule to acknowledge that if one or more of the required alternatives is not included because the Corps was not able to identify a potential solution that is feasible and would be effective, the study must document that decision. The Corps will review existing guidance and provide updated guidance, including procedural requirements and methodology considerations for determining the final array of alternatives, where warranted, following completion of the final rule. The Corps will consider the use of case studies to help illustrate examples of the types of alternatives required to be presented in the final array of alternatives.

For the locally preferred alternatives, all costs above the identified alternative that maximizes net public benefits would be a 100 percent non-Federal cost. Additional policies and procedures for recommending locally preferred alternatives will be covered in future implementing guidance.

Section 234.9 Evaluate effects of alternatives.

Section 234.9(a) and (b). These sections establish the general framework

for the analysis of the effects of the final array of alternatives. The analysis must evaluate how each alternative's benefits compare to its costs, how the alternatives perform with respect to the PR&G's Guiding Principles, how they perform against the objectives of the study, and how they perform against the prescribed formulation criteria of completeness, effectiveness, efficiency, and acceptability. In doing so, the final array of alternatives will be assessed in a manner to best inform decision-making. The objectives of the study should be related to, or stem from, the identified water resources problem or opportunity, and must be clear and focused so that they can be used to evaluate alternatives.

The Army received several comments that recommended including in the rule language from the Interagency Guidelines stating that there is no hierarchy among economic and environmental goals. The Army also received comments requesting that Tribal treaty rights evaluation be acknowledged throughout the planning process in consultation with Tribal Nations. One commenter supports aspects of this section and recommends the ASPs should include a methodology framework and plan selection criteria. Another commenter recommended that the Corps evaluate alternatives for potential impacts on the status of Federal jurisdiction for wetlands. Another comment suggested changing the text of § 234.9(b)(2) to evaluate each alternative against the study objectives and the Federal Objective. One commenter noted that the Army needs to clarify the benefits analysis process on how benefits will be compared, leading to a clear and transparent path to project selection. Another commenter provided suggestions for how best to evaluate alternatives built around nature-based solutions. Another commenter suggested that guidance be developed to ensure the Corps analyzes multiple types of inundation risk in flood risk management studies.

Response: The Army modified the rule text to require full consideration of economic, environmental, or social benefit categories and to require the analysis for the final array of alternatives to identify any impacts to Tribal treaty rights that were unknown earlier in the planning process and which prevent the selection of an alternative. The Corps will review existing guidance and provide updated guidance relative to methodologies and criteria, where warranted, following completion of the final rule. The Corps considers jurisdictional status of wetlands during the planning process.

Section 234.9(c) Consideration of benefits and costs. This paragraph establishes three categories to fully account for the costs and benefits of an alternative and its contributions to the Federal Objective: economic, environmental, and social.

The PR&G does not direct the Corps to develop ASPs that require the selection of a particular alternative investment, but rather to evaluate a range of alternatives. When evaluating an array of alternatives, the Corps will keep in mind a number of key aspects, such as economic, environmental, and social impacts, which are interrelated; not all impacts can be monetized, and impacts described qualitatively should be given full consideration; and there could be more than one alternative that reasonably and approximately meets the Federal Objective and seeks to maximize the public benefits relative to costs.

The paragraph reiterates that the costs and benefits should be quantified and monetized to the extent practicable using a scientifically valid and acceptable way. If qualitative applications are used, they must be of sufficient detail to ensure the decision-maker can make an informed decision understanding both the importance and magnitude of potential changes.

This paragraph is the heart of the PR&G and encapsulates the largest change in Corps decision-making and consideration of Federal water resources investment alternatives. Rather than primarily focusing on national economic development in the alternatives analysis, the ASPs require economic, environmental, and social benefit categories to be considered fully. Qualitative information can be used to further contextualize their social relevance, but double-counting should be avoided.

This paragraph calls for the current dollar value costs, along with non-monetized measures and descriptions of benefits, to be measured against the current dollar value benefits and non-monetized measures and description of benefits of each alternative, and compared to the No Action alternative. Future predicted cost and benefit value (monetized) estimates will be discounted to present value terms for the analysis. The evaluation of alternatives is part of the NEPA alternatives analysis, in which the No Action alternative and Action alternatives are described, evaluated, and compared.

The Army solicited comment on whether to eliminate the three categories to simply account for all costs and benefits without further

categorization which may make it easier to avoid double-counting, although noting that certain costs and benefits may not be as visible if they are not specifically called out in a category.

Several commenters indicated that the Corps should use the three categories. Some commenters mentioned the need for additional guidance, and some recommended that future guidance discuss how non-monetary outputs are weighed against monetary. Multiple commenters suggested that the Corps continue to identify the national economic development plan but should modernize it to reflect environmental and social values.

Response: No changes were made to the final rule regarding the three benefit categories. The Corps will review existing guidance and provide updated guidance relative to benefit and cost methodologies, where warranted, following completion of the final rule.

The Army solicited comment on the selection of discount rates and consideration of whether declining discount rates should follow the guidance in OMB Circulars A-4 and A-94.

The Army received multiple responses on this topic. Two commenters expressed concern about the use of higher discount rates and their impact on analyses. One of these commenters suggested that the Corps expand its consideration of relevant factors to include additional social and environmental factors, and that net present value estimates be reported at a zero-percent discount rate. They felt this can be invaluable when benchmarking new assumptions, methods, and policy approaches. Several commenters indicated that, to the extent practicable and allowable by law, the Corps and OMB should follow the guidance in OMB Circulars A-4 and A-94 related to discount rates. Another commenter suggested that the Corps define the term "minimum standards" in the final rule that can be supplemented with OMB- and Corps-specific guidance. Specifically, the commenter recommended that the Corps should follow A-4 and A-94, adopt the declining discount rate schedule outlined in Circular A-4, and should update the long-term discount rate schedule every three years. Another commenter expressed concern with OMB Circulars A-4 and A-94 and their use of risk adjusted discount rates to account for risk to discount future costs and benefits, and indicated that discounting should only be done to account for the time value of money. This commenter also expressed concern with using declining discount rates.

While not specific to discount rates, a commenter asked for the Corps' perspective on weighted benefit-to-cost ratios as discussed in OMB Circular A-94, while also providing support for including distributional effects in analyses. Support for inclusion of distributional effects was echoed by multiple respondents. Another commenter responded that discounting methodologies applied to ecosystem services or natural resources incorporate the impact of potential scarcity into the future cost and value of these natural services and resources.

Response: No changes were made to the final rule regarding discount rates. In general, the Corps will follow the principles presented in Circulars A-4 and A-94 for implementing a benefit-cost analysis. For clarification, Circular A-94 emphasizes that the preferred way to address risk is through project level certainty equivalents, which adjust uncertain expected values to account for risk. Per Circular A-94, when direct determination of individuals' certainty equivalent valuations is not feasible, the inclusion of a risk premium in the discount rate serves as a practical alternative. The discount rate used by the Corps is based on a requirement in section 80 of WRDA 1974. Where appropriate, the Corps will consider using weighted benefit-to-cost ratios as part of a sensitivity analysis to inform an investment decision.

Distributional effects are often considered but may not be appropriate for some types of investments. For example, the primary benefits associated with an aquatic ecosystem restoration project are realized by the ecosystem that is being restored including the plant and animal species that use that habitat, rather than by any specific members of the public. The Corps does not discount non-monetized outputs.

Another commenter provided several comments regarding how the Corps conducts economic analyses. In particular, the commenter expressed concern with the use of average annual values and the inclusion of interest costs of borrowing. The commenter also mentioned a spreadsheet tool that the Army uses for calculating benefit-to-cost ratios.

Response: No changes were made to the final rule regarding how the Corps performs its economic analyses. The Corps utilizes a constant dollar analysis. There is no comingling of constant or inflated values. Costs are counted in the analysis in the year they are incurred. The average annual calculations are the result of the present value being factored with the capital recovery factor.

The capital recovery factor is calculated utilizing the discount rate used in the present value calculations and the period of analysis and represents sound economic evaluation. Current technical practices utilize the best available tools and are subject to peer review requirements. The Corps does not have a singular spreadsheet tool that is used to determine benefit-to-cost ratios. While a particular study may use such a tool, the Corps uses a variety of approved models in aiding with economic analyses.

The ASPs intentionally do not dictate specific evaluation tools, methods, or processes. These tools and methods will evolve over time and the Corps is committed to using the best available tools and methods appropriate for the analysis, now and in the future. In this manner, the Corps can be nimble in changing with the evolving science, knowledge, data, and methods, rather than promulgating a prescriptive method in regulatory text that may quickly become outdated.

The Army solicited comment on tools and methodologies. While the ASPs do not prescribe the techniques to be used to quantify and monetize costs and benefits, the Corps' analysis must include information to justify the use of any technique as the most appropriate given the circumstances, how it compares to other methods that could have been used (pros vs. cons), and what are the risks and uncertainties inherent in using that particular technique. The ASPs allow for the use of new analytical techniques and methodologies as they become available and cost-effective. Costs would include the costs of O&M. One comment was provided which indicated that the final regulation should more clearly describe how O&M costs projected for the Corps and local sponsors are to be included in the benefit-cost analysis used to evaluate the range of project alternatives.

Response: No changes were made to the final rule regarding tools and methodologies. All O&M costs incurred by the Corps or others during the period of evaluation for the study are included in the analysis. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

The Army solicited comment on how such analysis would best be conducted for projects affecting Tribal Nations, and whether the Corps should identify, characterize, and evaluate the benefits to the Tribal Nation separately, as opposed to including them in a broader assessment of the overall benefits of the proposed project and the alternatives to

the U.S. Nation (including the affected Tribal Nations).

One comment supported the inclusion of subsistence and social impact assessments and greater transparency for evaluating benefits and impacts under the environmental justice analysis of a proposed project. One comment stated that the impacts of existing Corps projects and climate change on Tribal watersheds should be fully evaluated, as the costs suffered by Tribes should be identified separately from any other costs or damages incurred, including mitigation. Two comments specifically supported the use of a social impact assessment methodology to determine social costs of a proposed water resources project, with one comment asking for it to be added as a Guiding Principle of the PR&G.

Response: Changes were made to the final rule regarding the treatment of Tribal benefits. As noted in the discussion of § 234.4(c) in this preamble, several comments supported the separation of Tribal benefits from public benefits. The rule was amended to state that the consideration of benefits to Federally recognized Tribes will be done in direct consultation with the respective Tribal Nation and will supplement the public benefit analysis. While the PR&G apply to new water resources development investment decisions (except for those Federal activities noted in § 234.4(d)(2)), compliance with other Federal statutes and laws would still be required. Social impact analysis is a methodology that could be used to evaluate social costs and will be considered during the development of implementing guidance, where warranted, following the completion of the final rule.

Section 234.10 Compare alternatives.

Section 234.10(a) Comparing alternatives. This section calls for alternatives to be compared with each other and the No Action alternative. The alternatives would include a description of the adaptability and resilience of alternatives to climate change and other risks. The alternative plan (or plans) that reasonably maximizes net public benefits would be identified. The ASPs explicitly call for robust engagement to provide meaningful participation and input from Tribal Nations and stakeholders as they may have different perspectives, values, considerations, and information on potential effects to inform tradeoffs between alternatives.

The Army solicited comment on how it could compare alternatives and develop a recommendation.

One comment recommended that this section of the rule be strengthened to indicate that the considerations must include beneficiaries and any others that will be significantly impacted, and that their perspectives and preferences will be elicited on alternatives. Another commenter suggested the text in § 234.10(a) include obtaining values and input from stakeholders and the affected community. One commenter recommended additional guidance to assist planners in determining how to maximize net public benefits. One commenter supported the inclusion of environmental justice benefits and costs among the display of effects of alternatives.

Response: The Army made minor edits to this section of the Rule for clarity. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

The Army also solicited comment on when it would be appropriate to apply multi-criteria decision analysis within a PR&G analysis. One commenter responded and indicated that multi-criteria decision analysis would be appropriate to use as a decision aiding tool.

Response: No changes were made to the final rule regarding the use of multi-criteria decision analysis. Multi-criteria decision analysis is a tool that may be used for assessing the tradeoffs among alternatives and can aid in decision-making. The Corps will review existing guidance and provide updated guidance relative to comparing alternatives, where warranted, following completion of the final rule.

Another approach that could be followed is structured decision-making. In addition, in certain instances, the Corps has employed decision frameworks such as using resilience as a guiding strategy under the City Resilience Framework¹⁰ for the Coastal Texas study. The City Resilience Framework presents a broad, multi-dimensional perspective on the integrated conditions that support resilience within a community. The framework highlights four dimensions of resilience: Health and Wellbeing, Economy and Society, Infrastructure and Environment, and Leadership and Strategy. The Army solicited comment on whether the City Resilience Framework aligns with the PR&G Guiding Principles and if it could be

employed in a decision framework under the ASPs.

One commenter mentioned that the City Resilience Framework could be used for assessing tradeoffs and effects of alternatives.

Response: No changes were made to the rule. The Corps will review existing guidance and provide updated guidance relative to the PR&G decision framework, where warranted, following completion of the final rule.

The Army solicited comment on the various frameworks and methods that may be employed in the decision-making process when facing a multi-dimensional problem with complex tradeoffs between monetary and non-monetary outputs and quantitative and qualitative data, which would support objective analysis and sound decision-making.

The Army received comments that there should be a specific system of accounts to realistically evaluate and balance tradeoffs. Others recommended that the four accounts from the 1983 P&G be included in the ASPs. One commenter requested additional detail and guidance related to the evaluation and comparison of factors that cannot be monetized or quantitatively evaluated.

The Army solicited comment on whether the Corps should pursue a more straightforward approach, maximizing net public benefits as a primary metric for comparing the alternatives and evaluating the tradeoffs, and clarify the decision framework.

The Army received comments that additional direction should be provided to assist planners in determining how to maximize net public benefits.

Response: No changes were made to the final rule. The Corps will review existing guidance and provide updated guidance relative to tools, methods, and processes, where warranted, following completion of the final rule.

The Army received comments through Government-to-Government consultation regarding Tribal Nations as beneficiaries and appropriately identifying benefits to Tribes. Tradeoff analysis will not be used to identify potential mitigation of loss of treaty rights, and benefits to Tribal Nations can only be identified through direct consultation.

Response: The rule was amended in § 234.10(a)(3) to state that Tribal treaty rights are guaranteed by such treaties. As mentioned earlier, § 234.9(c) was amended to ensure that the consideration of benefits to Federally recognized Tribes is done in consultation with the respective Tribal Nation.

Section 234.10(b) Tradeoffs. Tradeoffs are anticipated and expected for the implementation of the ASPs regarding the potential alternatives. Tradeoffs are assessed from the perspective of the specific circumstances of each study, including the study area, resources, impacted populations, and study authority to inform plan selection.

The tradeoffs will be described throughout the decision-making process to ensure an informed decision. Different project elements may be justified for different types of public benefits, that should be described. Tradeoffs may be identified on the basis of both quantifiable and unquantifiable terms. In addition, each alternative's separable element's goals and objectives should be identified to provide a rationale for inclusion or exclusion from the alternative.

The Army solicited comment on whether the Corps should pursue a more straightforward approach, using maximizing the net benefits as a primary metric for use in comparing the alternatives and evaluating the tradeoffs, and to clarify the decision framework.

Multiple commenters indicated that a system of accounts to evaluate tradeoffs should be displayed to be complete and transparent. Several commenters suggested that the non-Federal interest and other stakeholders be included in the decision of the tradeoff analysis. One commenter requested that the phrase "professional judgment" be clarified. Another noted that investment decisions should be based on complete and transparent tradeoffs. One commenter mentioned that the Corps should clarify that benefit-cost analysis is an appropriate decision framework and that net benefit maximization is an appropriate decision criterion.

Response: No changes were made to the final rule. Benefit-cost analysis is the basis for plan selection, and net public benefit maximization is fundamental to the ASPs. Section 234.10(a)(3) of the rule explicitly requires consideration of the preferences of Tribal Nations and stakeholders when comparing alternatives. The phrase "professional judgment" is now defined in § 234.2(m) of the final rule. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

Section 234.10(c) Information for inclusion in the analysis. This paragraph outlines the information and tables that will promote consistency and transparency in comparisons across different studies. The information to be included in the analysis and documentation is consistent with other

¹⁰ See <https://www.rockefellerfoundation.org/report/city-resilience-framework/>. Last accessed May 21, 2024.

Federal agency approaches in their ASPs, so it can also provide consistency across the Federal Government. Information must highlight how alternatives achieve the four evaluation criteria of completeness, effectiveness, efficiency, and acceptability.

Additional tradeoff displays should show any other relevant important information. A summary table will display the economic, environmental, and social costs and benefits, and another table would indicate the extent to which the alternatives achieve the Guiding Principles.

The Corps should use the most readily available, scientifically acceptable, and best available data and information, to include Indigenous Knowledge, for assessing tradeoffs.

The Interagency Guidelines support use of a common framework that would be used across agencies enhance transparency and clarity about the decision-making process, and encourage agencies to collaborate to develop these common displays.

The Army solicited comment on the tools, methods, and processes for assessing the tradeoffs to best elicit preferences resulting in the most informed recommendations in a consistent manner, although variation is expected due to the nature and diversity of water resources and their associated challenges, which vary greatly across the Nation.

Several commenters identified the need to refine methodologies to ensure that local and regional benefits are not overshadowed by national considerations and should be acknowledged in the benefit evaluations and decisions.

Response: No changes were made to the final rule. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

Section 234.10(d) Risk and uncertainty. This section requires a description of areas of risk and uncertainty with sufficient detail so that decisions can be made with knowledge of the degree of reliability and the limits of available information, recognizing that even with the best available engineering and science, risk and uncertainty will always remain. From the vantage point of one who is deciding now whether to propose an investment in water resources to achieve results in the future, the risk and uncertainty in the outcome tend to increase over time. Therefore, the study should include an analysis of the range of expected results from the investment both in the short-term and in the less predictable future,

in order more fully to account for the effects of the risk and uncertainty.

The Army solicited comment on the Corps' approach to identifying areas of risk and uncertainty, including whether certain Corps studies should include an estimate of the return on investment under current conditions.

Commenters supported using science to describe risks and uncertainty. One commenter suggested alternative methods to conduct efficiency analysis.

Response: The Corps consolidated the discussion of risk and uncertainty in one place in the final rule. Therefore, the final rule no longer includes § 234.10(d); and some of the language proposed in that subsection has moved to § 234.7(d). The Corps also has revised § 234.7(d) to include language on providing an estimate in the study of the extent to which the uncertainty may change over time. The Corps will review existing guidance and provide updated guidance relative to methods to account for risks and uncertainties, where warranted, following completion of the final rule.

Section 234.11 Select the recommended plan.

Section 234.11(a) Recommended plan. The Corps will recommend a decision to either: (1) propose authorization of an alternative project, program or plan; (2) pursue an alternative under existing law; (3) propose implementation of a project, program or plan to be implemented by others; or (4) take no further Corps action. Federal investments should seek to achieve the Federal Objective and maximize net public benefits, as measured by the economic, environmental, and social costs and benefits to the Nation.

The PR&G help the Federal Government improve decision-making by accounting for long-term costs and benefits; developing investments to withstand or adapt to climate change; creating better, more resilient communities; and avoiding conflicts and project delays by including local input.

Multiple letters were received containing comments associated with § 234.11. One comment suggested additional explanation of how preferences from non-Federal sponsors, Tribal Nations, stakeholders, and others will be considered in the decision-making process. The same letter also suggested the rule incorporate methods for monetizing environmental and social effects. One comment expressed a need for a requirement to explain how these preferences were incorporated into the analysis and considered in the decision-making process. A letter supported consideration of tools for tradeoff

analysis for a more structured decision-making process, and supported explicitly documenting the process. Another letter requested that the rule require the rationale for plan selection to include how non-Federal sponsors and stakeholders were engaged in plan selection. One comment expanded on a recommendation to include plan selection criteria in the rule to inform non-Federal interests and the public of these requirements, and to further support Congressional authorization and appropriation steps to lead to successful cost-shared project implementation. One comment recommended an edit to § 234.11 by adding "consistent with achieving the Federal objective of protecting and restoring the nation's environment." Another commenter suggested tying the selection of a plan to the Federal Objective. One organization commented that it remains to be seen how benefits analysis would be used to select a plan and that there could be inconsistencies nationwide.

Response: Edits were made to the final rule regarding investment recommendations and consideration of monetized and non-monetized outputs in the decision-making process. The Rule was further modified to require the Corps to analyze and fully consider all social, environmental, and economic benefits and costs of each separable element of a proposed investment. Section 234.10(a)(3) of the final rule explicitly requires consideration of the preferences of Tribal Nations and stakeholders when comparing alternatives. Sections 234.6 and 234.7(i) of the final rule specify that the Corps will identify potential impacts to Tribal treaty rights at the earliest phases and throughout the plan evaluation process, screening alternatives that impact Tribal treaty and water rights. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

The Army disagrees with comments about the use of benefits analysis and potential nationwide inconsistencies. No changes were made to the rule in this regard.

Section 234.11(b) Exceptions. The rule allows for exceptions for a recommended plan that does not maximize net public benefits; however, such exceptions must be approved by the Assistant Secretary of the Army for Civil Works. This policy underscores the importance of the PR&G approach to put forth a recommended plan that seeks to maximize net public benefits.

Multiple comment letters were provided regarding this section of the rule. One questioned whether an

exception would not be required for recommended plans that do not meet the authorized study purpose. Another letter suggested the rule consider options to require additional support from cost-share partners and others. Another recommended removing language in §§ 234.3 and/or 234.11(b) potentially allowing unbounded exceptions.

Response: No changes were made to the rule. Input from non-Federal interests, Tribal Nations, stakeholders, affected populations, and other interested parties is routinely considered in the decision-making process. The Corps will review existing guidance and provide updated guidance relative to policy and procedural requirements, where warranted, following completion of the final rule. An exception from the Assistant Secretary of the Army for Civil Works will be required if recommending a plan other than the plan that maximizes net public benefits.

Additional comments received. A number of comments that are outside of the various sections of the rule or did not explicitly address questions posed by Army in the proposed rule. For example, one commenter recommended the use of a commercial ecosystem-friendly marine concrete product that can be used for marine infrastructure work. While this input is noted, specific products are beyond the scope of the ASPs.

Many of the comments received on the rule asked for additional details on the specific methods, procedures, tools, techniques, and relevant examples that the Corps would use for implementation of these ASPs. One comment requested that future guidance address requirements for how the Corps will complete studies under the ASPs within the three-year study duration and three-million-dollar Federal cost framework of Section 1001 of the Water Resources Reform and Development Act of 2014 (Pub. L. 113–121). This letter further recommended earlier vertical integration within the Corps while freeing up more time for plan formulation. One comment stressed the need for vertical integration during the initial application of these ASPs to ensure implementation challenges are addressed efficiently. A comment was received during a virtual public meeting requesting that non-Federal interests be included in training opportunities associated with the application of the ASPs. A number of comments requested that any implementation guidance be developed in a transparent manner to include an opportunity for public input.

Response: No changes were made to the final rule. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule. The Corps will review the need for updated procedures, methodologies, and other requirements, as well as public engagement, to effectively implement the rule.

A comment was received from a professional association recommending that project delivery teams be comprised of qualified staff and disciplines, including landscape architects, during all project phases. This association also indicated that landscape architecture design and planning can reduce and mitigate ecological harm, improve resilience, and adapt communities to the effects of climate change. Another organization offered its support and services in developing water resources projects and facilitating public processes. A local entity suggested adding language recognizing the non-Federal sponsor as a true member of the team. One letter noted the non-Federal sponsor should be highly valued and leveraged in the development of project authorization documents and for insights into the decision-making process. One organization suggested the inclusion of Engineering With Nature scientists to support the development and design of nature-based solutions for risk reduction.

Response: No changes were made to the rule. These comments are noted. It is current practice to build project delivery teams from appropriate qualified staff to address the particular water resources issue under investigation. This would include staff from within the Corps, non-Federal interests, partners, and other external resources.

One commenter suggested that the ASPs include a discussion on the requirements of Section 8106 of WRDA 2022.

Response: No changes were made to the rule. The Corps issued implementation guidance for Section 8106(a) and 8106(b) of WRDA 2022 in February 2024.¹¹ The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule.

One comment expressed concern that the ASPs mandate multi-purpose projects, and expressed particular concern about the impact that such a mandate would have on shoreline protection projects.

Response: No changes were made to the rule. The ASPs do not mandate multi-purpose projects. Alternatives will be formulated based on the specific study authorization and in consultation with the non-Federal sponsor and other stakeholders with no requirement for a project to be multi-purpose. While projects will evaluate social, economic, and environmental benefits, many studies will remain single purpose.

One comment focused on regulatory protections for fishing grounds.

Response: Comment is noted although it is beyond the scope of this rule. No changes were made to the rule.

One organization noted that conflicting State and Federal regulations may hinder the implementation of nature-based solutions. They recommended convening leadership of State and Federal agencies to discuss which existing laws are relevant to promoting marsh and wetland preservation and restoration in response to the impacts of sea level rise, and which laws hinder improvements to coastal resilience. They noted that determining how to accept and compromise on habitat trade-offs will be an important discussion topic and that placing dredged sediment in open water to maintain wetland footprints is needed for long-term coastal resilience. The commenters suggested that the meeting would aim to develop exemptions or revise regulations and policies to help promote the cost-effectiveness of nature-based solutions.

Response: The proposed resolution of the comment extends beyond the need and intent of this rule. No changes were made to the rule.

One comment was received regarding the feasibility of land acquisition that non-Federal interests are required to provide for project implementation.

Response: No changes were made to the rule. Real estate is the responsibility of the non-Federal interest for any Corps water resources development project. If a non-Federal interest is unable to acquire the necessary real estate, plan selection could be affected.

A responding organization offered comment on the need for the Corps to expand its capacity and to begin attracting and elevating the skills necessary to apply the ASPs from within its ranks.

Response: No changes were made to the rule. The Corps recognizes the need to develop and train staff to perform the analysis and other elements of the ASPs. These efforts will be a key factor in the success of the new framework.

One commenter indicated that the Corps should base cost estimates on realistic projections of the project's full

¹¹ See <https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/WRDA-2022/>. Last accessed May 21, 2024.

life-cycle costs, likely construction start date, likely funding streams over time, and historical cost increases by project type and geographic location.

Response: No changes were made to the rule. The Corps will review existing guidance and provide updated guidance, where warranted, following completion of the final rule. The Corps considers life cycle costs, likely construction start dates, and geographic locations when developing its cost estimates.

E. Expected Benefits and Costs of the Rule

Overall, this rule provides greater flexibility to the Federal Government and non-Federal interests to consider a wider range of benefits, improve the effectiveness of Federal and local investments in Civil Works projects, and provide water resources projects that better serve communities and the public. Informed by a more detailed understanding of various risks, Federal, State, local, and Tribal governments can apply available resources to the activities that are most likely to produce public benefits. A full accounting of benefits and costs will result in projects that increase public benefits. An increased focus on collaboration throughout the planning process: ensures projects benefit from local knowledge, improves Federal decision-making, and promotes transparency and responsiveness. A focus on environmental justice ensures that the Federal Government's resources benefit disadvantaged communities, including many communities that are overburdened by pollution and marginalized by underinvestment. The Corps has eleven covered programs under the Justice40 Initiative¹² that would apply the ASPs as described in this rule. The use of an ecosystem services approach allows the planning process to better anticipate and account for the effects of a Federal investment.

As the Corps starts implementing this new approach, evaluation and decision-making methods, tools, and processes will need to be developed, resulting in increased costs in time and effort for all parties. More resources will likely be directed to the evaluation of social, environmental, and non-traditional economic benefits and costs; engagement with other governmental and non-governmental partners; and assessing and communicating risks and uncertainties to the public. The Corps Civil Works program is committed to

ensuring development of an adequate study scope and documentation; establishing a realistic schedule and budget early in the study process; and ensuring adequate leveraging of data, models, methods, and information from Tribal, State, local, and non-governmental resources to assist in development and evaluation of alternatives.

This rule will mostly affect the Investigations appropriations account of the Corps, that Congress uses to provide funding for authorized feasibility studies of potential new Civil Works projects, major rehabilitation studies, and general reevaluation and review studies. The ASPs will also affect the Continuing Authorities Program funded out of the Construction appropriations account, and Section 216 and reallocation studies funded out of the O&M appropriations account. We anticipate the costs to the Federal Government to implement the rule to remain roughly the same as under the current planning process since the ASPs change only the process to select the recommended project alternative rather than the Congressional appropriation process. The estimated value added to these projects as a result of the application of the ASPs would exceed any estimated added costs. The change to the Corps' internal process results in a shift in focus from strictly an economic evaluation to one evaluating economic, environmental, and social considerations. This would require additional tools and methods as described in the rule preamble which are existing, in development, or would evolve as science and analytical studies improve over time. The Corps uses tools and methods for the current approach, and will tools and methods to the current approach to include social and environmental considerations. This new process will require additional trainings and the development of tools and methods not currently available, which may result in some minor additional costs to the Corps. Those initial costs would be outweighed by the long-term benefits of the implementation of the ASPs and efficiencies gained by the use of new tools and methods. The costs to the public would be the same as under the current planning process. The Corps' planning process and Civil Works programs and projects that fall under the ASPs are not mandatory or obligatory requirements on the public, but rather are initiated and voluntarily entered into by the non-Federal interest and the Corps pursuant to Congressional authorization.

See the Regulatory Impact Analysis for further discussion on the benefits and costs of the rule.

F. Procedural Requirements

a. Executive Order 12866: Regulatory Planning and Review; Executive Order 13563: Improving Regulation and Regulatory Review. Executive Order 12866 (58 FR 51735 (Oct. 4, 1993)), as amended by Executive Order 14094 (88 FR 21879 (Apr. 11, 2023)), defines a "significant regulatory action" as one that is likely to result in a rule that may:

- (1) have an annual effect on the economy of \$200 million or more (adjusted every three years by the Administrator of the Office of Information and Regulatory Affairs for changes in gross domestic product); or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or Tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) raise legal or policy issues for which centralized review would meaningfully further the President's priorities or the principles set forth in this Executive Order, as specifically authorized in a timely manner by the Administrator of the Office of Information and Regulatory Affairs in each case.

This rule has been found to be a significant regulatory action and has therefore been submitted to OMB for clearance.

This rule establishes the procedures to implement the PR&G but does not, by itself, impose costs or benefits. Potential costs and benefits would only be incurred as a result of actions taken under existing Corps programs relying on these procedures. See the Regulatory Impact Analysis for further discussion on the costs and benefits of the rule.

b. Review under the National Environmental Policy Act. As required by NEPA, the Department of the Army prepares appropriate environmental analyses for its activities affecting the quality of the human environment. The Corps has determined that this regulation would not significantly affect the quality of the human environment. The rule establishes the procedure the Corps will consider in evaluating investments in projects, programs, and plans. The Corps will conduct an action-specific NEPA analysis before

¹² See <https://www.whitehouse.gov/environmentaljustice/justice40/>. Last accessed May 21, 2024.

undertaking any activities that could potentially affect the quality of the human environment and will integrate the NEPA process with the procedure laid out in this rule. A draft Environmental Assessment was prepared and circulated to support this rule-making process. As a result of the public comment period, no significant changes were made to the final Environmental Assessment. The only edits included the removal of the proposed rule, adding a summary of the public involvement process, and adding the determination that an Environmental Impact Statement is not required for the promulgation of the regulation. The final Environmental Assessment to support this determination is available at <http://www.regulations.gov>.

c. Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). The Unfunded Mandates Reform Act does not apply to this rule because this rule provides policy for Corps Civil Works planning processes authorized through congressional action. The Corps has also found, under Section 203 of the Act, that small governments, as defined under the Regulatory Flexibility Act analysis, will not be significantly and uniquely affected by this rulemaking. Although small governments may be non-Federal interests for a Corps project and therefore be involved in the ASPs, there are other forms of non-Federal interests and other entities engaged in the process, so small governments are not uniquely affected. The action imposes no enforceable duty on any Tribal, State, or local governments, or the private sector.

d. Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.). This rule does not impose any information collection requirements for which OMB approval under the PRA is required.

e. Executive Order 13132: Federalism. This rule will not have substantial direct effects on the States, the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government.

f. Regulatory Flexibility Act. The Regulatory Flexibility Act, as amended (5 U.S.C. 601 et seq.), generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice-and-comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and

small governmental jurisdictions. For purposes of assessing the impacts of the rule on small entities, a small entity is defined as: (1) a small business based on the Small Business Administration size standards; (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; and (3) a small not-for-profit enterprise that is independently owned and operated and is not dominant in its field.

The Army certified that this regulation does not have a significant effect on a substantial number of small entities. The regulation merely provides ASPs for the Corps' planning processes implementing the PR&G. Although small entities might benefit from such Corps water resources development projects—just as large entities and private individuals might—the agency procedures under the regulation do not place any burden on small entities.

g. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. Under Executive Order 13175, the Federal Government may not issue a regulation that has substantial, direct effects on one or more Tribal Nations, on the relationship between the Federal Government and Tribal Nations, or on the distribution of powers and responsibilities between the Federal Government and Tribal Nations. The Executive Order also states the Federal Government may not issue a regulation that imposes substantial direct compliance costs on those communities, and that is not required by statute, unless the Federal Government provides the funds necessary to pay the direct compliance cost incurred by the Tribal Nation governments, or the Federal Government consults with those governments. If complying by consulting, Executive Order 13175 requires agencies to provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of prior consultation with representatives of affected Tribal Nation governments, a summary of the nature of Tribal Nation concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13175 requires that agencies develop an effective process permitting elected officials and other representatives of Tribal Nation governments an opportunity to provide timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.

This regulation does not impose significant compliance costs on any

Tribal Nation, nor does it otherwise have substantial direct effects on any Tribal Nation. The regulation merely provides agency procedures specific to the Corps to implement the PR&G. Whether the Corps initiates a water resources development project for Federal investment depends on if it is authorized by Congress. The Army believes that the regulation itself does not directly result in a substantial, direct effect on the relationship between the Army and Tribal Nations but does recognize that implementation of the ASPs at a project, program, or plan level may result in improved engagement and collaboration and appropriate solutions to water resources problems in partnership with Tribal Nations. The Army's initiatives to comply with the Executive Order include: (1) initiating Government-to-Government consultation on the **Federal Register** notice to Modernize Civil Works (87 FR 33756 (June 3, 2022)) to permit meaningful, early, and robust engagement in development of the proposed rule; (2) conducting a virtual meeting on this effort with Tribal Nations held on July 21, 2022; (3) responding to all requests for one-on-one consultation and meeting with three Tribal Nations at a leader-to-leader level and one Tribal Nation at a staff-level.

The Army conducted Government-to-Government consultation on this rule action through a specific Dear Tribal Leaders letter sent to Tribal leaders. In addition, the virtual public meeting held on March 19, 2024, was intended to receive Tribal comments on the proposed rule. Tribal Nations were invited to submit written comments to the docket for this rule. All letters received by the Army as part of the Tribal consultation process may be found in the docket

(www.regulations.gov at Docket ID COE-2023-0005). In addition, the Army engaged in Government-to-Government consultation with one Tribal Nation on this rule in accordance with the existing Tribal Consultation Policy. The Corps' provision of water resources development projects and services does not affect the distribution of power or responsibilities between the Federal Government and Tribal Nations. This rule will neither impose substantial direct compliance costs on federally recognized Tribal governments nor preempt Tribal law.

h. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks. The Army interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the agencies

have reason to believe may disproportionately affect children, per the definition of the term “covered regulatory action” in Section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

i. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. This action is not a significant energy action because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

j. National Technology Transfer and Advancement Act. This rulemaking does not involve technical standards, and as such does not trigger requirements under the National Technology Transfer and Advancement Act.

k. Executive Order 14096: Revitalizing Our Nation’s Commitment to Environmental Justice for All; Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations. The Army believes that this action does not have disproportionate and adverse human health or environmental effects on communities with environmental justice concerns.

The ASPs amplify the goals of Executive Order 14096 by incorporating environmental justice principles into the Corps’ planning processes, connected with and as part of environmental and economic goals, as opposed to solely relying on economic justification.

For this rule, consistent with the governing statute and Executive Order 14096, the Army considered whether the change in benefits due to this rule may be differentially distributed among communities with environmental justice concerns in the affected areas when compared to both baselines. This rule action establishes a process for the Corps to identify a final array of alternatives for water resources development project investments and to inform the recommended plan. The rule would not directly result or contribute to benefits to any particular community, as such projects must be congressionally authorized and appropriated. However, the consideration of social, environmental, and economic goals, out of necessity, incorporates environmental justice considerations into those alternatives and the Corps’ recommended alternative. The impacts of the changes to the Corps’ processes proposed in this rule would be beneficial to communities with

environmental justice concerns because it ensures environmental justice considerations are brought forth and considered in the Corps’ Civil Works processes.

l. Congressional Review Act (CRA). This action is subject to the CRA, and the Corps will submit a rule report to each House of the Congress and to the Comptroller General of the United States. Pursuant to the CRA (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a “major rule”, as defined by 5 U.S.C. 804(2).

List of Subjects in 33 CFR Part 234

Administrative practice and procedure, Intergovernmental relations, Technical assistance, Water resources.

Approved by:

Jaime A. Pinkham,

Acting Assistant Secretary of the Army (Civil Works).

■ Accordingly, for reasons stated in the preamble, 33 CFR part 234 is added to read as follows:

PART 234—CORPS OF ENGINEERS AGENCY SPECIFIC PROCEDURES TO IMPLEMENT THE PRINCIPLES, REQUIREMENTS AND GUIDELINES FOR FEDERAL INVESTMENTS IN WATER RESOURCES

Sec.

- 234.1 General.
- 234.2 Definitions.
- 234.3 Exceptions.
- 234.4 Objectives and applicability.
- 234.5 Level of analysis.
- 234.6 The planning process.
- 234.7 Evaluation framework.
- 234.8 Final array of alternatives.
- 234.9 Evaluate effects of alternatives.
- 234.10 Compare alternatives.
- 234.11 Select the recommended plan.

Authority: 42 U.S.C. 1962–3.

§ 234.1 General.

(a) This part prescribes the Agency Specific Procedures (ASPs) for the United States Army Corps of Engineers (Corps) to execute its Civil Works mission, in accordance with the Water Resources Principles and Guidelines defined in section 2031 of the Water Resources and Development Act (WRDA) of 2007 (Pub. L. 110–114; 42 U.S.C. 1962–3), the Principles, Requirements and Guidelines (PR&G) issued by the Council on Environmental Quality and approved by the Water Resources Council, and as called for in section 110 of WRDA 2020 (Division AA of Pub. L. 116–260).

(b) Section 2031 of the WRDA of 2007 (Pub. L. 110–114) directed the Secretary

of the Army to revise the March 10, 1983, Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (P&G) for Corps use and to address the following considerations: advancements in economic and analytic techniques; public safety; low-income communities; nonstructural approaches; interaction with other water resources projects and programs; integrated and adaptive management; and use of public benefits to justify projects. This WRDA provision also provided that the Federal Objective is to reflect national priorities, encourage economic development, and protect the environment by seeking to maximize sustainable economic development, avoid the unwise use of floodplains, and protect and restore natural ecosystems.

(c) The PR&G was issued as an interagency effort to modernize the P&G. The PR&G is comprised of the Principles and Requirements (P&R) issued in March 2013 and the Interagency Guidelines issued in December 2014. The PR&G emphasizes that water resources projects should strive to meet the Federal Objective and maximize public benefits relative to public costs. The PR&G is designed to support water infrastructure projects with the greatest public benefits (economic, environmental, and social benefits) relative to costs.

(d) Congress directed the Secretary of the Army to issue ASPs to implement the PR&G in section 110 of WRDA 2020 (Division AA of Pub. L. 116–260).

§ 234.2 Definitions.

Acceptability. The viability and appropriateness of an alternative from the perspective of the Nation’s general public and consistency with existing Federal laws, authorities, and public policies. It does not include local or regional preferences for solutions or political expediency.

Adaptive management. A deliberate, iterative, and scientific-based process of designing, implementing, monitoring, and adjusting an action, measure, or project to address changing circumstances and outcomes, reduce uncertainty, and maximize one or more goals over time.

Completeness. The extent to which an alternative provides and accounts for all features, investments, and/or other actions necessary to realize the planned effects, including any necessary actions by others. It does not necessarily mean that alternative actions need to be large in scope or scale.

Effectiveness. The extent to which an alternative alleviates the specified

problems and achieves the specified opportunities.

Efficiency. The extent to which an alternative alleviates the specified problems and realizes the specified opportunities at the least cost.

Federal investment. Investments made by the Corps related to water resources development projects, including flood and storm risk management, ecosystem restoration, land management activities, navigation, recreation, and hydropower.

Federal Objective. The fundamental goal of Federal investments in water resources. Federal water resources investments shall reflect national priorities, encourage economic development, and protect the environment. Federal investments should strive to maximize net public benefits.

Indigenous Knowledge. Indigenous Knowledge may be described as a body of observations, oral and written knowledge, innovations, practices, and beliefs developed by Tribes and Indigenous Peoples through interaction and experience with the environment, consistent with the definitions used in 43 CFR 2361.5 and 6101.4(h) and the Guidance for Federal Departments and Agencies on Indigenous Knowledge, issued November 30, 2022. It is applied to phenomena across biological, physical, social, cultural, and spiritual systems. Indigenous Knowledge can be developed over millennia, continues to develop, and includes understanding based on evidence acquired through direct contact with the environment and long-term experiences, as well as extensive observations, lessons, and skills passed from generation to generation.

Nature-based alternatives. An alternative comprised of actions to protect, sustainably manage, or restore natural or modified ecosystems to address societal challenges, while simultaneously providing benefits for people and the environment.

Non-Federal interest. (1) a legally constituted public body (including an Indian Tribe and a Tribal Organization (as those terms are defined in 25 U.S.C. 5304)); or

(2) a nonprofit entity with the consent of the affected local government, that has full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform.

Nonstructural alternative. An alternative comprised of a nonstructural approach or combination of nonstructural approaches that addresses the water resources problem.

Nonstructural approach. An approach that alters the use of existing

infrastructure or human activities to generally avoid or minimize adverse changes to existing hydrologic, geomorphic, and ecological processes. This may include measures such as certain forms of nature-based solutions; modified floodplain practices; policy modifications; vessel speed limits; traffic management and tidal navigation restrictions; the reoperation of dams and reservoirs to restore or better mimic natural hydrology and flow patterns; invasive plant removal; signage to limit public access at an aquatic ecosystem restoration site; setbacks; elevations; relocation; buyout/acquisition including the acquisition of flowage easements; dry flood proofing; and wet flood proofing. They may also include actions that are not the responsibility of the Corps such as providing flood insurance, establishing building codes for new construction, and other local floodplain management practices, installing early warning systems, and developing emergency evacuation plans.

Professional judgment. An evidence-based decision that relies on appropriate training and experience.

Public benefits. Encompasses economic, environmental, and social impacts, and includes those that can be quantified in monetary terms, as well as those that can be quantified or described qualitatively.

Regional economic development effects. The changes in the distribution of regional economic activity that would result from implementation of an alternative plan. These economic effects amount to a transfer of resources from one part of the Nation to another (either from one region of the country to another, or within a region). They accrue in a local area or region but are offset by equivalent losses elsewhere in the country.

Regulatory. Generally, those activities subject to legal restrictions promulgated by the Federal Government.

Resilience. Resilience is the ability to prepare for threats and hazards, adapt to changing conditions, and withstand and recover rapidly from adverse conditions and disruptions.

Sustainable. The creation and maintenance of conditions under which humans and nature can coexist in the present and into the future.

Tribal Nation (Federally recognized Indian Tribe or Tribal Organization). An Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 5130.

Unwise use of floodplains. Any action or change that diminishes public health and safety, or an action that is incompatible with or adversely impacts one or more floodplain functions that leads to a floodplain that is no longer self-sustaining or degrades ecosystem services.

Watershed. A land area that drains to a common waterbody.

§ 234.3 Exceptions.

Exceptions to any requirements or policy contained in this part may be requested by the Corps or the non-Federal interest or responsible Tribal, State, or local government. Exceptions must be requested in writing and will be reviewed for a decision by the Assistant Secretary of the Army for Civil Works.

§ 234.4 Objectives and applicability.

(a) **Introduction.** The goal of the Department of the Army's ASPs is to ensure that Army Civil Works consistently applies a common framework for analyzing a diverse range of water resources development projects, programs, activities, and related actions involving Federal investments. The ASPs will advance transparency and consistency of the Corps' Federal investments in water resources. The intention of the ASPs is to outline the steps to apply the PR&G to Corps water resources investments, including a determination of the applicability of the PR&G in the context of the Corps' missions and authorities, to provide a common framework for evaluation of investment alternatives, and to ensure that the Corps adequately addresses the Guiding Principles identified in the P&R.

(b) **Objectives for Federal water resources investments.** Section 2031 of WRDA 2007 (Pub. L. 110–114; 42 U.S.C. 1962–3) specifies that Federal water resources investments shall reflect national priorities, encourage economic development, and protect the environment. The Corps shall accomplish this Federal Objective of water resources planning policy by:

(1) Seeking to maximize sustainable economic development;

(2) Seeking to avoid the unwise use of floodplains and flood-prone areas and minimizing adverse impacts and vulnerabilities in any case in which a floodplain or flood-prone area must be used; and

(3) Protecting and restoring the functions of natural systems and mitigating any unavoidable damage to natural systems.

(c) **Net public benefits.** The Corps shall strive to maximize net public benefits to society. Public benefits

encompass economic, environmental, and social goals, include monetized and un-monetized effects, and allow for the consideration of both quantified and unquantified effects.

(d) *Applicability.* (1) The objectives in paragraph (b) of this section shall be embodied in all new Army Civil Works' water resources investments, which include both structural and nonstructural approaches to water resources problems. The PR&G analysis under the Corps' ASPs described in this part is generally required for feasibility studies; general re-evaluation reports; major rehabilitation reports; studies performed under the continuing authorities program of the Corps; studies to support significant changes to project operations including any such changes that warrant preparation of an environmental impact statement, re-allocation studies, and studies conducted under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a); and any other project or program not otherwise excluded under paragraph (d)(2) of this section.

(2) The PR&G is not intended to apply to all Federal actions. The following types of Federal investments are identified as excluded from the requirements of this part:

- (i) Regulatory actions, such as the issuance of permits associated with section 404 of the Clean Water Act (33 U.S.C. 1344).
- (ii) Real estate actions.
- (iii) Planning Assistance to States program.
- (iv) Flood Plain Management Services program.
- (v) Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408) program.
- (vi) Public Law 84–99 program.
- (vii) Water Infrastructure Finance and Innovation Act Program.
- (viii) Environmental Infrastructure projects.
- (ix) Land management plans.
- (x) Operation and maintenance activities that are carried out in a manner consistent with the existing approved operation and maintenance manual or plan for an authorized project. This exclusion does not apply to significant proposed changes to an existing O&M plan including proposals that may be controversial, significant changes to the existing plan to meet new

goals, and other significant changes that may warrant a further analysis of the options for operation and maintenance.

- (xi) International and Interagency Services and Support for Others actions.
- (xii) Research or monitoring activities.
- (xiii) Emergency actions.

(xiv) Projects, programs, or plans that fall below the thresholds identified in table 1 to § 234.5(c). These excluded actions generally occur when investments are routine and have inconsequential effects on water resources.

(xv) Additional programs, plans, or projects which the Assistant Secretary of the Army for Civil Works determines do not require analysis pursuant to § 234.3.

§ 234.5 Level of analysis.

(a) *Standard and scaled levels of analysis.* Once a determination has been made that the PR&G does apply, the level of analysis shall be determined. The level of PR&G analysis required will vary in scope and magnitude across programs and activities. There are two levels of analysis: standard and scaled. In general, the level of analysis should be commensurate with the significance of the Federal investment in terms of dollar value and the potential environmental impacts. While there is not a clear distinction between the different levels of analysis, the two types of analysis can generally be distinguished in several ways:

(1) A standard analysis seeks to evaluate all the relevant benefits and costs associated with the project or activity using original or secondary data. This type of analysis is typically used for new or significantly modified actions. The Corps would conduct a benefit-cost analysis of programs and activities that have some effect on the environment. For projects/activities that fall into the category of standard analysis, the analysis should make significantly greater efforts to quantify and monetize impacts. The extent to which effects can and should be monetized should be made on a resource-by-resource basis and should consider the estimated present value cost of the project/activity and the significance of the effects.

(2) A scaled analysis is an analysis that is more limited in scope for projects, programs, or plans that have low risk/low cost, have minimal

consequences of failure, pose minimal threats to human life or safety, or do not result in significant impacts to the environment. A scaled analysis may rely on benefits function transfer methods and readily available secondary data sources. Benefits function transfer methods are used to estimate monetary values by transferring available information about relationships from studies already completed to another location, context, or issue. Best practices would be applied when using this approach to avoid common pitfalls.

(b) *Determining the appropriate level of analysis.* In many cases, professional judgment and available resources will be important factors in determining the appropriate level of analysis. The Corps will ensure that cumulative effects of many small, routine actions would not in itself elevate those investments to a scaled or standard analysis. Many of those small, routine actions would be excluded from PR&G analysis.

(c) *Scope and magnitude of analysis required.* The threshold criteria for project, programmatic, and individual plan level analysis for Army Civil Works is shown in table 1 to this paragraph (c). These thresholds represent guidelines for the level of analysis that is likely to be most appropriate for an activity, given the level of investment in, appropriations for, or cost of that activity. In determining whether a given activity or project falls under or exceeds the financial thresholds, it is the level of the present value of Federal investment that is the relevant criterion to use. However, for a particular activity, a different level of analysis may be more appropriate, and projects/programs may depart from these guidelines where such a departure is justified. In general, a scoping effort should be undertaken to evaluate the level of effort needed to analyze the full range of potential effects. Project-level analysis should generally be used for water resources investments when the Corps has discretion in site-specific investment decisions. A programmatic-level analysis generally has a broader scale and/or scope than a project-level analysis. Programmatic-level analysis generally relates to funding programs or where a proposal for a set of similar actions analyzed under one decision document may occur.

TABLE 1 TO PARAGRAPH (C)—MONETARY THRESHOLD CRITERIA

Type of activity	Total investment (\$M)	Annual federal appropriations (\$M)	Level of analysis
Projects	>30	.....	Standard analysis.
Proposed Corps investments in water resources, such as infrastructure, ecosystem restoration, new construction, modifications or replacements to existing facilities, and operations and maintenance.	15–30		Scaled analysis.
Programs	<15		Excluded.
		>100	Standard analysis.
		50–100	Scaled analysis.
		<50	Excluded.
Individual Plans		>50	Standard analysis.
Management plans, such as watershed, master, etc.		10–50	Scaled analysis.
		<10	Excluded.

§ 234.6 The planning process.

(a) *Introduction.* The following planning process will be used to implement the common framework summarized in the Interagency Guidelines for analyzing Federal investments in applicable water resources. The planning process will ensure that plan formulation, evaluation, and recommendations for proposed Corps investments reflect the Guiding Principles identified in the P&R: healthy and resilient ecosystems, sustainable economic development, floodplains, public safety, environmental justice, and a watershed approach. The planning process consists of a series of steps that identify or respond to problems and opportunities, as well as specific Tribal, State, and local concerns, and, in most cases, culminates in a recommended plan. The process involves an orderly and systematic approach to making determinations and decisions at each step so that the interested public and decision-makers in the planning organization can be fully aware of the following: the basic assumptions employed; the data and information analyzed; the areas of risk and uncertainty; the reasons and rationales used; and the significant implications of each alternative. The Corps will identify impacts to Tribal treaty and water rights at the earliest phases and throughout the plan evaluation process, screening alternatives that impact Tribal treaty and water rights. The planning process is iterative to adapt to new information and understanding. The result of the planning process is investment advice. The advice may be a recommended plan or plans that seek to maximize net public benefits in addressing the identified water resources problem and a description of the analysis of the benefits and costs of that and other potential plans.

(b) *National Environmental Policy Act (NEPA).* Where Federal investments in water resources require analysis under

NEPA and this part, Army Civil Works should integrate, to the extent possible, the analysis in this part into existing planning processes, and may integrate this part and NEPA analyses in a single analytical document that reflects both processes. Army Civil Works shall seek opportunities to integrate other required Federal and State environmental reviews with their combined analyses.

(c) *Guiding Principles.* The Guiding Principles provide the overarching concepts that the Corps seeks to promote through investments in water resources.

(1) Environmental justice.

Environmental justice refers to the just treatment and meaningful involvement of all people regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people:

(i) Are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and

(ii) Have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.

Environmental justice shall be considered throughout the Civil Works program and in all phases of project planning and decision-making. Army Civil Works projects and programs shall advance equity by meeting the needs of communities, such as by reducing disparate environmental burdens, protecting Tribal treaty rights, removing barriers to participation in decision-making, and increasing access to benefits provided by Civil Works programs, including for disadvantaged communities. The planning process

shall put these communities at the front and center of studies, providing robust opportunities for effective participation in the planning and decision-making processes. Any disproportionate adverse public safety, human health, or environmental burdens of project alternatives on communities with environmental justice concerns shall be avoided, minimized, or mitigated to the greatest extent reasonable. The Corps shall ensure that communities with environmental justice concerns have meaningful opportunities to identify potential alternatives, effects, and mitigation measures. The Corps shall also be transparent in fully displaying, disclosing and considering the potential effects of alternative actions on communities with environmental justice concerns.

(2) *Floodplains.* All future Federal investments in and affecting floodplains must meet some level of floodplain resilience. Alternatives affecting floodplains should aim to improve floodplain resilience if possible and also should avoid the unwise use of floodplains. To identify floodplain areas for the purpose of this section, the Corps will use the best-available and actionable science including a climate-informed science approach. If construction in the floodplain or adverse impacts to a floodplain's natural and beneficial functions cannot be avoided, then the alternative must minimize adverse impacts to these areas and mitigate unavoidable impacts using nature-based approaches where possible. The Corps shall identify and communicate potential adverse effects on floodplain functions for the various alternatives under consideration. Where the Corps proposes to construct a project feature in a floodplain because that is the best way to achieve flood risk reduction or other public purposes, that proposed Corps project is not automatically considered an unwise use of the floodplain. The Corps shall strive to sustain the floodplain's natural and

beneficial functions to the maximum extent practicable given the project's purpose and need.

(3) *Healthy and resilient ecosystems.* Alternatives shall protect the existing functions of ecosystems and may restore the health of damaged ecosystems to a less degraded and more natural state where feasible and in accordance with current study and cost-sharing authorities. When adverse environmental impacts cannot be completely avoided, alternatives shall strive to minimize environmental impacts. When a particular alternative will cause unavoidable damage to the environment, mitigation to offset damages shall be incorporated into that alternative and evaluated as part of that alternative. In developing alternatives, consideration shall be given to ecosystem resilience, including acknowledging the value of ecosystem services to people. When evaluating alternatives, the health of the affected ecosystem shall be measured in its current condition as the baseline and projected under the alternatives being considered, including the No Action alternative.

(4) *Public safety.* Alternative solutions shall strive to avoid, reduce, or mitigate significant risks to public safety, including both loss of life and injury, and shall include measures to manage and communicate the residual risks. The impact and reliability of alternatives on significant risks to public safety must be evaluated for both existing and future conditions, considered in decision-making, and documented.

(5) *Sustainable economic development.* The Corps' investments in water resources shall encourage sustainable economic development. This is accomplished through the sustainable use and management of water resources, ensuring overall water resources resilience. Sustainable economic development creates and maintains conditions under which humans and nature can coexist. Analysis under sustainable economic development shall present, where feasible, information about the environmental resources in the project area or the area where activities are occurring, and how the resources and their value might be expected to change over time. Physical capital information may also be included where relevant. Analysis shall also include information on socio-economic conditions under current and projected conditions. Economic, social, and environmental effects and benefits shall be incorporated into the analysis of alternatives.

(6) *Watershed approach.* When developing alternatives, the water resources problem being addressed should be analyzed on a watershed-based level to facilitate inclusion of a complete range of solutions, after considering the breadth of impacts across the watershed. A key aspect of the watershed approach is the analysis of information regarding watershed conditions and needs, allowing for consideration of upstream and downstream conditions and needs; consideration of other projects and actions in place, underway or planned by other agencies within the watershed; and the more thorough addressing of the potential impacts of a proposed action. The scale of the watershed used to develop alternatives can vary. The appropriately sized watershed for the particular need being addressed shall be a case-specific determination based on the relevant facts and circumstances. The watershed scale used to develop alternatives should encompass a geographical area large enough to ensure plans address cause and effect relationships among affected resources and activities, both upstream and downstream, and cumulative in nature, that are important to gaining public benefits or avoiding harm from the project. The watershed approach ensures that the interconnectedness of systems is evaluated to fully understand the root causes and symptoms of the water resources problem and the full range of potential public benefits. Communication starting in the scoping phase with other agencies or Tribal, territorial, State, and local government partners working in the watershed will help realize a watershed approach. In addition, other potential investments in the watershed shall also be accounted for under the watershed approach.

(d) *Collaboration.* (1) The planning process will seek to achieve full collaboration with a wide range of affected Tribes, governmental and non-governmental stakeholders, communities with environmental justice concerns, and the public in all stages of the planning process. Collaboration with Tribes, governmental and non-governmental stakeholders, communities with environmental justice concerns, and the general public throughout the planning process allows consideration of multiple perspectives and information sources, such as Indigenous Knowledge, and shall be emphasized throughout the planning process. Collaboration with Tribes, communities, and local and State governments is a critical element to help identify specific problems,

opportunities, and significant constraints within the study area, and to help establish planning goals and objectives that are consistent with the objectives of this part and are locally appropriate. Starting at the earliest phase in the planning process, Tribes and other communities with environmental justice concerns shall have an opportunity to play a key role in identifying alternatives, enhancing the positive benefits to their communities from potential Federal investment, and describing any concerns they may have with a potential project. Such early, meaningful, and robust engagement will help identify and address problems, possible solutions, and scope studies. Robust, early collaboration with Tribes does not negate the need for Tribal consultation. Robust, early collaboration with Tribes is in addition to the requirement to conduct early, meaningful, and robust Government-to-Government consultation with Tribal Nations when appropriate.

(2) To improve Federal decision-making and to promote transparency, Army Civil Works shall seek to meaningfully collaborate with other Federal and non-Federal entities. Engagement methods and scope of engagement will depend on the stage of the planning process, the issues, and the groups that will be contributing ideas and information to the planning process, and shall use best practices and techniques for engagement. Engagement strategies shall consider Corps, Tribal, and community resource constraints. Indigenous Knowledge, information from Tribal Nations, local and State governments, non-governmental organizations, and the public shall be incorporated into the problem definition and forecasting of future conditions as well as the development and analysis of alternatives. Robust engagement and transparency throughout the planning process, including during the evaluation and comparison of alternatives, will help deliver sound investment advice for water resources solutions that maximize net public benefits.

(e) *Investigations and data collection.* Investigations, data collection, and analysis should be ongoing and integrated early in the planning process. Investigations should be relevant to the planning objectives and constraints. The interdisciplinary study team should identify the most important areas to focus on in the study, such as: engineering and design; surface water and groundwater hydrology; hydraulics; geology; operations; water quality; land resources; power generation and conservation; economics; financing;

environmental, social, and cultural impacts and mitigation; opportunities for recreation; cost estimation for construction, operation, maintenance, replacement, and energy consumption; and climate change (to include greenhouse gas emissions). Investigation, data collection, and analysis should leverage and incorporate information from Tribal, State, local, non-governmental sources, and the public. Additional investigations should be performed as necessary.

(f) *Identify purpose, problems, needs, and opportunities.* To identify purpose, problems, needs, and opportunities, the Corps shall:

(1) Ensure that the planning goals and objectives are consistent with the study authority.

(2) Clearly identify the purpose of the study, the role of the Federal Government, as well as the views of the non-Federal interest (if any), cooperating agencies, Tribes, various stakeholders, and the public.

(3) Describe the problems and opportunities to which the agency is responding in a manner that will not foreclose consideration of the full range of reasonable alternatives, including options that the non-Federal sponsor may not support.

(4) Define the study area, including activities within the watershed that are relevant to the proposed project and areas where impacts should be avoided.

(5) Describe the plans for stakeholder involvement.

(6) Prepare a summary of the planning objectives and constraints to be used in the analysis of the Federal investment. This summary should include a discussion of stakeholder, partner, and public input.

(7) Include a discussion of the social and cultural context of the region and resources.

(g) *Inventory existing resources and forecast future conditions.* A summary of the specific economic, environmental, and social setting within the study area shall cover the condition and functional relationships of affected resources; their development potential and possible conflicts in producing affected ecosystem services; and the local situation with respect to investment, climate, markets, affected communities, and basic economic productivity.

(1) The phrase “forecast future conditions” generally relates to the identification of impacts associated with the alternatives, including the No Action alternative. Future conditions should be assessed and analyzed as part of the evaluation process, and the best

available data and forecast should be used to complete an analysis of these uncertain conditions.

(2) This exercise of identifying existing resources and forecasting future conditions will quantify, to the extent practicable, relevant water and related resource conditions as they currently exist within the study area, and forecast future conditions over the period of analysis. This would also include resources and conditions regarding the economic, environmental, and social aspects within the study area, as well as ecosystem services and climate-related scenarios. The existing resources and future conditions will be established using generally accepted sources that are national, State, or regional in scope, such as from peer-reviewed sources or sources which are government-produced.

(3) The “without-project condition” is the most likely condition expected to exist in the future over the period of analysis in the absence of a Federal investment by the Corps (through the proposed Corps project, action, or program that is under consideration), given current laws, policies, projects under construction, and any existing resources/conditions. It considers expected actions that may be executed by others, including potential future land use conditions, and shall consider effects of climate change using multiple scenario analyses.

(4) The “with-project condition” is the most likely condition expected to exist in the future, over the period of analysis, with a specific Corps project or program in place. It considers expected actions that may be executed by others, including potential future land use conditions, and shall consider effects of climate change using multiple scenario analyses.

(5) To ensure that the appropriate criteria and problems are incorporated into the analytical framework, a summary of the process used to define the relevant existing conditions and foreseeable future conditions shall be prepared and made available to the public and shared with stakeholders.

(h) *Formulate alternatives.* The primary goal of an alternative is to address a water resources challenge, consistent with the Federal Objective and Guiding Principles. The primary function of an alternative must be to alleviate unsatisfactory conditions or address a problem or opportunity that exists or will exist in the future without the proposed Federal investment that is under consideration. Alternatives should address the defined water resources challenge that is the subject of the analysis, and may achieve multiple

purposes. Alternative formulations should focus on solutions that are feasible and meet the planning objectives of the study, based on the most likely future conditions expected with and without implementation of an alternative. The viability of an alternative should be determined through an evaluation of its acceptability, efficiency, effectiveness, and completeness, as required in the PR&G. The period of analysis should be the same for each alternative and sufficient to encompass the lifespan and significant long-term impacts of the project. In addition, alternatives may also include actions which are beyond the missions of the Corps where others may help provide solutions to the identified problem and meet the goals of the PR&G. However, such alternatives shall identify the relevant parties with requisite responsibility for those actions beyond Corps missions (such as other Federal agencies and non-Federal partners), their authority for that action, the interrelation between that action and the recommended Corps project, action, or program and appropriate sequencing of implementation. For Corps investments, the Corps will be the designated lead for completing PR&G analysis.

(1) Alternatives are to be developed in a systematic manner that ensures that the Corps has identified and considered the full range of reasonable alternatives. A range of potential alternatives should be initially investigated reflecting a range of scales and measures, and as alternatives are refined, some would be screened out for reasons such as having excessive cost or unavoidable impacts, not sufficiently addressing the identified problem or opportunity, or other factors. The study report should include some analysis of the eliminated alternatives and reasons for their elimination. The plans that are retained for additional analysis will comprise the range of reasonable alternatives required for the NEPA analysis. Section 234.8 describes the alternatives required in the final array.

(2) Consideration of nonstructural approaches and nature-based solutions that meet the planning objectives shall be an integral part of the development and evaluation of Federal investments in water resources.

(3) Each alternative formulated for the PR&G analysis should align with the alternatives evaluated in the corresponding NEPA document.

(4) The Corps should formulate the alternatives based on an incremental analysis of their benefits and costs to society. The economic, environmental, and social effects of a water resources

development project are interrelated. In formulating alternatives to address the identified water resources problem or opportunity, the Corps shall consider each of these effects and seek to maximize net public benefits.

§ 234.7 Evaluation framework.

(a) *General.* To inform the overall decision-making process, this section describes the common framework and general requirements to be used by the Corps in evaluating and ensuring full consideration of the social, environmental, and economic benefits and costs to society of any separable elements and potential alternatives for Federal investment. This will include their performance with respect to the Guiding Principles and their contributions to the Federal Objective. Any key assumptions that affect the analysis of alternatives shall be clearly described in the study.

(b) *Economic, environmental, and social effects.* (1) The Corps' analytical framework for evaluating Federal investments should focus on the key economic, environmental, and social effects that are relevant to the investment decision. Typical NEPA analyses emphasize environmental effects and benefits, including ecosystem services, and these should also be used as a core part of water resources alternatives analysis. A benefit-cost analysis would be conducted for each alternative. Ecosystem services are an important benefit-cost category that should be included in the benefit-cost analysis.

(2) In addition, the scale of the analysis can be adjusted for a given study. While all analyses should share common elements, how these elements are achieved can depend on the identified problem or opportunity. It is important to establish a consistent analytic approach for each study. When implementing its ASPs, the Corps will consider and, where it deems appropriate, align with the latest Federal methods and guidance (for example, updated OMB Circulars and applicable interagency guidance) to ensure that the analytical framework accounts for all significant economic, environmental, and social costs and benefits, including ecosystem services. Where possible, monetization enables the incorporation of the values placed on the benefits and costs evaluated and provides a way to evaluate trade-offs in common analytical units (dollars). OMB Circulars A-4 and A-94 provide guidance on appropriate use of monetization methods. The Corps anticipates that it will not be possible to monetize all social and environmental

costs and benefits of the alternatives. In these cases, the Corps should quantify the social and environmental costs and benefits and when neither monetization nor quantification is possible, the Corps should qualitatively describe the social and environmental costs and benefits in sufficient detail to allow differentiation across alternatives. Relevant monetary, quantitative, and descriptive information will be fully assessed and considered in the analysis.

(c) *Best available actionable science and commensurate level of detail.* (1) Analysis to support the evaluation of alternatives shall use the best available actionable science, to include Indigenous Knowledge, data, analytical techniques, procedures, models, and tools in ecology, hydrology, economics, engineering, biology, and other disciplines to the extent that sufficient funding is available, and to the extent such information is relevant and appropriate to the subject investment. To the extent feasible, the effects of the alternatives should be monetized. Effects will be monetized, quantified, or described, in that order.

(2) The level of detail required to support alternatives analysis may vary but should be sufficient to inform the decision-making process efficiently and effectively. The level of detail, scope, and complexity of analyses should be commensurate with the scale, impacts, costs, scientific complexities, uncertainties, risk, and other aspects (such as public concern) inherent in potential decisions.

(d) *Risk and uncertainty.* When analyzing potential Federal water resources investments, the Corps shall identify, describe, and quantify (if feasible) areas of risk and uncertainty and consider them in decision-making. Risks and uncertainties shall be identified and described in a manner that is clear and understandable to the public and decision-makers. This includes describing the nature, likelihood, and magnitude of risks, as well as the uncertainties associated with key supporting data, projections, and evaluations of competing alternatives. Risk and uncertainty are inherent in economic analyses as well as the analysis of physical and biological factors, no matter the technique or methodology employed. The study should estimate the extent to which the outcomes from an investment may vary over time from the estimates provided in the study, both in the short-term and in the less predictable future, due to uncertainty. Knowledge of risk and uncertainty and the degree of reliability of the estimated consequences will better inform decision-making. When

there are considerable uncertainties concerning the ability of an alternative to function as desired (such as producing the desired outputs and/or the general acceptability of the alternative) the option of pursuing improved data or models should be considered. Reducing risk and uncertainty may involve increased costs or loss of benefits. The advantages and costs of reducing risk and uncertainty should be explicitly considered in formulating alternatives and the overall decision-making process.

(e) *Adaptive management.* Adaptive management measures shall be clearly identified and evaluated as part of alternatives to the extent that such measures are commensurate with the significance of the proposed activity and available resources. Adaptive management measures are particularly useful when making management choices in the face of uncertainty, such as when detailed information and tools are not readily available.

(f) *Climate change.* Conditions resulting from a changing climate shall be identified and accounted for in all stages of the planning process, and uncertainties associated with climate change will be identified and described. Analysis of climate change impacts shall reflect the best available actionable science and will leverage region-specific information from Federal, Tribal, State, local, and non-governmental partners. The Corps shall incorporate a climate-informed science approach considering impacts such as inland and coastal climate change impacts on flood and drought hazards using the most up-to-date science, policies, and tools available. The Corps shall also ensure climate resilience and adaptation are incorporated and considered throughout the planning process and across alternatives, including a discussion on how climate, drought, and ecosystem resilience may intersect for that particular action and can contribute to the economic vitality and water resources resilience of the Nation. The changing climate should inform the understanding of water resources needs and how those needs can potentially be addressed.

(g) *Water availability, water uses, and resilience.* The consideration of multiple uses, competing demands, and the potential future uses of the water resources shall be taken into account when formulating and evaluating solutions to a water resources problem or challenge. Water availability and efficient use of water shall be considered in designing the alternatives, as shall resilience, when applicable to the purpose of the study. The analysis

shall consider water availability, water uses, and resilience over a range of conditions, from too little water in drought and multiple-use scenarios, to too much water in flood scenarios.

(h) *Nonstructural and nature-based solutions.* Nonstructural measures alter the use of existing infrastructure or human activities to generally improve, avoid, or minimize adverse changes to existing hydrologic, geomorphic, and ecological processes. Nonstructural measures may be combined with fewer or smaller traditional structural project components to produce a complete alternative plan or may be used instead of a structural project. In the development of alternatives, the use of natural systems, ecosystem processes, and nature-based solutions shall be considered. Full consideration and reporting on nonstructural and nature-based alternative actions shall be an integral part of the evaluation of Federal water resources investment alternatives, and a full nonstructural in addition to a full nature-based alternative will be included in the final array of alternatives. Nonstructural and nature-based aspects should also be included in the other alternatives in the final array when appropriate.

(i) *Tribal treaty rights.* Each of the alternatives considered for a water resources investment must be consistent with the protection of Tribal treaty rights. Alternatives that impact Tribal treaty and water rights should be screened out as soon as the Corps becomes aware of such impacts, and the study will document why the alternatives have been screened.

(j) *State water law.* Alternatives for water resources investments must be consistent with applicable State laws, including water rights and decrees, to the extent that these do not conflict with Federal laws and regulations. Analyses should identify legal constraints that preclude selection of an otherwise viable alternative.

(k) *International obligations.* Alternatives for water resources investments must be consistent with meeting treaty and other international obligations. Analyses should identify international obligations that preclude selection of an otherwise viable alternative.

(l) *Period of analysis.* The period of analysis for the study shall be documented with an appropriate justification, and used to evaluate each alternative.

§ 234.8 Final array of alternatives.

(a) Except as provided in paragraphs (c) and (f) of this section, the final array of alternatives shall include, at a

minimum, the following six alternatives:

(1) A No Action alternative.

(2) A nonstructural alternative: An alternative that can effectively address the problem through the feasible use of nonstructural approaches.

(3) A nature-based solution alternative: An alternative that can effectively address the problem through the feasible use of nature-based solutions (including natural systems and ecosystem processes).

(4) An environmentally preferred alternative.

(5) An alternative that seeks to maximize net public benefits to society. In developing this alternative, the Corps shall not consider regional economic development effects.

(6) An alternative that is locally preferred. If this alternative differs from the net public benefits alternative, it will be required to have a comparable level of detail and analyzed using the same analytical framework as the net public benefits alternative.

(b) The nonstructural and nature-based alternatives do not preclude consideration of these elements in other alternatives. Nonstructural measures and nature-based solutions shall be considered as components of the other alternatives in the final array, essentially providing an integrated or “hybrid” of gray (hard) infrastructure with these other measures.

(c) The same alternative may be identified as more than one of these required alternatives.

(d) Mitigation of unavoidable adverse effects associated with each alternative must be included in the alternative and in the analyses.

(e) If an alternative requires changes in existing laws, regulations, or policies, those changes must be clearly identified and explained.

(f) If one or more of the required alternatives is not included because the Corps was not able to identify a potential solution that is feasible and consistent with the purpose of the study, the study must document that decision.

(g) The discussion of the final array of alternatives should include the primary purpose of the analysis; the geographic size of the study area; the types of impacts; the number of people potentially affected and anticipated degree of impact; environmental justice considerations; the size and location of communities potentially affected including the presence of Federally-recognized Tribes or Tribal members; and the type of data and information available from Indigenous Knowledge,

collaboration, public involvement, and previous studies.

§ 234.9 Evaluate effects of alternatives.

(a) *Analysis of alternatives.* For the final array of alternatives, the analysis should describe, evaluate, and estimate the key social, environmental, and economic effects, and assess the contributions of each alternative to the Guiding Principles. The analysis should identify any impacts to Tribal treaty rights which were unknown earlier in the planning process and which prevent the selection of an alternative.

(b) *Evaluation procedures.* In addition to assessing how alternatives perform with respect to the Guiding Principles, the evaluation procedures shall incorporate methods to evaluate:

(1) How public benefits of an alternative compare to its costs, including full consideration of all important social, environmental, and economic benefits and costs.

(2) How alternatives perform against the objectives of the study.

(3) How alternatives perform against the four formulation criteria: completeness, effectiveness, efficiency, and acceptability.

(c) *Consideration of benefits and costs.* The report should fully account for the effects to society of alternative plans and their respective contributions to the Federal Objective, relative to the No Action alternative. The analysis will evaluate the economic benefits and costs, environmental benefits and costs, and social benefits and costs of alternatives, regardless of how they are included (monetized, quantified, or described). The consideration of benefits to federally recognized Tribes will be done in direct consultation with the respective Tribal Nation and will supplement the public benefit analysis. To the extent practicable, such costs and benefits must be quantified in a scientifically valid and acceptable way, and such quantified costs shall be monetized where practicable. When monetization or quantification is not possible, costs and benefits must be described in sufficient detail to enable the decision-maker to understand the importance and magnitude of potential changes. For monetized costs and benefits, the present value cost of each alternative must be compared to the present value of the benefit to the public. For quantified but not monetized benefits and costs, the Corps would present the information on an average annual basis, and would also describe how the benefits and costs would accrue over the period of analysis. For qualitatively described benefits and costs, expectations would

be described across the period of analysis. The effects of alternative plans are displayed in terms of costs and benefits.

§ 234.10 Compare alternatives.

(a) Comparing alternatives.

Alternatives shall be compared to each other and to the No Action alternative and shall include a comparison of the ability of the alternatives to perform under changing conditions, including climate change. The alternative (or alternatives) that reasonably meets the Federal Objective and maximizes net public benefits shall be identified. In addition, alternatives may be evaluated separately with respect to other considerations, including distributional effects. These considerations may include:

(1) Temporal factors, since certain effects may occur at different points in time.

(2) Spatial factors, since certain costs, benefits, and transfers may accrue to different regions. Regional-scale analyses may be useful to inform regional-level economic development objectives. It is important to note that such regional analyses, while useful, are completely separate from the calculation of net public benefits described in § 234.4(c).

(3) Beneficiaries. Tribal Nations and stakeholders (including other governmental agencies and communities with environmental justice concerns) may indicate different tradeoffs among the various benefits and costs of a Federal action. Tribal reserved rights, including treaty-protected resources and habitats, are not benefits to the Tribal Nation, rather, they are guaranteed by such treaties. Robust engagement at this stage shall focus on eliciting preferences among the alternatives, their component elements, and their effects. When calculating net benefits, these distributional effects can be examined using techniques like income weighting.

(b) *Tradeoffs.* Tradeoffs among potential alternatives will be assessed and described throughout the decision-making process and in a manner that informs decision-making. Based on the available analytical information, the Corps would use its professional judgment in making its recommendations on decisions among tradeoffs. The tradeoff displays shall be understandable, transparent, and constructed in a generally consistent

fashion for all analyses. The analysis shall include a combination of both tables and explanatory materials to help inform a decision. Displays shall facilitate the evaluation and comparison of alternatives necessary to make the following determination and reflect the following:

(1) The effectiveness of alternatives in solving the water resources problem and taking advantage of the opportunities identified in the planning process.

(2) What must be given up in monetary and nonmonetary terms to enjoy the benefits of the various alternatives, relative to the baseline.

(3) The differences among alternatives.

(c) *Information for inclusion in the analysis.* To promote consistency across the Corps, the following tables and information shall be included in the analysis and documentation prepared for a decision process:

(1) *Criteria.* The analysis must explicitly address the extent to which an alternative achieves each of the following criteria: completeness, effectiveness, efficiency, and acceptability. This evaluation must be systematic and can include both quantitative and qualitative components.

(2) *Effects matrix.* A matrix summarizing the tradeoffs, relative to the baseline, effect-by-effect must be included in the integrated report.

(3) *Additional trade-off displays.* Additional text and tables should display other important trade-offs, such as trade-offs along temporal, spatial, and beneficiary dimensions.

(4) *Summary table.* A summary table displaying the economic, environmental, and social costs and benefits as measured (monetized, quantified, quantitative) for each alternative. In addition, the summary table will display the economic, environmental, and social costs and benefits which were derived qualitatively. The summary table will also separately include information on the level of risk or uncertainty for each alternative.

(5) *Achievement of objectives table.* A table indicating the extent to which the Guiding Principles have been achieved.

§ 234.11 Select the recommended plan.

(a) *Recommended plan.* (1) Plan selection will require decision-makers to assess tradeoffs and to consider the extent of both monetized and non-

monetized effects. The basis for selection of the recommended plan should be fully reported and documented in a transparent manner, including the criteria and considerations used. This section must provide a discussion about the extent to which the alternatives achieve the Federal Objective and maximize net public benefits to society. The report must include an explanation of the assumptions in the evaluation of monetized and non-monetized benefits and costs. This section will include a summary of elicited Tribal Nation and stakeholder perspectives on the alternatives and their effects.

(2) The Corps should recommend:

(i) Authorization of an alternative project, program, or plan;

(ii) Implementation of an alternative under existing law;

(iii) Implementation of a project, program or plan by others; or

(iv) No action.

(3) In its studies, the Corps shall analyze, evaluate, fully consider, and justify each separable element of the proposed investment independently of the other separable elements, based on its social, environmental, and economic benefits and costs to society.

(4) The Corps should seek to meet water resources objectives and maximize net public benefits, relative to public costs. It is possible that more than one alternative might reasonably and approximately meet these conditions. "Net public benefits" implies that the anticipated benefits will be presented relative to the costs associated with the accrual of those benefits. Net public benefits can include both quantified and non-quantified benefits. Any recommendation will clearly delineate the Federal water resources project(s) or actions being recommended, including any condition precedent for construction.

(b) *Exceptions.* A recommended plan for a Federal water resources investment that does not maximize net public benefits requires an exception from the Assistant Secretary of the Army for Civil Works. Requests for exception should describe the project or activity, the rationale for the exception, and present relevant data and analysis to support the request.

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