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DEPARTMENT OF AGRICULTURE

Rural Housing Service

7 CFR Part 3565

[Docket No. RHS-24-MFH-0043]

Loan Guarantees Under the Section 538 Guaranteed Rural Rental Housing Program

AGENCY: Rural Housing Service, Department of Agriculture (USDA).

ACTION: Notification of updates in the competitive lender submissions process.

SUMMARY: The Rural Housing Service (RHS or Agency), an agency within Rural Development (RD), announces updates in the process for competitive lender application submissions regarding proposed properties for the Section 538 Guaranteed Rural Rental Housing Program (GRRHP). The amount of program dollars available for the GRRHP will be determined by the Appropriations Act for each fiscal year.

DATES: The effective date of the process updates is December 20, 2024.

ADDRESSES: Applications must be submitted electronically in accordance with the instructions in section IV of this notification. Applications will be accepted on a continuous basis. Complete applications that are deemed eligible for further processing will be funded to the extent an Appropriations Act provides sufficient funding in the fiscal year the application is selected. If funding is not sufficient in any given fiscal year, funding will be provided under the next funding Appropriations Act, subject to the availability of funds. Approved applications are subject to the fee structure in effect when the application is received by the Agency.

FOR FURTHER INFORMATION CONTACT: Jonathan Bell, Director, Processing and Report Review Branches, Production and Preservation Division, Multifamily Housing Programs, Rural Development, United States Department of

Agriculture, via email: MFHprocessing1@usda.gov or telephone: 202-205-9217. Hearing or speech-impaired persons may access that number by calling the 711 Federal Information Relay Service.

SUPPLEMENTARY INFORMATION:

Authority

The GRRHP is authorized under section 538 of the Housing Act of 1949, as amended, 42 U.S.C. 1490p-2, and implemented under 7 CFR part 3565.

Background

RHS is committed to helping improve the economy and quality of life in rural areas by offering a variety of programs. The Agency offers loans, grants, and loan guarantees to help create jobs, expand economic development, and provide critical infrastructure investments. RHS also provides technical assistance loans and grants by partnering with agricultural producers, cooperatives, Indian tribes, non-profits, and other local, state, and Federal agencies.

The Section 538 GRRHP is a program administered by the RHS, under the authority of the Housing Act of 1949, as amended (42 U.S.C. 1490p-2). The purpose of the GRRHP is to increase the supply of affordable rural rental housing, using loan guarantees that encourage partnerships between the RHS, private lenders, and public agencies.

On April 28, 2023 (88 FR 26221), the Agency published a notification in the **Federal Register** to consolidate all changes to the Section 538 GRRHP program. Pursuant to 7 CFR part 3565, any changes to the selection and/or scoring criteria or fees charged in subsequent years will be announced in a notification published in the **Federal Register**. Accordingly, this notification replaces the notification published on April 28, 2023 (88 FR 26221), and the correction notification published on July 17, 2023 (88 FR 46047), as the reference for interested parties to follow when submitting GRRHP applications.

Expenses incurred in developing applications will be at the applicant's risk. The following paragraphs outline the eligibility requirements, lender responsibilities, and the overall application processes.

Any future modifications to this notification, including changes to the

selection and/or scoring criteria or fees charged in subsequent years, will be published in the **Federal Register**.

Discussion of Program Updates

The Agency announces the following updates to the GRRHP:

1. The Agency added a new priority scoring criteria related to maturing mortgages in section 514/515 and section 538 joint transactions.

2. The Agency adjusted the priority scoring criteria points.

3. The Agency added a new priority scoring criteria related to waiving the Qualified Contract rights on applications that are funded using Low Income Housing Tax Credits.

4. The Section 538 GRRHP Response Form will now be titled and referred to as the Section 538 GRRHP Response Template. The Section 538 GRRHP Response Template is not required; however, the Agency encourages applicants to utilize and submit the template along with their complete application to streamline the review process. The template is available on the Agency's Multifamily Housing Loan Guarantees website (<https://www.rd.usda.gov/programs-services/multifamily-housing-programs/multifamily-housing-loan-guarantees>) for applicants that choose to utilize it. If the applicant chooses not to use the template, the information is still required to be submitted with the completed application.

5. The Agency is requiring lenders to include the proposed closing date in their application submission.

6. The Agency is requiring lenders to provide information regarding commercial space associated with the property.

7. The Agency is requiring lenders to identify each principal involved in the Section 538 GRRHP transaction in their application submission.

8. The Agency has modified the instructions for initiating the application process.

I. Funding Opportunity Description

The GRRHP program is administered subject to appropriations by the United States Department of Agriculture (USDA) as authorized under section 538 of the Housing Act of 1949, as amended, 42 U.S.C. 1490p-2, and is implemented under 7 CFR part 3565. The Section 538 GRRHP program will continue to follow procedures similar to other RD

guaranteed loan programs and accept applications on a continuous basis.

The purpose of the GRRHP is to increase the supply of affordable rural rental housing using loan guarantees to encourage partnerships between the Agency, private lenders, and public agencies.

Eligibility of Prior Fiscal Year Applications: Prior fiscal year complete applications that were submitted to the Agency but not funded due to lack of available funding will be eligible for review under the current notice without having to submit a new application.

If approved, applications submitted under a previous fiscal year notice will be obligated in the order that the request for obligation was received, to the extent of available funding.

Once the outstanding prior years approved applications have been funded, the Agency will fund applications approved in the current fiscal year in the order by which the request for obligation was received. If funding is insufficient to serve all applications approved in the current fiscal year, they will be funded according to the priority scoring set forth in section V of this notification.

The obligation of program funds is discussed further in section VI of this notification.

II. Award Information

Anyone interested in submitting an application for funding under this program is encouraged to visit the RD website (<https://www.rd.usda.gov/programs-services/multifamily-housing-programs/multifamily-housing-loan-guarantees>) periodically for updated information regarding the status of funding authorized for this program.

(1) *Qualifying Properties:* Qualifying properties include new construction for multifamily housing units and the acquisition of existing structures with a minimum per unit rehabilitation expenditure requirement in accordance with 7 CFR 3565.252. This may include the revitalization, repair, and transfer (as stipulated in 7 CFR 3560.406) of existing Section 515 Rural Rental Housing (RRH) and existing Section 514/516 Farm Labor Housing (FLH). The Agency does not finance acquisition only deals.

Transfer costs are subject to Agency approval. All costs must be an eligible use of loan proceeds as listed in 7 CFR 3565.205. Properties involved in the Agency's Multifamily Preservation and Revitalization (MPR) Demonstration are subject to an equity payment, as stipulated in 7 CFR 3560.406(e). In accordance with 7 CFR 3565.252, the property must have a need for repairs of

at least \$6,500 per dwelling unit and must undergo revitalization.

If the transaction includes a transfer of ownership and assumption of loan for a Section 515 RRH property, the complete 538 application and the complete Section 515 RRH transfer of ownership application must be submitted simultaneously, same day, to the Agency. If the complete 538 application is not submitted simultaneously with the Section 515 RRH transfer of ownership application, the 538 application will be rejected and returned to the lender. The lender may resubmit the application when both the complete 538 application and the 515 RRH transfer of ownership application can be submitted simultaneously.

(2) *Eligible Financing Sources:* Any form of Federal, State, and conventional sources of financing can be used in conjunction with the loan guarantee, including HOME Investment Partnerships Program (HOME) grant funds, tax exempt bonds, and Low-Income Housing Tax Credits (LIHTC).

(3) *Types of Guarantees:* The Agency offers three types of guarantees, which are set forth at 7 CFR 3565.52(c). The Agency liability under any guarantee will decrease or increase, in proportion to any decrease or increase in the amount of the unpaid portion of the loan, up to the maximum amount specified in the Loan Note Guarantee. Penalties incurred as a result of default are not covered by any of the program's guarantees. The Agency may provide a lesser guarantee based upon its evaluation of the credit quality of the loan.

(4) *Interest Credit:* There will be no interest credit.

(5) *Program Fees:* The following fees have been determined necessary to cover the projected cost of loan guarantees. These fees may be adjusted based on the Appropriation requirements and in future years to cover the projected costs of loan guarantees in those future years, or additional fees may be charged. Any changes to the program fees will be announced in a notification published in the **Federal Register**. The fees are as follows:

(a) *Initial guarantee fee.* The Agency will charge an initial guarantee fee pursuant to 7 CFR 3565.53(a). For purposes of calculating this fee, the guarantee amount is the product of the percentage of the guarantee times the initial principal amount of the guaranteed loan.

(b) *Annual guarantee fee.* An annual guarantee fee based on the outstanding principal amount of the loan as of December 31 will be charged each year

or portion of a year that the guarantee is outstanding, pursuant to 7 CFR 3565.53(b). The guarantee fee is paid in advance.

(c) As permitted under 7 CFR 3565.302(b)(5), there is a non-refundable service fee of \$1,500 for the review of a lender's first request to extend the term of a guarantee commitment beyond its original expiration (the request must be received by the Agency prior to the commitment's expiration). For any subsequent extension request on the same guarantee, the fee will be \$2,500.

(d) As permitted under 7 CFR 3565.302(b)(5), there is a non-refundable service fee of \$3,500 for the review of a lender's first request to reopen an application when a commitment has expired. For any subsequent request to reopen the same application after the commitment has expired, the fee will be \$3,500.

(e) As permitted under 7 CFR 3565.302(b)(4), there is a non-refundable service fee of \$1,500 in connection with a lender's request to approve the transfer of property or a change in composition of the ownership entity.

(f) There is no application fee.

(g) There is no lender application fee for lender approval.

(h) There is no surcharge for the guarantee of construction advances.

The current initial and annual guarantee fees can be found in a notice published in the **Federal Register** (87 FR 12077) on March 3, 2022, at the following website: <https://www.federalregister.gov/documents/2022/03/03/2022-04442/new-fee-structure-for-section-538-guaranteed-rural-rental-housing-program-initial-and-annual>. If changes occur in the fee amounts, the Agency will release those changes through a notice in the **Federal Register** and will provide guidance on how to process the loans which will be impacted by the new fee structure.

III. Lender Eligibility Information

(1) *Eligible Lenders:* An eligible lender for the Section 538 GRRHP as required by 7 CFR 3565.102 must be a licensed business entity or Housing Finance Agency (HFA) in good standing in the State or States where it conducts business. Lender eligibility requirements are contained in 7 CFR 3565.102. Please review that section for a complete list of all the criteria. The Agency will only consider applications from GRRHP eligible, or approved lenders as described in 7 CFR 3565.102 and 3565.103, respectively.

Lenders who do not have GRRHP approved lender status and whose applications are approved will be notified by the Agency to submit a

request for GRRHP lender approval within 30 days of notification. Alternately, lenders may submit a request for GRRHP approved lender status with their project application submission. Lenders who request GRRHP approval must meet the standards in 7 CFR 3565.103. The loan note guarantee will not be issued to lenders that have not been vetted and determined to be eligible by the Agency to participate in the GRRHP programs.

Lenders that have received GRRHP lender approval that remain in good standing in accordance with 7 CFR 3565.105 do not need to reapply for GRRHP lender approval.

(2) *System for Award Management and Unique Entity Identifier:*

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

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

(c) Applicant must ensure they complete the Financial Assistance General Representations and Certifications in SAM.

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

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

Submission of Documentation for GRRHP Lender Approval:

All lenders that have not yet received GRRHP lender approval must submit a complete lender application to: Multifamily Housing Asset Management Division, Branch Chief, Risk and Counterparty Oversight, RDMFH_RCOB_GRRHP@USDA.gov. Lender applications must be identified as “Lender Application—Section 538 Guaranteed Rural Rental Housing Program” in the subject line.

IV. Application Submission Information

Applications will be accepted on a continuous basis. Applications that are deemed eligible for further processing will be funded to the extent an Appropriations Act provides sufficient funding in the fiscal year the application is selected. If funding is not sufficient in any given fiscal year, funding will be provided under the next funding Appropriations Act, subject to the availability of funds. Approved applications are subject to the fee structure in effect when the application is received by the Agency.

(1) To initiate the application process, the applicant must send an email of interest to the RHS Production and Preservation Division at MFH.ProgramSupport@usda.gov. The email message must contain the following information:

a. *Subject line:* Section 538 GRRHP Application Submission

b. *Body of email:* Borrower Name, Project Name, Borrower Contact Information (including address, phone number, email address to receive application submission information) and Project State.

c. *Request language:* “Please provide application submission instructions so that we may submit our Section 538 GRRHP application and supporting documents.”

Application submission instructions will be emailed to all interested respondents supplying valid email addresses within two (2) business days from the date the email of interest is received by the Agency.

(2) All applications require lender information and project specific data as set out in this notification. Complete applications must include a signed cover letter from the lender, on the lender’s letterhead. The lender must provide the requested information as outlined in this notification concerning the property, to establish the purpose of the proposed property, its location, and how it meets the established priorities for funding.

In compliance with Agency guidance to determine the lender’s (participants) eligibility, the Agency is responsible for screening lenders in the Do Not Pay Portal for the following: (1) Credit Alert System (CAIVRS); (2) System for Award Management Entity Registration Records (SAMENT); (3) System for Award Management Exclusion Records-Restricted (SAM-EXCL-RES) and (4) Treasury Offset Program Debt Check (DBCK). If the lender is a non-profit, the Agency will also screen for Internal Revenue Service (IRS) Automatic Revocation of Exemption List (ARL).

Screening will take place when the lender submits a complete application to the Agency. At the time of application, each lender must have an active registration in SAM before submitting its application in accordance with 2 CFR 25.200. To register in SAM, entities will be required to obtain a UEI. Instructions for obtaining the UEI are available at <https://sam.gov/entity-registration>. Further information regarding SAM registration and the UEI can be found in the *Lender Eligibility Information* section of this notification.

Also, as part of the complete application package, the lender must provide a list of all the lender’s principals (in accordance with the definition below) in the organization. This information will be used to screen the lender’s principals in the Do Not Pay Portal for SAM-EXCL-RES at the application stage.

As codified at 2 CFR 180.995, “Principal” is defined as: (a) an officer, director, owner, partner, principal investigator, or other person within a participant with management or supervisory responsibilities related to a covered transaction; or (b) a consultant or other person, whether or not employed by the participant or paid with Federal funds, who—(1) is in a position to handle Federal funds; (2) is in a position to influence or control the use of those funds; or (3) occupies a technical or professional position capable of substantially influencing the development or outcome of an activity required to perform the covered transaction.

(a) *Lender Certification:* The lender must certify that the lender will make a loan to the prospective borrower for the proposed property, under specified terms and conditions subject to the issuance of the GRRHP guarantee. Lender certification must be on the lender’s letterhead and signed by both the lender and the prospective borrower.

(b) *Project Specific Data:* The lender must submit the project specific data below. For the applicant’s convenience, the Agency has made a Section 538 GRRHP Response Template available on the Agency’s Multifamily Housing Loan Guarantees website (<https://www.rd.usda.gov/programs-services/multifamily-housing-programs/multifamily-housing-loan-guarantees>) for applicants that choose to utilize it. The template is not required; however, the information is required with a complete application. The Agency encourages applicants to utilize and submit the template along with their complete application to streamline the review process.

Data element	Information that must be included
Lender Name	Insert the lender's name.
Lender Tax ID #	Insert lender's tax ID number.
Lender Unique Entity Identifier (UEI)	Insert lender's (UEI).
Lender Contact Name	Name of the lender contact for loan.
Mailing Address	Lender's complete mailing address.
Phone #	Phone number for lender contact.
Fax #	Insert lender's fax number.
E-Mail Address	Insert lender contact e-mail address.
List of Lender's Principals	Complete list of all of the lender's principals involved in the transaction.
Borrower Name and Organization Type	State whether borrower is a Limited Partnership, Corporation, Indian Tribe, etc.
Equal Opportunity Survey	Optional Completion.
Tax Classification Type	State whether borrower is for profit or not for profit.
Borrower Tax ID #	Insert borrower's tax ID number.
Borrower UEI (if applicable)	Insert borrower's UEI.
Borrower Address, including County	Borrower's complete address and county.
Borrower Phone # and E-Mail Address	Insert borrower's phone number and e-mail address.
Principal or Key Member for the Borrower (as defined in 2 CFR 180.995).	Insert name and title. List the general partners if a limited partnership, officers if a corporation or members of a Limited Liability Corporation.
Borrower Information and Statement of Housing Development Experience.	Attach relevant information.
New Construction, Acquisition with Rehabilitation	State whether the project is new construction or acquisition with rehabilitation.
Revitalization, Repair, and Transfer (as stipulated in 7 CFR 3560.406) of Existing Direct Section 515 and Section 514/516 FLH or MPR.	Yes or No (Transfer costs, including equity payments, are subject to Agency approval and must be an eligible use of loan proceeds in 7 CFR 3565.205).
Project Location Town or City	Town or city in which the project is located.
Project County	County in which the project is located.
Project State	State in which the project is located.
Project Zip Code	Insert zip code where the project is located.
Project Congressional District	Congressional District for project location.
Project Name	Insert project name.
Project Type	Family, senior (all residents 55 years or older), or mixed.
Property Description and Proposed Development Schedule	Provide as an attachment.
Total Project Development Cost	Enter amount for total project.
# of Units	Insert the number of units in the project.
Ratio of 3–5 Bedroom Units to Total Units	Insert percentage of 3–5 bedroom units to total units.
Cost Per Unit	Total development cost divided by number of units.
Rent	Proposed rent structure.
Median Income for Community	Provide median income for the community.
Evidence of Site Control	Attach relevant information.
Description of any Environmental issues referenced in the Phase I report.	Attach relevant information.
Loan Amount	Insert the loan amount.
Borrower's Proposed Equity	Insert amount and source.
Low Income Housing Tax Credits, if applicable	Have tax credits been awarded? If tax credits were awarded, submit a copy of the award/evidence of award with your application. If not, when do you anticipate an award will be made (announced)? What is the [estimated] value of the tax credits? Letters of application and commitment letters should be included, if available.
Low Income Housing Qualified Contract (QC) Waiver Documentation, if applicable.	A document certifying the QC rights have been waived must be included with the complete application if the applicant is seeking priority points for waiver of QC rights.
Maturing Mortgage Date of existing Section 515/514/516 Rural Development properties (if applicable).	Include maturity date.
Other Sources of Funds	List all funding sources other than tax credits and amounts for each source, type, rates and terms of loans or grant funds.
Loan to Total Development Cost	Guaranteed loan divided by the total development costs of project.
Debt Coverage Ratio	Net Operating Income divided by debt service payments.
Percentage of Guarantee	Percentage guarantee requested.
Collateral	Attach relevant information.
Colonia, Tribal Lands, or State's Consolidated Plan or State Needs Assessment.	Colonia, on an Indian Reservation, or in a place identified in the State's Consolidated Plan or State Needs Assessment as a high need community for multifamily housing.
Is the Property Located in a Federally Declared Disaster Area?	If yes, please provide documentation (e.g., Presidential Declaration document).
Population	Provide the population of the county, city, or town where the project is or will be located.
What Type of Guarantee is Being Requested, Permanent Only (Option 1), Construction and Permanent (Option 2), or Continuous (Option 3).	Enter the type of guarantee.
Loan Term	State repayment and amortization terms (Minimum 25-year term).

Data element	Information that must be included
Guarantee Fee Structure Designation	Maximum 40-year term (includes construction period). May amortize up to 40 years. Balloon mortgages permitted after the 25th year.) Indicate the Guarantee Fee Structure: Standard Fee. Preservation of 514/515/516. Workforce Housing. Energy Efficient/Green. (Documentation is required).
Participation in Energy Efficient Programs	Initial checklist indicating prerequisites to register for participation in a particular energy efficient program. All checklists must be accompanied by a signed affidavit by the project architect stating that the goals are achievable. If property management is certified for green property management, the certification must be provided.
Proposed Closing Date	Include the proposed closing date of the Section 538 GRRHP loan.
Is commercial space associated with this property?	Indicate Yes or No.
If commercial space is associated, please indicate if the Gross Floor (GF) Area exceeds 10% of residential units/common area.	Indicate Yes, No or N/A. (If yes, Agency approval is required).
If commercial space is associated with the property, please indicate if the income from the commercial space activity exceeds 10% of the annual operating income.	Indicate Yes, No or N/A. (If yes, Agency approval is required).

(c) *The Proposed Borrower Information:*

i. In accordance with 2 CFR 180.300, the lender must verify and provide documentation to the Agency that the borrowing entity and the borrowing entity's principals are not excluded or disqualified; and the lender's borrower must verify the management agent and the management agent's principals are not excluded or disqualified by:

- a. Checking SAM Exclusions (<https://sam.gov>); or
- b. Collecting a certification; or
- c. Adding a clause or condition to the covered transaction.

The lender must provide a certification to the Agency that their borrower verified the management agent and the management agent's principals are not excluded or disqualified.

ii. Borrower's unaudited or audited financial statements.

(d) *Lender Eligibility and Approval Status:* Evidence that the lender is either an approved lender for the purposes of the GRRHP or that the lender is eligible to apply for approved lender status. The lender's application package requesting approved lender status can be submitted with the application. If a lender who has not yet been approved by the Agency submits a Section 538 GRRHP complete application, the lender approval application must be submitted to the Multifamily Housing Asset Management Division, Risk and Counterparty Oversight Branch, RDMFH_RCOB_GRRHP@USDA.gov within 30 calendar days of application submission or within 30 calendar days of Agency notification, whichever is later (see SUBMISSION OF DOCUMENTATION FOR GRRHP LENDER APPROVAL above). The Agency will not issue a loan

note guarantee until the lender is approved by the Agency.

(e) *Competitive Criteria:* Information that shows how the proposal is responsive to the priority scoring criteria specified in this notification.

(3) *Content of Application:* The lender must submit a complete application which consists of the following:

(1) *Section 538 GRRHP Response Template.* The project specific data outlined above in section IV (2) (b). For the applicant's convenience, the Agency has made a Section 538 GRRHP Response Template available on the Agency's Multifamily Housing Loan Guarantees website (<https://www.rd.usda.gov/programs-services/multifamily-housing-programs/multifamily-housing-loan-guarantees>) for applicants that choose to utilize it; however, the template is not required. The Agency encourages applicants to utilize and submit the template along with their complete application to streamline the review process. If the applicant chooses not to use the template, the information is still required to be submitted with the completed application.

(2) *Lender Certification.* The lender's certification will serve as assurance to the Agency that the borrower, the project, and the proposed financing meet the lender's standards for loan making. The lender must certify the following on the lender's letterhead:

- ☐ The information contained in the application is consistent with the lender's underwriting and loan making standards.
- ☐ That a current and accurate list of the lender's Officers and Principals has been provided to the Agency.

☐ The lender has completed the lender's review and has identified any significant findings in a narrative attached to the certification.

☐ The lender agrees to make a loan to the borrower for the proposed project, subject to the Agency's issuance of an appropriate guarantee option.

☐ The proposed loan amount (for such part of the property attributable to dwelling use) does not exceed the applicable maximum per unit dollar amount limitations under section 207 (c) of the National Housing Act.

☐ The owner and development team have the qualifications and experience sufficient to carry out development, management, and ownership responsibilities.

☐ If the lender is applying for a continuous guarantee, the project has the appropriate low loan-to-cost ratio as determined by the Agency [7 CFR 3565.52(c)(3)].

☐ The property is located in an eligible rural area.

☐ The lender has conducted due diligence and the results have been taken into consideration in the appraisal.

☐ The lender has reviewed and approved the management plan and agreement and confirmed that they are consistent with Agency requirements.

☐ The construction meets basic construction requirements.

(3) *Exhibits and Supporting Information.* Forms to be included in the application package:

- ☐ Form RD 3565-1, Application for Loan and Guarantee.
- ☐ Form RD 3565-3, Lender's Agreement.
- ☐ RD Instruction 1940-Q, Exhibit A-2, Statement for Loan Guarantees.

- ☐ Attachment 4–D, Housing Allowances for Utilities and Other Public Services.
- ☐ Form RD 1944–37, Previous Participation Certification.
- ☐ Form RD 3560–30, Certification of No Identity of Interest (IOI), if applicable.
- ☐ Form RD 3560–31, Identity of Interest Disclosure/Qualification Certification, if applicable.
- ☐ Form RD 1910–11, Applicant Certification, Federal Collection Policies for Consumer or Commercial Debts.
- ☐ FEMA Form 086–0–32, Special Flood Hazard Determination (7 CFR 3565.254).
- ☐ Form RD 1924–13, Estimate and Certificate of Actual Cost.
- ☐ Form RD 400–4, Assurance Agreement.
- ☐ Form RD 1924–25, Plan Certification Form.
- ☐ Form RD 400–1, Equal Opportunity Agreement.
- ☐ Form RD 400–6, Compliance Statement.

(4) *Other Required Supporting Information:*

- (i) Borrower information:
 - ☐ Financial statements with certification(s) (newly formed entities applying for a construction/permanent guarantee do not need to provide financial statements at the time of application).
 - ☐ Credit report for the entity and any guarantor.
 - ☐ Proposed limited partnership agreement and certificate of limited partnership (if applicable). Agency requirements should be contained in one section of the agreement and their location identified by the borrower or their attorney in a cover sheet.
 - ☐ If a corporate entity, its Articles of Organization and its Operating Agreement.
- (ii) If the borrower is a nonprofit organization:
 - ☐ Tax-exempt ruling from the IRS designating them as a 501(c)(3) or 501(c)(4) organization. If the designation is pending, a copy of the designation request must be submitted.
 - ☐ Evidence of organization under State law or copies of pending applications.
 - ☐ A list of board members.
- (iii) If the borrower is a public body:
 - ☐ The enabling statute or the State law of organization.
- (iv) Project Information:
 - ☐ An application fee, if required by the Agency.
 - ☐ An appraisal.
 - ☐ A market study. Contents of the market study should include, at a minimum, the following information:

1. A complete description of the proposed site, including location of the land, location of services, and their distances from the site.
2. Major employment data including: the name, location, and date of establishment of any major employers within the community; the product or service of each employer; the number of employees and salary range for each employer; and business permits issued per year for the last three years.
3. Population by year, number, and total, plus the annual increase/decrease and percentage.
4. Population characteristics by age.
5. Household data by number, year, and number of persons per household.
6. Breakdown of households by owners and renters.
7. Households by income group.
8. Building permits issued per year for single and multiple unit dwellings.
9. Housing stock as defined by total number of units: one unit buildings, two or more unit buildings, mobile homes, and the number of these lacking some, or all, plumbing facilities (substandard housing).
10. A survey of existing rental housing including: name, number of units, bedroom mix, family or elderly type, year built, rent, vacancies, location, and amenities.
11. Number of rent-overburdened households.
12. A projection of housing demand based on:
 - (a) Household growth.
 - (b) Units constructed since the last census.
 - (c) Number of owned and rented units.
 - (d) Number of replacements.
 - (e) Number of persons in the eligible income range.
13. For proposals where the applicant is requesting low-income housing tax credits (LIHTC), the applicant must provide the number of LIHTC units and the maximum LIHTC incomes and rents by unit size. This information will determine the levels of incomes in the market area which will support the basic rents while also qualifying the borrower for tax credits.
 - ☐ Project information including project name, location, number and type of units, the development team, property manager, lawyer, and syndicator. The development team includes the developer (including all principals), architect, and contractor.
 - ☐ Capital Needs Assessment (for rehabilitation loans only). Does the Capital Needs Assessment and Capital Improvement Plan call for a replacement reserve escrow that meets or exceeds the \$1,000/unit threshold by

year three? If not, document underwriting explanation (7 CFR 3565.254(b)(4)). Include a Reserve for Replacement schedule.

- ☐ State Clearinghouse comments or recommendations.
 - ☐ Site plan, including contour lines.
 - ☐ Plot plan.
 - ☐ Floor plan of each living unit type and other type spaces.
 - ☐ Building exterior elevations.
 - ☐ FEMA Form 086–0–33, Elevation Certificate.
 - ☐ Typical building exterior wall section.
 - ☐ Description and justification of any related facilities and schedule of separate charges for related facilities, if any.
 - ☐ Design development/working plans/construction specifications. Plans, specifications, and estimates must fully describe all of the work to be completed, including all landscaping, construction, repairs, and site development work. The plans must be clear and accurate with adequate dimensions and sufficient scale for estimating purposes.
 - ☐ Technical data, tests, or engineering evaluations needed to support the design of the development must be included.
- (v) Property Management Information:
- ☐ Management plan and proposed management agreement.
 - ☐ Details for managing a project with scattered sites (if applicable).
 - ☐ Procedures for determining applicant eligibility.
 - ☐ Demonstrated capacity to manage the unique leasing occupancy restrictions of the guaranteed program.
 - ☐ Description of rent collection; lease provisions covering termination and eviction; copy of tenant protection and grievance procedures to tenants.
 - ☐ Description of security plan.
 - ☐ Plans for maintenance, repair, replacement, and tenant work requests.
 - ☐ Detailed compliance with Federal, Tribal, and State environmental laws.
 - ☐ Description of energy conservation measures including recycling.
 - ☐ Detailed management and maintenance staffing plans.
 - ☐ Information on staff training programs.
 - ☐ Statement confirming that the management plan includes provision for access to project's books and records by USDA staff, USDA—Office of Inspector General, Government Accountability Office, and the Department of Justice; information on accounting, record keeping, data systems, and software. (7 CFR 3565.351 (a)(7)).
 - ☐ Qualifications of the property manager.
- (vi) Contractor Information:

□ Demonstrated experience of the general contractor in building multifamily housing of the size design, scope, and complexity of the project. Note any exceptions.

(vii) Financing Information:

□ Lender's conditional commitment on the lender's letterhead with lender's signature specifying the GRRHP option under which the project loan is to be guaranteed.

□ Sources and uses, pro forma statement or a comparable document.

□ Lender's narrative. Must include the following information:

- Summary of Loan Request
- Financing Terms/Commitment
- Specify how the loan is classified:
 - Existing property (7 CFR 3565.252)
 - 515 Rehab
 - New construction (7 CFR 3565.252)
- Confirm property is located in an eligible rural area (7 CFR 3565.3 and 3565.251)
- General site requirements (7 CFR 3565.254)
- General site standards (7 CFR 3565.254)
- Borrower/Sponsor's Qualifications
- Property History
- Site/Area/Neighborhood Analysis
- Improvements/Physical Needs
- Environmental Issues
- Review of Market Analysis
- Review of Market Appraisal
- Income/Expense Pro forma
- Valuation

■ Management Review. The following are examples of documentation which can be submitted to the Agency to establish evidence of the management agency's experience:

- Name of the Management Entity.
- Management Entity Type (Owner/Manager; Independent Fee Agent; Identity-of-Interest Agent; or Project Administrator).
- Employer Identification Number (EIN).
- Specify Organization Type (Corporation; Partnership; Individual; or Other).
- Names, titles and Social Security Numbers of firm's principals (*e.g.*, general partner, president, treasurer, etc.).

○ Provide mailing addresses for the Company's home office and if applicable, any branch offices involved in management of the Department of Housing and Urban Development (HUD) or other affordable multifamily projects. Specify the geographic area covered by each office.

○ If applicable, what year (yyyy) did the company begin managing: HUD or other affordable subsidized projects; HUD or other affordable unsubsidized projects; and/or Conventional projects.

○ If applicable, estimate what percent of company's activities involve management of: Conventional projects; HUD or other affordable projects; Commercial space; and/or Other.

○ If applicable, the number of projects the company manages (both rentals and cooperatives): HUD or other affordable unsubsidized housing; HUD or other affordable subsidized housing; and/or HUD or other affordable owned housing. Of these, how many have HUD or other affordable housing held mortgages; are non-insured; are subsidized co-ops; are unsubsidized co-ops and the percentage of elderly; family; owned by a non-profit or coop; core city; troubled neighborhood; suburban and rural area.

○ Indicate where each of the following activities are administered. Use the following codes: C = central office; R = regional office; P = project site: Bookkeeping; landscaping; maintenance; purchasing; tenant application; certification/recertifications; regular monthly subsidy billings; and special claims subsidy billings.

○ Number of the company's full-time employees serving in the following supervisory or advisory roles (Owner-managers and administrators of projects for the elderly should provide this information on project employees): Engineers; maintenance supervisors; occupancy supervisors; training specialists; social service coordinators; regional property managers; indicate number and percentage of minorities serving in supervisory or advisory roles.

○ Identify any professional memberships, licenses, certificates or accreditations which are related to property management activities and are held by the company, company executives, or employees.

○ Describe any purchasing procedures you have implemented to control or reduce cost (*e.g.*, bulk purchasing, paying early to take advantage of discounts, cost comparisons or bids, etc.).

○ List any companies which regularly supply goods or services to federally funded projects and have an identity-of-interest with the management entity or its principals (*e.g.*, officers, general partners). Specify the type of goods and services provided.

○ Do any of the identity-of-interest companies listed function as "pass-throughs"—*i.e.*, does the identity-of-interest company purchase goods or services from another party and pass those goods or services through to the project? For each pass-through arrangement:

(1) Name the identity-of-interest company involved.

(2) Explain how the identity-of-interest company's compensation is determined.

(3) Explain why it is more advantageous for the project to use the pass-through arrangement than to purchase directly from the ultimate supplier.

○ What types of property management procedures or operating manuals are used by on-site or supervisory staff?

○ What types of recurring written reports are prepared on project operations (*e.g.*, maintenance, move-in/out, payables, comparisons of budgeted and actual expenses)? Specify who (by position title) prepares the report, frequency of the report, and who reviews the report.

○ Specify how frequently company executives or supervisory staff visit the projects the company manages and who (by position title) conducts the on-site visits or reviews.

○ If the company manages subsidized projects, identify by job title who prepares and reviews the HUD (or other affordable housing) required documents and the frequency of their review for the following: HUD's (or other affordable housing) Initial Certifications; Recertifications; Regular Monthly Subsidy Billings; Special Claims Subsidy Billings; Proposals to terminate tenant assistance payments; Proposals to evict; Monthly Accounting Reports; and Civil Rights Tenant Characteristics/Occupancy Reports.

○ If applicable, describe how the home office supervises supervisory staff (*e.g.*, property managers, occupancy specialists, maintenance supervisors), who operate out of branch offices.

○ Describe how the company trains its employees in the areas listed below. Discuss both on-going training and initial training provided when the employee is hired. Specify the frequency and duration of the training and who/what organization conducts the training. Discuss training for both supervisory and front-line staff for the following: Property management practices; Financial and recordkeeping requirements; Civil rights and fair housing laws; and Occupancy Requirements of Subsidized Multifamily Housing Programs (if the company manages subsidized projects).

○ If applicable, specify if an owner of a HUD-related project or other affordable housing project, at any time during the past three years, cancelled a property management contract held by the company and identify during the past three years, how many HUD-related

projects or other affordable housing projects have not renewed their management contracts with the company (Explain the reasons for any cancellations or failure to renew and identify the projects involved).

- If applicable, provide a list of all HUD Field Offices that have jurisdiction over the projects. For companies that operate in more than five Field Office jurisdictions, identify the five jurisdictions where the greatest number of your HUD-related projects are located.

- List all State Agencies in whose jurisdiction you have managed or are managing State Agency-financed projects. For companies that operate in more than five States, identify the five where the greatest number of your State Agency projects are located.

- List the location of all RD properties you have managed or are managing. For companies that operate in more than five RD jurisdictions, identify the five where the greatest number of your RD properties are located.

- A copy of the pro forma budget detailing the first year and a typical year's operation. (Pro formas with and without the interest credit award will serve as justification for the interest credit award, if applicable.)

- Disclosure of any change in financing since application submission.

- Type of utilities and utility allowances, if applicable.

- Confirm that Operating and Maintenance (O&M) Reserve is at least two percent of the total loan amount (not just guaranteed portion). Calculation of O&M reserve for congregate care facilities and larger projects should reflect absorption rates in the market study to cover shortfalls between estimated operating budget calculations and rent-up assumptions. Funds contributed as O&M reserves are contributed from the borrower's own resources or an irrevocable letter of credit and are not to be included as part of the total development cost calculation. (7 CFR 3565.402 (a)(2))

- Confirm that the construction contingency is equal to two percent of the construction contract, inclusive of the contractor's fee and hard and soft costs. This is to be funded at or prior to closing by the contractor (7 CFR 3565.402 (a)(2)).

- Provide evidence of adequate insurance for the property (7 CFR 3565.351).

- Interest Credit Request, if applicable.

Environmental Information:

- Most current version of the ASTM Standard E 1528–14, Phase I

Environmental Site Assessment Process published by the American Society for Testing and Materials (ASTM).

- Environmental Information in accordance with 7 CFR part 1970 (Environmental Policies and Procedures).

- Statement from the State Historic Preservation Office (SHPO) indicating compliance with historic and architectural laws, if applicable.

- Comments regarding relevant off-site conditions.

- Land survey.

Legal and Regulatory Items:

- Standard Regulatory Agreement approved by the Agency (7 CFR 3565.303(d)(9) and (11), or

- Non-Standard Regulatory Agreement(s) containing provisions for transferability between lenders, binding on the borrower and their successors (7 CFR 3565.351(a)) and requiring that the borrower: make all principal and interest payments under the note, maintain the property as affordable housing in good physical condition; maintain complete project books and records; and comply with all Federal Fair Housing requirements under the terms of the note (7 CFR 3565.351(a)).

- For new construction projects that have five or more rental units, an Affirmative Fair Housing Marketing Plan (AFHMP) as defined in 24 CFR part 200, subpart M, is required to be submitted. Federally recognized Tribes and Tribally Designated Housing Entities (TDHE) are excluded when the project is located on tribal land.

- Rehabilitation/preservation transactions must submit confirmation in writing that the borrower is in compliance with the Affirmative Fair Housing Marketing Plan (7 CFR 3565.353).

- Certification from the lender verifying the use of security instruments prepared, executed, recorded and/or delivered per program guidelines and in compliance with the terms of the conditional commitment.

- Certification from the lender verifying the use of the construction contract based on standard AIA Document A–101. If this document is used, it should be modified as described in Form RD 1924–25 or similar form.

- Certification from the lender verifying the use of contract specifications, documents and forms. Use Form RD 1924–6 “Construction Contract” or similar document as required by Executive Order 11246, Non-Discrimination in Employment by Construction Contractors.

V. Application Review Information

(1) *Scoring of Priority Criteria for Selection:* Complete applications received will be scored based on the criteria set forth below to establish priority in the event there is insufficient funding. Per 7 CFR 3565.5(b), priority will be given to projects in rural areas in which borrowers can best utilize loan guarantees and where loan guarantees are needed the most, as determined by the Agency based on information the Secretary considers appropriate. To meet important program goals, priority points will be given for projects that qualify for reduced annual fees, including workforce housing, section 515 or section 514/516 preservation and green and energy efficient housing projects as permitted in 7 CFR 3565.5(b).

The priority scoring criteria for projects are listed below.

Priority 1—Properties located in eligible rural communities with the lowest populations. One point is awarded if the city or town population is under 10,000 people.

Priority 2—Properties in the most-needy communities. One point is awarded if the property is located in a persistent poverty county as defined by the USDA Economic Research Service.

Priority 3—Properties that demonstrate partnering and leveraging of third-party funding. One point is awarded if the loan to total development cost ratio is less than 50%.

Priority 4—Properties with the highest ratio of 3–5 bedroom units to total units. One point is awarded if the ratio of 3–5 bedroom units to total units is 25% or more.

Priority 5—Properties on tribal land. One point is awarded if the property is located on tribal land.

Priority 6—Properties with a lower Section 538 guaranteed loan interest rate. One point is awarded if the interest rate is equal to or less than 130% of the long-term annual applicable Federal rate (AFR Table 1) at the time of application submission to the Agency.

Priority 7—Properties determined eligible for reduced annual section 538 fees under the **Federal Register** notice published on March 3, 2022 (87 FR 12077). One point awarded for each of the criteria met for reduced annual fees: (1) Workforce Housing (Rents Between 80%–115% Area Median Income), or (2) Preservation of Existing Section 515 and Section 514/516 Rural Development Properties, or (3) Section 538 New Construction or Substantial Rehabilitation Meeting Green or Energy Efficiency Requirements. Projects will be held to the standards and

requirements for the selected energy program that were in effect at the time the application was submitted to the Agency.

Priority 8—Energy consumption performance. One point will be awarded if the lender obtains the borrower's agreement to enroll in the United States Environmental Protection Agency's ENERGY STAR Portfolio Manager and document and report energy consumption for the property to the Agency. Along with the collection of the borrower's annual reports (outlined in 7 CFR 3565.351), to obtain the priority points the lender must collect the Statement of Energy Performance (SEP) report from the borrower and submit it to the Agency for review. This will allow the Agency to track the energy consumption performance of the property. Borrowers may access the EPA's ENERGY STAR Portfolio Manager software at no cost.

Priority 9—Projects that include Low Income Housing Tax Credits financing that have waived or will waive their Qualified Contract Rights. Twelve points will be awarded to projects that include LIHTC financing in which the owner has agreed to waive the Qualified Contract rights. A document certifying that the rights have been waived must be included with the complete application.

Priority 10—Projects that have or are assuming section 514/515 loans that will naturally mature within three years from application submission will receive one point.

Priority 11—Projects Providing Access to Supportive Services for Tenants. One point will be awarded to projects that employ a Service Coordinator, documented as a project expense in the most recent agency-approved Form RD 3560–7 Multifamily Housing Project Budget/Utility Allowance, or include units designated as permanent supportive units or for homeless households, documented by an agreement with another Federal or State funding source. To receive points, the applicant must describe the basis for claiming points (*i.e.*, service coordinator and/or permanent supportive housing/homeless unit set-aside) and provide documentation to include the Form 3560–7 and/or an agreement describing the terms and conditions for the units designated as permanent supportive housing or for homeless households, as applicable.

If there is insufficient funding available to fund all approved projects and projects have equal scores based on the priority criteria, the Agency will rank the tied projects based on the scores for Priority 7. If there is still a tie,

the Agency will obligate funds in the order in which the applications were approved by the Agency.

(2) **Notifications:** Applications will be reviewed concurrently for completeness and eligibility. The Agency will notify the lender generally within 30 days of receipt of a complete application. Incomplete applications, which include supporting documentation, will be returned to the lender. The lender may reapply in the future with a new and complete application.

VI. Award Administration Information

(1) **Obligation of Program Funds:** The Agency will only obligate funds to projects that meet the requirements under 7 CFR part 3565 and this notification that have submitted a complete application and have undergone a satisfactory environmental review in accordance with the National Environmental Protection Act (NEPA). If there is sufficient funding, once a complete application is received and approved (and any request for GRRHP approved lender status is granted), the Agency will obligate funds. The Agency considers the program to have insufficient funds when the program's annually appropriated funding amount has 10% (ten percent) or less remaining. If there is insufficient funding, the Agency will review the scores for each approved project and rank them accordingly. As funding becomes available, funding for approved projects will be obligated based on the rankings from high to low scores as described in section V. (Application Review Information).

In the event that the Agency suspends the ability to receive applications until sufficient funding becomes available, a notice will be made to the industry via GovDelivery and/or some other form of acceptable electronic notice.

(2) **Conditional Commitment:** Once the required documents for obligation are received and all applicable requirements have been met, including NEPA requirements, and to the extent funding is available, the Agency will issue a Conditional Commitment. The Conditional Commitment will stipulate the conditions that must be fulfilled before the issuance of a guarantee, in accordance with 7 CFR 3565.303(b).

A Conditional Commitment must be issued by the Agency before any construction begins on the project. Drawings (plans) and specifications for building construction must be submitted to the Agency and concurred by the Agency before any construction begins on the project. Applicants are reminded that in accordance with 7 CFR 3565.206(g), refinancing of an existing

debt is not an eligible use of Section 538 GRRHP loan funds, except in the case of an existing guaranteed loan where the Agency determines that the refinancing is in the government's interest or furthers the objectives of the program.

(3) **Issuance of Guarantee:** The Agency will issue a guarantee to the lender for a property in accordance with 7 CFR 3565.303. No guarantee can be issued without a complete application, review of appropriate certifications, satisfactory assessment of the appropriate level of environmental review, and the completion of any conditional requirements.

(4) **Tracking of Average Rents:** After the loan closes, the lender will track the initial affordable rent at each property funded and the average market rent in the area. The difference between these two rents will provide the lender with a measure of the impact the GRRHP has on affordable rents.

Build America, Buy America

Funding to Non-Federal Entities. Awardees that are Non-Federal Entities, defined pursuant to 2 CFR 200.1 as any State, local government, Indian Tribe, Institution of Higher Education, or nonprofit organization, shall be governed by the requirements of section 70914 of the Build America, Buy America Act (BABAA) within the Infrastructure Investment and Jobs Act (Pub. L. 117–58), and its implementing regulations at 2 CFR part 184. Any requests for waiver of these requirements must be submitted pursuant to USDA's guidance available online at <https://www.usda.gov/ocfo/federal-financial-assistance-policy/USDABuyAmericaWaiver>.

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Mission Area, 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, familial/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, audiotope, American Sign Language) should contact the responsible Mission Area, agency, or staff office; or the 711 Relay Service.

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

- (1) *Mail:* U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250-9410;
 - (2) *Fax:* (202) 690-7442; or
 - (3) *Email:* program.intake@usda.gov.
- USDA is an equal opportunity provider, employer, and lender.

Yvonne Hsu,
Acting Administrator, Rural Housing Service.
[FR Doc. 2024-30330 Filed 12-19-24; 8:45 am]

BILLING CODE 3410-XV-P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age; Missing Participants Mortality Assumption

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans by substituting a new table for determining expected retirement ages for participants in pension plans undergoing distress or involuntary termination with valuation dates falling in 2025. This table is needed to compute the value of early retirement benefits and, thus, the total value of benefits under a plan. This rule

also provides the mortality assumption for use with PBGC's missing participants program for determination dates in 2025.

DATES: This rule is effective January 1, 2025.

FOR FURTHER INFORMATION CONTACT: Hilary Duke (duke.hilary@pbgc.gov), Assistant General Counsel for Regulatory Affairs, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024-2101, 202-229-3839. If you are deaf or hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

Background

The Pension Benefit Guaranty Corporation (PBGC) administers the pension plan termination insurance program under title IV of the Employee Retirement Income Security Act of 1974 (ERISA). PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR Part 4044) sets forth (in subpart B) the methods for valuing plan benefits of terminating single-employer plans covered under title IV. Guaranteed benefits and benefit liabilities under a plan that is undergoing a distress termination must be valued in accordance with subpart B of part 4044. In addition, when PBGC terminates an underfunded plan involuntarily pursuant to ERISA section 4042(a), it uses the subpart B valuation rules to determine the amount of the plan's underfunding.

Expected Retirement Age Low, Medium, High Tables

Under § 4044.51(b) of the asset allocation regulation, early retirement benefits are valued based on the annuity starting date, if a retirement date has been selected, or the expected retirement age, if the annuity starting date is not known on the valuation date. Sections 4044.55 through 4044.58 set forth rules for determining the expected retirement ages for plan participants entitled to early retirement benefits. Section 4044.58 contains tables to be used in determining the expected early retirement ages.¹

Table I to § 4044.58 (Selection of Retirement Rate Category) is used to determine whether a participant has a low, medium, or high probability of

¹ In June 2024, PBGC issued a final rule at 89 FR 48291 updating the interest, mortality, and expense assumptions used to determine the present value of a single-employer plan's benefits when it terminates in a distress or involuntary termination. This rule moved the expected retirement ages tables from Appendix D in part 4044 to § 4044.58.

retiring early. The determination is based on the year a participant would reach "unreduced retirement age" (URA) (i.e., the earlier of the normal retirement age or the age at which an unreduced benefit is first payable) and the participant's monthly benefit at the unreduced retirement age. The table applies only to plans with valuation dates in the current year and is updated annually by PBGC to reflect changes in the cost of living.

Tables II-A, II-B, and II-C (Expected Retirement Ages for Individuals in the Low, Medium, and High Categories respectively) are used to determine the expected retirement age after the probability of early retirement has been determined using Table I. These tables establish, by probability category, the expected retirement age based on both the earliest age a participant could retire under the plan and the unreduced retirement age. This expected retirement age is used to compute the value of the early retirement benefit and, thus, the total value of benefits under the plan.

This document amends § 4044.58 to replace Table I-24 with Table I-25 to provide an updated correlation, appropriate for calendar year 2025, between the amount of a participant's benefit and the probability that the participant will elect early retirement. Table I-25 will be used to value benefits in plans with valuation dates during calendar year 2025.

Missing Participants Mortality Assumptions

PBGC's regulation on Missing Participants (29 CFR part 4050) provides that the mortality assumption used to determine certain amounts to be transferred on behalf of a missing participant from a terminating defined benefit plan to PBGC is the mortality table in § 4044.53(h). The table currently provides the mortality assumption only for benefit determination dates on July 31² and later in 2024. This rule updates the table to provide the mortality assumption for benefit determination dates in 2025.

Compliance With Regulatory Requirements

PBGC has determined that notice of, and public comment on, this rule are impracticable, unnecessary, and contrary to the public interest. PBGC's update of § 4044.58 and § 4044.53(h) for calendar year 2025 are routine. If a plan has a valuation date in 2025, the plan administrator needs the updated table in

² PBGC's June 2024 final rule does not apply to calculations where the valuation date is before July 31, 2024.

§ 4044.58 being promulgated in this rule to value benefits. Similarly, if a plan is transferring amounts on behalf of missing participants under part 4050, the plan administrator needs the updated mortality table in § 4044.53(h) for benefit determination dates in 2025. Accordingly, PBGC finds that the public interest is best served by issuing these tables expeditiously, without an opportunity for notice and comment, and that good cause exists for making the table set forth in this amendment effective less than 30 days after publication to allow the use of the

proper tables to determine the value benefits for dates in early 2025.

PBGC has determined that this action is not a “significant regulatory action” under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this regulation, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

List of Subjects in 29 CFR Part 4044

Employee benefit plans, Pension insurance.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 2. Amend § 4044.53 by revising table 4 to paragraph (h) to read as follows:

§ 4044.53 Mortality assumptions.

* * * * *

(h) * * *

TABLE 4 TO PARAGRAPH (h)—MISSING PARTICIPANTS UNISEX MORTALITY TABLE

Age	Benefit determination dates in 2024	Benefit determination dates in 2025
0	0.00207	0.00204
1	0.00015	0.00014
2	0.00010	0.00009
3	0.00008	0.00007
4	0.00006	0.00006
5	0.00006	0.00005
6	0.00005	0.00005
7	0.00005	0.00005
8	0.00004	0.00004
9	0.00004	0.00004
10	0.00004	0.00004
11	0.00004	0.00004
12	0.00005	0.00005
13	0.00006	0.00006
14	0.00008	0.00007
15	0.00009	0.00009
16	0.00010	0.00010
17	0.00012	0.00012
18	0.00014	0.00014
19	0.00016	0.00015
20	0.00016	0.00016
21	0.00017	0.00016
22	0.00017	0.00017
23	0.00018	0.00018
24	0.00019	0.00019
25	0.00020	0.00019
26	0.00021	0.00020
27	0.00022	0.00021
28	0.00023	0.00022
29	0.00023	0.00023
30	0.00025	0.00025
31	0.00026	0.00026
32	0.00028	0.00027
33	0.00030	0.00030
34	0.00032	0.00031
35	0.00034	0.00034
36	0.00036	0.00036
37	0.00038	0.00038
38	0.00040	0.00040
39	0.00043	0.00042
40	0.00044	0.00044
41	0.00046	0.00045
42	0.00048	0.00047
43	0.00049	0.00049
44	0.00052	0.00051
45	0.00054	0.00053
46	0.00058	0.00057
47	0.00061	0.00060
48	0.00065	0.00064
49	0.00070	0.00069
50	0.00076	0.00076
51	0.00085	0.00084

TABLE 4 TO PARAGRAPH (h)—MISSING PARTICIPANTS UNISEX MORTALITY TABLE—Continued

Age	Benefit determination dates in 2024	Benefit determination dates in 2025
52	0.00095	0.00094
53	0.00106	0.00105
54	0.00120	0.00118
55	0.00143	0.00141
56	0.00177	0.00174
57	0.00205	0.00202
58	0.00239	0.00235
59	0.00276	0.00273
60	0.00321	0.00317
61	0.00370	0.00365
62	0.00441	0.00434
63	0.00514	0.00507
64	0.00577	0.00570
65	0.00658	0.00650
66	0.00748	0.00738
67	0.00834	0.00823
68	0.00928	0.00916
69	0.01034	0.01021
70	0.01155	0.01141
71	0.01294	0.01278
72	0.01452	0.01435
73	0.01631	0.01611
74	0.01837	0.01815
75	0.02073	0.02049
76	0.02345	0.02317
77	0.02656	0.02626
78	0.03012	0.02979
79	0.03417	0.03382
80	0.03899	0.03862
81	0.04395	0.04356
82	0.04959	0.04916
83	0.05595	0.05549
84	0.06317	0.06267
85	0.07138	0.07083
86	0.08063	0.08005
87	0.09107	0.09044
88	0.10286	0.10220
89	0.11596	0.11526
90	0.13036	0.12962
91	0.14540	0.14463
92	0.16090	0.16012
93	0.17679	0.17601
94	0.19284	0.19206
95	0.20898	0.20822
96	0.22620	0.22545
97	0.24386	0.24311
98	0.26196	0.26123
99	0.28059	0.27986
100	0.29960	0.29887
101	0.31891	0.31817
102	0.33825	0.33748
103	0.35757	0.35673
104	0.37670	0.37583
105	0.39521	0.39436
106	0.41327	0.41245
107	0.43080	0.42999
108	0.44743	0.44667
109	0.46339	0.46271
110	0.47628	0.47568
111	0.48468	0.48417
112	0.49268	0.49226
113	0.49666	0.49634
114	0.49795	0.49773
115	0.49928	0.49915
116	0.49960	0.49953
117	0.49978	0.49973
118	0.49995	0.49993
119	0.50000	0.50000
120	1.00000	1.00000

■ 3. Amend § 4044.58 by revising table 1 to § 4044.58 to read as follows:

§ 4044.58 Tables used to determine expected retirement age.

* * * * *

TABLE 1 TO § 4044.58—TABLE I–25—SELECTION OF RETIREMENT RATE CATEGORY

[For valuation dates in 2025 ¹]

If participant reaches URA in year—	Participant's retirement rate category is—			
	Low ² if monthly benefit at URA is less than—	Medium ³ if monthly benefit at URA is—		High ⁴ if monthly benefit at URA is greater than—
		From—	To—	
2026	825	825	3,486	3,486
2027	844	844	3,566	3,566
2028	864	864	3,648	3,648
2029	884	884	3,732	3,732
2030	904	904	3,818	3,818
2031	925	925	3,906	3,906
2032	946	946	3,996	3,996
2033	968	968	4,088	4,088
2034	990	990	4,182	4,182
2035 or later	1,013	1,013	4,278	4,278

¹ Applicable tables for valuation dates before 2025 are available on PBGC's website (www.pbgc.gov).

² Table II–A.

³ Table II–B.

⁴ Table II–C.

* * * * *

Issued in Washington, DC.

Hilary Duke,

Assistant General Counsel for Regulatory Affairs Pension Benefit Guaranty Corporation.

[FR Doc. 2024–29105 Filed 12–19–24; 8:45 am]

BILLING CODE 7709–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2021–0029; FRL–12218–02–R6]

Air Plan Disapproval; Texas; Control of Air Pollution From Visible Emissions and Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA, the Act), the Environmental Protection Agency (EPA) is disapproving a revision to the Texas State Implementation Plan (SIP) submitted by the State of Texas through the Texas Commission on Environmental Quality (TCEQ) on August 20, 2020 (2020 SIP revision). The 2020 SIP revision addresses emissions during planned Maintenance, Startup and Shutdown (MSS) activities for certain Electric Generating Units (EGUs) and includes requirements intended to address visible emissions (opacity) and Particulate Matter (PM)

emissions during planned MSS activities. The requirements are included in eight Agreed Orders (AOs) issued by TCEQ to the affected EGUs and provided in the 2020 SIP revision. EPA determined that the requirements contained in these AOs do not meet the CAA enforceability requirements or the CAA requirement that emission limitations must apply on a continuous basis. We are taking this action in accordance with section 110 of the Act.

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

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2021–0029. 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. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Michael Feldman, Regional Haze and SO₂ Section, EPA Region 6 Office, 1201 Elm Street, Suite 500, Dallas, Texas 75270, (214) 665–9793, Feldman.Michael@epa.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 “we,” “us,” and “our” means the EPA.

I. Background and Summary of Bases for Disapproval

The background for this action is discussed in detail in our September 3, 2024, proposal (89 FR 71237). In that document, we proposed to disapprove a revision to the SIP submitted by the State of Texas through the TCEQ on August 20, 2020, that addresses emissions during planned MSS activities for specified EGUs and includes requirements intended to address visible emissions (opacity) and PM emissions during planned MSS activities at these specified EGUs.

The 2020 SIP revision and included AOs were intended to address concerns regarding the applicability of two long standing Texas rules during periods of MSS.¹ Texas included in the 2020 SIP revision the State's interpretation of these rules, taking the position that the numerical opacity and PM limits have never applied to coal fired EGUs using ESPs during periods of MSS because of

¹ Specifically: 30 Texas Administrative Code (TAC) 111.111 (originally adopted as Texas Air Control Board (TACB) Regulation I, Rule 103), which limits opacity; and 30 TAC 111.153(b) (originally adopted as TACB Regulation I, Rule 105.31), which limits particulate matter emissions from solid fuel fired-steam generators to 0.3 lbs/ million Btu averaged over a two-hour period. TACB Regulation I, Rules 103 and 105.31 were approved by EPA on May 31, 1972 (37 FR 10895); these rules were subsequently revised (amendments most recently approved May 8, 1996 (61 FR 20732), and April 28, 2009 (74 FR 19144)), which renumbered and recodified these rules to what they are today.

the technical limitations on the control technology. This interpretation was first provided by TCEQ in 2015 as part of a Title V action;² this is the first time the interpretation has been included as part of a SIP revision. The State's regulatory language contains no indication that the rules do not apply to this specific subset of sources during MSS.

In the instant SIP revision, Texas provided Agreed Orders that contain operational requirements and work practices that would apply during periods of MSS at EGU's equipped with ESPs. Texas also provided historic ambient particulate matter monitoring data, explaining that even though under its interpretation, these rules have never applied during MSS, there have not been any violations of PM NAAQS measured anywhere near these sources.

EPA has considered three interrelated provisions of the Clean Air Act (CAA) in assessing the approvability of this SIP submission. First, the requirement under CAA section 110(a)(2)(A) which requires that SIPs include "enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this chapter."

Second, under CAA section 302(k), "emission limitation" and "emission standard" mean a requirement established by the State or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction, and any design, equipment, work practice or operational standard promulgated under this chapter.

Finally, 110(l) provides that the Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of this chapter.

In our September 3, 2024, proposal (89 FR 71237), we proposed disapproval

of this SIP revision because these AOs were not enforceable as required by CAA section 110 and did not provide for continuous limitation of emissions as required by CAA section 302(k). Our review under 302(k) in the proposed action was based on language in the SIP revision that seems to clearly indicate the reason Texas submitted these agreed orders was to make these MSS requirements federally enforceable so that emission limitations apply on a continuous basis as required under 302(k). As discussed in detail in the response to comments, Texas provided comments on our proposed action indicating that it did not intend that these emission restrictions be considered emission limits as defined by Section 302.

After careful review of all comments, we are finalizing our disapproval. We are finding that the agreed orders are not enforceable as required by 110(a)(2)(A). The rules are not enforceable because the requirements do not clearly demark as to when start up ends and compliance with the 30 TAC chapter 111 numerical limits is required, and during startup and shutdown, the work practice requirements for when an ESP must be engaged or removed from service are overly vague and do not define specific conditions to identify when and what steps must be followed to engage and operate the ESPs during these events. For periods of maintenance, the only requirement is to follow good air pollution control practices and safe operating practices.

We are also determining that it is necessary or appropriate for these measures to be considered emission limitations as defined by 302(k) and thus must be continuous. Clearly this is supported by the explanation accompanying the SIP submission that indicated this revision was provided to make the limits continuous under 302(k). Texas commented, however, on our proposed action that it was not its intent that these agreed orders be considered as emission limitations. As discussed fully in our comment response on this matter, EPA disagrees. First, Texas indicates these limits are used in the permitting context to implement BACT which under the States and EPA definition of BACT must be continuous. Second, these AOs as written would allow for emissions that could threaten the State's ability to comply with the requirements of the CAA, and the NAAQS in particular. Given that on a lbs/hour basis, these MSS emissions can be much higher than emissions during normal controlled operation, it is necessary and appropriate that measures be in place to

provide for attainment and maintenance of the NAAQS. This conclusion is supported by modeling evidence provided by a commenter which suggests that, in fact, uncontrolled emissions during MSS could result in violations of the PM NAAQS.

We are finding that the Agreed Orders do not provide for continuous emission limitation as required by 302(k). During MSS, the AOs have various requirements intended to limit the duration of the MSS though as discussed in our proposal and further in the response to comments, the limits on duration are often not clearly defined and thus not practical to enforce. Moreover, all of the AOs allow during this time period for coal to be burned for a time period which the ESP is not operating with no actual limitation on quantity, rate or concentration either through a numeric limit or clearly defined work practice that would affect emissions. Effectively, the emission limitation is not continuous.

EPA is not basing its disapproval on 110(l), but we do note that the modeling provided by one commenter convincingly indicates that the monitoring evidence provided in the SIP revision is not sufficient to show that the SIP revision does not interfere with attainment or maintenance of the NAAQS. It is clear from the modeling that potential impacts from MSS activities would occur much closer to the affected facilities than the monitors upon which Texas' demonstration is based. A future SIP revision to address this disapproval would likely need to include modeling to provide evidence that the NAAQS is protected in areas in closer proximity to the affected facilities.

Finally, EPA is cognizant of the technical issues with ESPs that impact their effectiveness at lower temperatures. Still, two commenters both indicated that to comply with EPA's Mercury and Air Toxics Standards (MATS) rule, they do not fire coal until the ESP is energized. While these requirements are not in this SIP revision, EPA believes that there may be a solution that can be built, hopefully to avoid duplicative SIP and MATS requirements and ensuring both NAAQS and Air Toxics requirements are met. We look forward to discussions with the State and affected operators to resolve these long outstanding issues.

II. Response to Comments

The comment period for the proposed action closed on October 3, 2024. We received comments on our proposal from several commenters. This section contains the EPA's response to the more

² See letter, from Steve Hagle, Deputy Director, Office of Air, TCEQ to Gina McCarthy, Administrator, EPA, dated December 2, 2015 (setting forth TCEQ's interpretation that the opacity and PM emission limitations in 30 TAC 111.111 and 30 TAC 111.153(b) never applied to periods of planned MSS activities at coal-fired EGUs equipped with ESPs as a control device).

significant comments regarding the EPA's proposed action. For responses to all comments received see the Response to Comments Document (RTC) available in the docket for this action. We received two comments after the close of the comment period. We fully address those comments in the RTC document available in the docket for this action.³ After careful consideration of all comments received, we are finalizing this action as proposed.

A. General Comments on EPA's Bases for Disapproval

Comment: Some commenters argue that the proposed disapproval by the EPA relies on principles that lack a valid basis in the Clean Air Act (CAA), specifically citing Sections 110(a)(2)(A) and 302(k) regarding enforceable emission limitations. Certain commenters, including NSSGA and Luminant, urge the EPA to withdraw its disapproval and approve the Texas SIP provisions, arguing that the proposal is inconsistent with CAA principles and relevant judicial decisions. One commenter (Sierra Club) supports EPA's proposed disapproval and agrees that the 2020 SIP revision violates the CAA.

Response: EPA disagrees with the comments that our proposed disapproval at issue here relies on principles that lack a valid basis in the CAA and is inconsistent with CAA principles and relevant judicial decisions. States have discretion regarding how best to meet their obligations to implement, attain, maintain, and enforce the NAAQS, as long as they meet applicable statutory and regulatory requirements. A State's SIP submission to address attainment, maintenance, and enforcement of the NAAQS or other SIP requirements can include a wide variety of types of provisions, such as: source-specific emissions limitations and associated monitoring, recordkeeping, and reporting; applicable State or local rules (or State laws) regarding controls on sources or categories of sources; other local or State commitments to undertake certain activities; and non-regulatory supporting information.⁴ The EPA evaluates and acts on SIP submissions on a case-by-case basis through notice and comment rulemaking. The Agency reviews each submission against the

applicable CAA requirements for that particular submission, which can vary based on program requirements and the relevant NAAQS.

In the Supreme Court's recent decision in *Loper Bright*, the Court recognized that Congress may delegate (and often has delegated) discretionary authority to agencies. See *Loper Bright Enters. v. Raimondo*, 144 S. Ct. 2244, 2268 (2024). Applicable to this action, Congress has delegated to EPA the responsibility and authority to approve or deny SIP submittals. Section 110(k)(3) of the Clean Air Act (CAA) states, in relevant part, that a "plan revision shall not be treated as meeting the requirements of this chapter until the Administrator approves the entire plan revision as complying with the applicable requirements of this chapter." Further, section 110(l) of the CAA states that EPA "shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress . . . , or any other applicable requirement of this chapter." Here, the State submitted the AOs as site specific SIP requirements that the EPA evaluated for compliance with the CAA. For the reasons described at length in other responses, the proposal, and the final rulemaking, this SIP submission does not comply with the CAA, and thus EPA's disapproval is appropriate.

B. Comments on Applicability of the Rules in 30 TAC 111

Comment: A number of commenters indicate that the limits in Title 30, Texas Administrative Code, Chapter 111 (30 TAC 111) have never applied during MSS to EGUs controlled by electrostatic precipitators (ESPs). Some commenters point out that EPA acknowledged in the proposal preamble that the technical features of ESPs make it unlikely these sources can comply during MSS operations with the numerical limits laid out in 30 TAC 111. Commenters take issue with the fact that the proposal also points out that there is no textual indication in the language of the regulations that the rules do not apply to power plants controlled by ESPs during MSS. One commenter points out that the statement ignores parallel provisions establishing exemptions for MSS periods, such as Texas Air Control Board Rule 12.2 (1972), which TCEQ has consistently presented to EPA at each stage of the dialogue, and states that EPA's observation about the immediate text of Chapter 111 at best elevates form over substance, and as a disapproval basis, such an approach is clearly impermissible.

Response: The EPA disagrees with the commenters' assertions that the applicability of the rules in 30 TAC 111 has been clear. The first time that TCEQ explained with any clarity that these rules never applied to periods of planned MSS activities at coal-fired EGUs equipped with ESPs as a control device was in an interpretive letter dated December 2, 2015, from Steve Hagle, Deputy Director, Office of Air, TCEQ to Gina McCarthy, Administrator, EPA, (2015 interpretive letter). The 2015 interpretive letter was developed as part of a Title V proceeding. The 2020 SIP revision is the first time that Texas presented its interpretation with clarity as part of a SIP revision and attempted to define the time period allowed for MSS in the SIP and, by extension, the time period for when the rules in 30 TAC 111 do not apply. Although TCEQ issued these sources MSS permits to authorize these emissions during the time period of MSS and the permits have conditions addressing the length of time allowed for MSS, a permit cannot revise the SIP.⁵

In the proposal, EPA did not take a position on whether the rule previously applied during MSS to power plants controlled by ESPs. Instead, we evaluated the 2020 SIP revision as necessary, under the State's interpretation and as described in the SIP revision, to make the emission limits continuous and federally enforceable. As discussed elsewhere, we do not believe the AOs are enforceable or provide for continuous limitations on emissions. We believe a SIP revision is necessary under TCEQ's interpretation, to clearly define the time period of allowed MSS, to provide for continuous emission limitations, and to ensure the work practices or other limitations that apply during periods of MSS are enforceable. In addition, based on the modeling that was provided in comments on this action, it does not appear that an interpretation that

³ EPA is only required to consider those comments that are received during the comment period; however, it is within EPA's discretion to consider comments received after the close of the comment period.

⁴ Basic Information About Air Quality SIPs, <https://www.epa.gov/air-quality-implementation-plans/basic-information-about-air-quality-sips> (last updated January 20, 2023).

⁵ Commenter's reference to TACB Rule 12.2 is unavailing for similar reasons. As part of the preamble to EPA's approval, the Agency specifically stated the following: "Several State plans include regulations under which an owner or operator could be exempt from compliance with an applicable emission limitation if he can show that emissions from the source will not interfere with the attainment or maintenance of the national standards. The Administrator neither approves nor disapproves such optional control features. States are advised, however, that action taken to allow any such exemptions will constitute revision of a State plan and therefore will be subject at that time to the Administrator's approval." 37 FR 10842, 10845 (May 31, 1972). In other words, Rule 12.2 may have established a process for Texas and then EPA to approve exemption provisions that comply with the CAA (*i.e.* through the SIP submission process) but did not establish any exemptions from TAC 111 limits on its own.

indicates the rules in 30 TAC 111 do not apply during MSS is protective of the NAAQS. A future SIP revision will need to demonstrate, consistent with CAA section 110(l), that the limitations or work practices included in the revision are protective of the NAAQS.

C. Comments on EPA Authority

Comment: A number of commenters claim that EPA exceeded its authority in evaluating the AOs as emission limitations in contradiction of the D.C. Circuit's opinion in *Environmental Committee of the Florida Electric Power Coordinating Group, Inc. v. EPA*, 94 F.4th 77 (D.C. Cir. 2024). The commenters point out that the Clean Air Act grants States primary responsibility for deciding what emission reductions will be required and from which source. The EPA's responsibility is to ensure SIP revisions comply with the Act's requirements. If a SIP revision meets the Act's requirements, EPA must approve the revision. Commenters indicate that States have primary responsibility to craft SIPs, including the "emission limitations, control measures means or techniques . . . as may be necessary or appropriate to meet the applicable requirements" of the CAA. Commenters argue that EPA's proposal not only inappropriately redefines section 110(a)(2)(A) of the Act, but it also takes the discretion away from States to determine what constitutes enforceable, appropriate, or necessary emission limitations to be incorporated into a SIP.

Response: The CAA grants States a central role in regulating air quality through the creation and implementation of SIPs, which outline state-specific strategies to meet the National Ambient Air Quality Standards (NAAQS) and other applicable CAA requirements. The States must ensure that SIPs include enforceable emission limitations, compliance schedules, and monitoring systems. EPA agrees that States have considerable flexibility in choosing how to meet Federal standards. However, the EPA must review the SIPs to ensure compliance with Federal law and other CAA requirements and approve SIP submittals that comply and disapprove those that do not. Congress established a framework of mandatory requirements *within which* States may exercise their considerable discretion to design SIPs to provide for attainment and maintenance of the NAAQS and to meet other CAA requirements.⁶ This view was affirmed

in *Environ. Comm. Fl. Elec. Power v. EPA*, 94 F.4th at 93:

[W]hile states generally have "the power to determine which sources w[ill] be burdened by regulation and to what extent," *Union Elec. Co. v. EPA*, 427 U.S. 246, 269, 96 S. Ct. 2518, 49 L. Ed. 2d 474 (1976), the Act "'subject[s] the states to strict minimum compliance requirements' and gives EPA the authority to determine a state's compliance with the requirements," *Michigan v. EPA*, 213 F.3d 663, 687, 341 U.S. App. DC 306 (D.C. Cir. 2000) (quoting *Union Elec. Co.*, 427 U.S. at 256–57).

While it is initially the State's responsibility to determine which 110(a)(2)(A) emission limitations and other control measures are necessary or appropriate to attain and maintain the NAAQS and meet other CAA requirements, the D.C. Circuit made it clear that the final determination of what is "necessary or appropriate" is EPA's responsibility:

To be sure, EPA could determine that the hypothetical state is *wrong* in concluding that its chosen mix of "other control measures" is "necessary or appropriate" to meet the NAAQS. If so, EPA might decide that, for the state to meet the NAAQS, at least one of the "other control measures" must be adjusted such that it satisfies the definition of an "emission limitation"—including, for instance, by converting it from a discontinuous to a continuous measure.⁷

EPA agrees that States have the primary responsibility to determine what measures will be included in a SIP as necessary to meet the Act's requirements and that EPA must approve a SIP revision if it meets the Act's applicable requirements. In this instance, far from ignoring the State's discretion, we read the 2020 SIP revision and took it at face value. The SIP revision stated:

The proposed SIP revision would make certain operational limits and work practices for periods of planned MSS at the listed EGUs federally enforceable so that emission limitations apply on a continuous basis (at all times of operation) (see FCAA, § 110(a)(2)(A)—SIP must contain emission limits, measures, etc. and § 302(k)—emission

approving SIPs and also views CAA 110(a)(2)(A) as imposing more requirements than simply whether or not the SIP leads to NAAQS attainment and maintenance.

⁷ *Environ. Comm. Fl. Elec. Power v. EPA*, 94 F.4th at 101. The Supreme Court has affirmed that a measure of discretion is due to federal agencies when they are empowered to "regulate subject to the limits imposed by a term or phrase that leaves agencies with flexibility, such as 'appropriate' or 'reasonable.'" *Loper Bright*, 144 S. Ct. at 2263. The type of statutory language in CAA section 110(a)(2)(A) ("as may be necessary or appropriate to meet the applicable requirements of this chapter . . .") is squarely within the type of language the Supreme Court was referring to that allows EPA to take the ultimate discretionary role in determining what is "necessary or appropriate."

limits apply on a continuous basis to assure continuous emission reduction).

This statement appears to indicate that Texas intended for the 2020 SIP revision to create emission limitations that apply on a continuous basis and are federally enforceable. Moreover, this is consistent with the understanding between Texas and EPA that is documented in the letter exchange between Guy Donaldson, Associate Director, Air Branch, Air and Radiation Division, EPA Region 6, dated March 13, 2017, and Steve Hagle, Deputy Director, Office of Air, TCEQ, dated June 7, 2017 (Hagle letter). The Hagle letter stated the purpose of the AOs would be to include enforceable opacity and particulate emissions limitations for periods of planned startup and shutdown activities.

As commenters have pointed out, TCEQ undertook this SIP revision to resolve a Title V problem after the EPA was petitioned under Title V to object to Texas using MSS permits issued under its NSR program to revise the SIP to provide exemptions from the rules in Chapter 111 during MSS. As is discussed in Section II.B, in its 2015 interpretive letter, Texas put forward its explanation that the rules did not apply to coal fired boilers with ESPs during MSS. This interpretation left the SIP without clarity on the allowed time periods for MSS and when the Chapter 111 rules would apply. Moreover, the understanding between TCEQ and EPA, as documented in the exchange of letters,⁸ makes clear EPA's expectation that the SIP should provide for continuous emission limitations.

In sum, the EPA has the authority to review the 2020 SIP revision as an emission limit subject to the requirements of 302(k) and we are only evaluating what is written in the SIP and our understanding from the discussions leading up to the development of the SIP revision.

To the extent TCEQ no longer believes continuity is necessary or appropriate for the 30 TAC 111 provisions and the AOs, EPA disagrees, as is described in additional detail in Section II.D of this document.

D. Comments on D.C. Circuit Decision and "Emission Limitations"

Comment: Numerous commenters discuss the D.C. Circuit's recent decision in *Environmental Committee of Florida Electric Power Coordinating*

⁸ Letter from Guy Donaldson, Associate Director, Air Branch, Air and Radiation Division, EPA to Steve Hagle, Deputy Director, Office of Air, TCEQ, dated March 13, 2017, and June 7, 2017 return letter from Steve Hagle. Included in the docket for this action.

⁶ See 80 FR. at 33877–33879 for a lengthier discussion of the *Train v. Natural Resource Defense Council* line of cases and how the Supreme Court views EPA's role as more than ministerial in

Group v. EPA, 94 F.4th 77 (D.C. Cir. 2024) and its implications for whether or not the emissions limits in the AOs should count as “emissions limitations” as defined in section 302(k) of the CAA. Commenters state that, per the court’s decision, not all emission limits in a SIP necessarily need to qualify as “emission limitations” under CAA 110(a)(2)(A), which requires that SIPs “include enforceable emission limitations and other control measures, means or techniques . . . as may be necessary or appropriate to meet the applicable requirements of this chapter” (emphasis added). Commenters argue that EPA has not determined whether it is necessary or appropriate for the AOs to qualify as emissions limitations, and that the Agency should not play “semantic gotcha games” to thus qualify them. Commenters claim that it is not necessary or appropriate for the AOs to qualify as emissions limitations, as they are work practices established as BACT. Commenters also claim that EPA’s 2015 SSM policy⁹ has been overruled and that the court found that exemption provisions in other State SIPs were acceptable.

One commenter states that Texas admitted that the SIP provisions at issue were “emissions limitations” and thus need to be continuous. Commenter also argues that the SIP provisions are “necessary or appropriate” to meet CAA requirements both because they were originally submitted in order to provide for attainment and maintenance of the NAAQS, and because commenter has modeled NAAQS violations.

Response: It is important at the outset to be very clear about what is contained within the D.C. Circuit’s opinion in *Florida Electric* and what is not. EPA agrees with commenters that the D.C. Circuit held that section 110(a)(2)(A) of the CAA requires only that emission limitations (as defined in section 302(k)) be continuous and that a particular SIP provision is only required to be an “emission limitation” if it is “necessary or appropriate to meet” applicable CAA requirements. In particular, the court held that EPA “would need to find that, to enable a State to meet the NAAQS or some other ‘applicable requirement,’ it is ‘necessary or appropriate’ that emissions restrictions subject to automatic exemptions satisfy the

statutory definition of an ‘emission limitation.’”¹⁰

Crucially, the court did *not* find that the emissions limits with automatic exemptions that EPA had SIP called were acceptable or appropriate. In fact, the court explicitly withheld judgment as to whether the “called SIPs’ relevant emission restrictions in fact amount to (or must amount to) ‘emission limitations’ per the statutory definition.”¹¹ The court stated that if EPA “were to determine that, for states to meet the CAA’s applicable requirements, it is ‘necessary or appropriate’ for their emission reduction measures to meet the statutory definition of ‘emission limitations’ and operate during SSM periods, the agency could explain and implement that rationale and its action would be subject to judicial review.”¹² That is precisely what EPA is doing in this final action: determining that it is necessary or appropriate for the emissions reduction measures submitted to the Agency by Texas, in conjunction with the existing measures, to meet the full definition of “emissions limitation” under 302(k), and thus they must be continuous.¹³

The EPA did not explicitly propose to make such a “necessary or appropriate” determination in the proposed disapproval action because the Agency determined that Texas agreed that the AOs were emissions limitations as defined under the CAA. The EPA’s conclusion was not based merely on the fact that Texas used the words “emission limitation” in its submission, but rather the fact that the submission was explicitly intended to create continuous emissions limitations:

The proposed SIP revision would make certain operational limits and work practices for periods of planned MSS at the listed EGU’s federally enforceable so that emission limitations apply on a continuous basis (at all times of operation) (see FCAA, § 110(a)(2)(A)—SIP must contain emission limits, measures, etc. and § 302(k)—emission limits apply on a continuous basis to assure continuous emission reduction).¹⁴

¹⁰ 94 F.4th at 102.

¹¹ *Id.* at 110.

¹² *Id.* Some commenters state that certain SIP provisions that EPA SIP called in the 2015 SSM Action for which the SIP call was vacated are substantially similar to the AOs. Given that the D.C. Circuit did not find that those SIP provisions were appropriate or acceptable, their similarity to the AOs is irrelevant.

¹³ Commenters frame the question as whether or not the AOs themselves need to meet the definition of “emission limitation.” The AOs are intended to cover only periods of MSS; as such, the question EPA needs to answer is whether it is necessary or appropriate for the AOs combined with the numerical limits in 30 TAC 111.111 and 30 TAC 111.153 to be “emission limitations.”

¹⁴ 2020 SIP revision at iv.

As the D.C. Circuit stated, “states are initially charged with determining whether an ‘emission limitation’ is ‘necessary or appropriate’ to meet the CAA’s applicable requirements.”¹⁵ It is true that Texas’s submission came before the D.C. Circuit’s opinion was released; however, EPA could only act on what had been submitted, and the only conclusion the Agency could draw was that Texas had initially determined that the AOs, in combination with the numerical limits in 30 TAC Chapter 111, were in fact emissions limitations that should apply on a continuous basis. EPA agreed that continuity was required, as is discussed at length in the proposal, and thus had no need to make an additional determination.

Regardless of Texas’s intentions, EPA agrees that the substance of the provisions at issue are more important than their label. As such, EPA has reviewed these provisions in detail and determined that it is “necessary or appropriate” for the emissions restrictions, including the submitted AOs, to meet the definition of “emission limitations” in CAA section 302(k).

First, as is highlighted by the commenters, Texas has approved the emissions reduction measures included in the AOs in permits as “best available control technology” (BACT) for the sources at issue during MSS periods. Texas claims that the measures are continuous in part because they constitute BACT. BACT is explicitly defined in the CAA and EPA’s regulations as “an *emission limitation* based on the maximum degree of reduction of each pollutant subject to regulation. . . .”¹⁶ In other words, Congress indicated that the combination of measures approved as BACT must be emission limitations. In contrast with section 110(a)(2)(A), there is no indication that measures approved as BACT can be anything other than emission limitations—if it constitutes BACT, it must be an emission limitation, and thus must meet the CAA definition of emission limitation in section 302(k). If the AOs are BACT, they must be emission limitations, and thus must be continuous.¹⁷

¹⁵ 94 F.4th at 107.

¹⁶ CAA section 169(3); 40 CFR 52.21(b)(12) (emphasis added). Texas’s definition of BACT incorporates EPA’s definition by reference. 30 T.A.C. secs. 116.111(a)(2)(C), 116.160(c)(1)(A).

¹⁷ This has been EPA’s consistent interpretation of the CAA since at least 1993. See, e.g., *In re Southwestern Electric Power Company*, Order on Petition No. VI–2014–01 (February 3, 2016), at 8 (stating that BACT limits apply at all times, including during periods of shutdown and malfunction events); *In re Cash Creek Generation, LLC*, Order on Petition No. IV–2010–4 (June 15,

Continued

⁹ See State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction, 80 FR 33840 (June 12, 2015).

Second, these AOs as written would allow for emissions that could threaten the State's ability to comply with the requirements of the CAA, and the NAAQS in particular. In general, SSM exemptions can threaten public health and welfare, particularly given that they can allow for dramatically higher amounts of emissions than the amount of pollutants emitted at other times. For the first time, Texas is attempting to clarify and make federally enforceable requirements that apply to the relevant sources specifically during MSS periods. However, rather than limits that appear on their face to apply at all times, the sources governed by the AOs would have periods where no enforceable standards apply at all. EPA highlighted the problematic features of the AO measures in the proposal. Two particular features could allow for essentially unlimited periods of high PM emissions: first, for startup and shutdown periods, there are no limits to the frequency of startup or shutdown events, and the requirements for when an ESP must be engaged are overly vague. Second, for maintenance periods, there are essentially no restrictions during certain time periods. As currently written, neither Texas nor commenters have shown that the requirements in the AOs are protective of the NAAQS.

In fact, there is quantitative evidence in the record that demonstrates approving these AOs could result in NAAQS violations. During the public comment period, Sierra Club presented modeling showing that the emissions restrictions, or lack thereof, included in the AOs have the potential to cause NAAQS violations in the areas around the relevant sources. As is discussed in the modeling section, Section II.I, the modeling may actually be underestimating the ambient air quality in those areas given the overly conservative assumptions around background concentrations. As is also discussed in response in Section II.H, the modeling presents a more accurate view of the ambient air quality near the relevant sources than Texas has provided in its submission and comments, given the fact that the monitors cited to by Texas are not sited to characterize the air quality near these sources, with the closest monitor

being 17 kilometers (km) from the sources referenced in the modeling.

It is true that some sources are currently choosing to be more protective than the SIP limits combined with the AOs would require. For example, NRG has chosen to burn sub-bituminous coal rather than lignite, which results in lower modeled PM concentrations. However, those choices are not specifically required under the AOs or the SIP. When assessing SIP submissions, Congress has directed EPA to review the "enforceable emission limitations and other control measures" that are required under CAA section 110(a)(2)(A)—measures that are not in the SIP cannot displace those requirements. The modeling by Sierra Club presents a compelling case that, if the AOs are adopted and sources decide not to continue to overcomply (for whatever reason—an exogenous shock to the system, a change in strategy, court decisions affecting other Federal rules, etc.), the AOs as they are currently written are not protective of the NAAQS because, in conjunction with the PM and opacity limits in 30 TAC 111, they do not apply on a continuous basis. As such, EPA is determining that, in order to ensure NAAQS protection, it is necessary or appropriate for the AOs to apply continuously when incorporated with the 30 TAC 111 p.m. and opacity limits into the SIP, and thus the AOs, in conjunction with the limits that apply during non-MSS periods, must meet the definition of emission limitation.

EPA agrees with the logic expressed in the comment from Sierra Club and, as such, is disapproving the SIP submission. EPA agrees in particular that modeling is not always necessary in order for the Agency to make a "necessary or appropriate" determination, depending on the context of the SIP submission. EPA has multiple grounds to find that it is "necessary or appropriate" for the SIP provisions at issue here to be emissions limitations, and thus continuous.

E. Comments on Alternative Emissions Limitations (AEL) Criteria

Comment: Commenters argue that EPA's reliance on seven recommended criteria for assessing the AOs is inappropriate and lacks statutory basis, asserting that any standards for evaluating Texas's plans must derive from the text of the CAA itself. One commenter also argues that "non-applicability" is not the same as an "exemption" provision and thus the AEL criteria should not even apply.

Response: In the context of making recommendations to States for how to address emissions during startup and

shutdown, the EPA has long recommended seven criteria for States to evaluate in establishing appropriate alternative emission limitations.¹⁸ Among the purposes for these recommendations was the need to take into account technological limitations that might prevent compliance with the otherwise applicable emission limitations, while ensuring that those alternative limitations complied with the continuity and enforceability requirements of the CAA. As a general matter, they provide a framework intended to assist States in developing emissions limitations that meet the requirements of the CAA. That framework also helps EPA assess whether the CAA's requirements are met. These recommendations serve to assist in the development of enforceable and continuous requirements that would apply during periods when the limits in Chapter 111 for normal operation cannot be met due to the technological limitations of the ESPs.

The recommended seven criteria were re-articulated in the 2015 SSM SIP Action, and read as follows: (1) The revision is limited to specific, narrowly defined source categories using specific control strategies; (2) Use of the control strategy for this source category is technically infeasible during startup or shutdown periods; (3) The AEL requires that the frequency and duration of operation in startup or shutdown mode are minimized to the greatest extent practicable; (4) As part of its justification of the SIP revision, the State analyzes the potential worst-case emissions that could occur during startup and shutdown based on the applicable AEL; (5) The AEL requires that all possible steps are taken to minimize the impact of emissions during startup and shutdown on ambient air quality; (6) The AEL requires that, at all times, the facility is operated in a manner consistent with good practice for minimizing emissions and the source uses best efforts regarding planning, design, and operating procedures; and (7) The AEL requires that the owner or operator's actions during startup and shutdown periods are documented by properly signed, contemporaneous operating logs or other relevant evidence.

Any SIP revision establishing an AEL that applies during startup and shutdown would be subject to the same procedural and substantive review requirements as any other SIP submission. While the EPA compared the AOs to these recommendations (specifically we discuss criteria 5 and

2012), at 21 (same). TCEQ consistently claims in its comments that the precise combination of measures in the AOs are what constitutes BACT. However, it is not clear whether what has been approved as BACT also includes the lb/hr emission limits for PM that apply during MSS in the relevant permits. Those lb/hr limits were not included in the AOs submitted for approval into the SIP.

¹⁸ 57 FR 13502 (Apr. 16, 1992).

criteria 6 in the proposed action), the failure to follow these criteria is not the basis of the EPA's disapproval.¹⁹ The EPA reviewed whether the AOs could in practice be enforced as required by the CAA. The EPA found, as discussed in the proposal and in response to comments in Section II.F, that the emission limits were too subjective to provide for enforceability and are not continuous.

The EPA's disapproval of the Texas SIP submission stems from a statutorily derived authority conferred upon the agency through Congress and our disapproval is based on those authorities.

TCEQ also commented that the 30 TAC 111 rules do not apply to plants equipped with ESPs during MSS periods²⁰ and that "non-applicability is not the same as exemption" and thus the AEL framework is inapplicable. As we have noted, the AEL framework is simply a series of recommendations, and so EPA's review of Texas's submission under that framework is meant to provide a helpful lens through which to assess the submission for approvability. Nonetheless, "non-applicability" and "exemption" are precisely the same thing in this context: limits that apply during normal operation and allegedly do not apply during periods of MSS. Any other conclusion would be nothing more than

a "semantic 'gotcha' game." *Florida Electric*, 94 F.4th at 109.

F. Comments on Enforceability, Continuity, and Adequacy of the AO requirements

1. Continuity

Comment: Commenters argue that, even if the combination of 30 TAC 111 limits and the work practice and operational standards contained within the AOs must meet the definition of "emission limitation" and thus be continuous, the requirements do apply on a continuous basis and thus should be approved. In particular, TCEQ states that the durational limits do not allow for uncontrolled operation and are an integral part of the permit requirements for MSS that TCEQ determined to be BACT. Commenter asserts that time limits are controls because they are set at a level that will allow the plants to conduct startups and shutdowns up to an annual and daily amount of PM emissions associated with these activities. The permits include Maximum Allowable Emissions Table (MAERT) limits set at levels that are determined to be protective and not interfere with maintenance of the PM NAAQS.

Response: EPA disagrees with commenter that the AOs operate alongside the PM and opacity standards in 30 TAC 111 to create a continuous emission limitation. It is true that emissions limitations do "not require that a singular rate or concentration apply on a continuous basis. Rather, the limitation can include "design, equipment, work practice, or operational standard[s]." However, the EPA finds that for the AO restrictions that apply during startup and shutdown periods, the requirements are overly vague and there are no limits to the frequency of startup or shutdown events, allowing for essentially unlimited periods of uncontrolled PM emissions. We discuss this in more depth in response to other comments. In addition, we find that the requirements during planned maintenance do not provide for continuous emission limits because there are no restrictions to emissions or work practices that apply other than a limit to the total annual time of maintenance activities. For these activities, the AOs "authorize" periods of opacity greater than 20% for a number of hours per year (e.g., 535 hrs/year for each unit at Martin Lake). The only ostensible requirement during maintenance periods appears to be that the source operate the boiler and its ESP in accordance with good air pollution control practices, safe operating

practices, and protection of the facility and associated air pollution control equipment. The generic general duty that an owner or operator shall operate a source consistent with safety and good air pollution control practices for minimizing emissions is not sufficient to identify what these specific practices might be across the range of maintenance activities to which the AOs apply. Therefore, such general duty clauses are not practically enforceable as a limitation on emissions during these activities.²¹

It is important to note that the relevant permits from which the AOs originate also include lb/hr PM limits during MSS periods that operate in the background of the combination of work practices that are contained in the AOs that were submitted to EPA. It is not clear from TCEQ's submission or comments whether what has been approved by TCEQ as BACT also includes the lb/hr emission limits for PM that apply during MSS in the relevant permits. It is also unclear why TCEQ did not include those limits in the AOs. As such, we are not specifically evaluating those numerical limits as they are not included in the SIP submittal. EPA's analysis of whether or not the limits in 30 TAC 111 combined with the submission operate as a continuous emissions limitation might be different if there were additional lb/hr background limits that also applied.²² In response to comments in Section II.I of this document and in the RTC, we discuss modeling submitted by Sierra Club that evaluates the potential for emissions during MSS to result in violations of the NAAQS and compares the modeled emission rates to the permit limits. Texas did not provide modeling with this SIP revision. As we discuss elsewhere, there are no limits on frequency of MSS events in the AOs and therefore, the durational limits for individual startup and shutdown events are not protective of the ton/year requirements in the permits. Furthermore, the permit limits are not permanent because they are not incorporated into the SIP and can therefore be revised by the State without a SIP approval.

²¹ See 80 FR 33840, 33899–900, and 33903–904 (June 12, 2015) for an extended discussion of why periods when only a "general duty" provision applies cannot constitute part of an enforceable, continuous emission limitation.

²² To be clear, emissions limitations need not be numerical at all times to be continuous, but it is easy to guarantee continuousness when a numerical limit applies at all times.

¹⁹ See additional discussion on these recommendations in response to comments in Section II.F.3. It should also be noted that Texas did not give consideration to criteria 4, e.g. the State analyzes the potential worst-case emissions that could occur during startup and shutdown based on the applicable AEL. See Section II.H and I discussing Sierra Club's modeling evaluation of the potential impact of worst case emissions.

²⁰ At various points in TCEQ's comment letter, it makes what EPA interprets as drafting errors about its interpretation of the scope of the 30 TAC Chapter 111 limits. First, it states "as TCEQ explained in the proposed and adopted SIP narrative and the incorporated December 2, 2015, interpretive letter, the PM and opacity limits in §§ 111.111(a)(1) and 111.153(b) do not apply to plants equipped with electrostatic precipitators (ESPs) for particulate control." Neither the proposed SIP nor the interpretive letter make such an extremely broad claim—that the 30 TAC Chapter 111 limits don't apply *at all* to plants equipped with ESPs. EPA's interpretation is that TCEQ intended to state, as they did in those other documents, that the limits do not apply *during MSS periods*.

Second, TCEQ states that "its SIP rules on opacity and PM do not apply during periods of SSM for these specific units." Presumably TCEQ intended to state that those limits do not apply during periods of MSS, which covers maintenance periods rather than the malfunction periods covered by the acronym "SSM." Otherwise, EPA would be required to disapprove the submission as it would be an admission by Texas that 30 TAC chapter 111 limits do apply during maintenance periods and its new submission would be newly putting in place exemptions to those limits during those periods.

2. Enforceability and Adequacy of AO Requirements

Comment: A commenter (NRG) states that EPA fails to identify benchmarks against which to judge the adequacy of Limestone's work practices for frequency or duration, or control-level for MSS emissions. Commenter also states that EPA fails to identify any CAA or other regulatory authority that suggests frequency, duration, or control-level standards for SIP provisions on MSS emissions, nor does EPA identify a requirement in the Act or another regulation for which a longer duration, higher frequency, or lesser degree of control would raise a compliance concern.

Commenter states that the AO provides clear and enforceable constraints and there is no deficiency as to the allowable frequency and duration or level of control. Commenter (TCEQ) disagrees with EPA that no discussion on the historical frequency of startup events is included in the SIP narrative and that periods of startup and shutdown have been and continue to be infrequent and intermittent. Commenter (NRG) claims that in the 50-year history of the MSS requirements and their predecessor provisions, no party has raised concerns with the frequency or duration of Limestone's MSS emissions, the level of control of emissions, or the practical enforceability of constraints imposed on the facility, nor has any issue arisen as to any air quality issues associated with those emissions.

Several commenters mention EPA's use of the term "practical enforceability." Some of these commenters argue that the 2020 SIP revision is practically enforceable, while others argue that "practical enforceability" is not a requirement in the Act.

Commenters assert that the EPA disapproved the AOs because they do not impose standardized or identical requirements on all sources.

One commenter (Sierra Club) states that the EPA correctly asserts that the CAA requires SIPs to include enforceable emission limits. The citizen suit provision in 42 U.S.C. 7604 further supports this by allowing citizens to take legal action over violations of SIP limits. The provisions in the AOs that allow for exemptions during MSS periods (referred to as "MSS provisions") violate this enforcement requirement by effectively eliminating public access to enforce SIP limits during these periods. The MSS provisions are also not practically enforceable, as they fail to provide clear standards for when equipment, like

ESPs, is considered "in service" or functioning properly to control emissions.

Response: The EPA disagrees with the commenters arguing that the AOs are adequate and enforceable. As an initial matter, the adequacy of all SIP submissions are judged against CAA requirements, including that they are enforceable and, if they are emission limitations or it is necessary or appropriate for them to be emission limitations, that they are continuous. Enforceable meaning that the SIP is subject to a legal means for ensuring that sources are in compliance with the control measure set out in the proposal. In the proposed action, we discuss at length the reasons why we find the requirements submitted by the State for incorporation into the SIP to not be enforceable. Second, an additional requirement for emission limitations in the SIP are that they are continuous. We address the determination that is necessary or appropriate for the AOs combined with the numerical limits in 30 TAC 111.111 and 111.153 to be "emission limitations" and therefore must be continuous in response to separate comments in this document.²³

EPA has long used the term "practical enforceability" to refer to requirements for source specific permits to be federally enforceable.²⁴ Use of the term "practical" is not adding new enforceability requirements but seeks to provide clarity on the manner in which the source specific requirements are not federally enforceable.

In 1987, EPA laid out enforceability criteria that SIP rules must meet.²⁵ In general, practical enforceability for a source-specific permit term means that the provision must specify: (1) a technically accurate limitation and the portions of the source subject to the limitation (hourly, daily, monthly, annually); and (3) the method to determine compliance including appropriate monitoring, record keeping and reporting. For rules and general permits that apply to categories of sources, practical enforceability additionally requires that the provision (4) identify the categories of sources that are covered by the rule; (5) where coverage is optional, provide for notice to the permitting authority of the

source's election to be covered by the rule; and (6) recognize the enforcement consequences relevant to the rule.²⁶

In the instant action, EPA proposed to find that the conditions contained within the source specific AOs do not meet the requirements for enforceability. The conditions that Texas submitted as part of their SIP revision are too subjective to provide EPA with clear methods and conditions to be able to practically enforce the limitations should the need arise. For example, the AOs submitted as part of the 2020 SIP revision include a requirement that "all the sources must comply with the boiler and ESP manufacturer's operating procedures, or the owner/operator's written Standard Operating Procedures (SOP) manual and to operate in a manner consistent with the procedures to minimum opacity."²⁷ However, it is unclear from the 2020 SIP revision what procedures should be followed if the SOP is inconsistent with the manufacturer's operating procedures. Further, as the SOP can be modified over time, the required work practices cannot be considered permanent and enforceable. For a measure to be relied on as an emission limitation, it must be permanent which means it cannot be revised absent following the SIP revision process.

We disagree with the commenter that there are "clear and enforceable constraints" to the frequency or duration of events, as there is no limit to the frequency of normal startup or shutdown events. Furthermore, the definitions for when startup ends or shutdown begins lack clear and measurable requirements by which compliance can be determined. Just as limits on the duration of the MSS events were identified by TCEQ as BACT and necessary to minimize emissions and reflect best management practices and promote the safe, effective operation of the respective boiler and ESP, limits on frequency of MSS events are necessary to effectively limit the emissions.²⁸

²⁶ *Id.*

²⁷ See source specific AOs included in the docket for this action.

²⁸ See 2020 SIP revision at Section 2.2.2: "Special conditions in the EGUs' NSR permits were designed to provide a federally enforceable limit for emissions during planned MSS activities when the ESPs are operated outside the optimal range. The conditions define the startup and shutdown periods and establish durational limits for these activities in order to minimize emissions. The time limits in the special conditions reflect best management practices and promote the safe, effective operation of the respective boiler and ESP. Minimizing emissions using good air pollution control procedures and best management practices are considered BACT for the planned MSS activities. These conditions are specifically incorporated into the AOs for the respective EGUs." We note that it

²³ See Section ILC and D

²⁴ See Guidance on Enforceability Requirements for Limiting Potential to Emit through SIP and § 112 Rules and General Permits, US EPA, January 25, 1995.

²⁵ See "Review of State Implementation Plans and Revisions for Enforceability and Legal Sufficiency," from Michael Alushin, Alan Eckert, and John Seitz, September 3, 1987 (1997 SIP memo).

Commenters state that they have strong financial incentives to minimize the frequency and duration of MSS periods, however an incentive is not the same as an enforceable requirement.

Furthermore, while we understand that there is a strong economic incentive to avoid downtime or periods of MSS in order to provide for efficient generation of electricity and sale of product, there does not seem to be an economic incentive to bring the ESP up to full operation during MSS due to the operating costs required to run the ESP. This is why it is important to define in a clear and enforceable requirement for when operation of the ESP should be initiated, and more importantly, when compliance with the limits in TAC Ch. 111 is required. As discussed elsewhere in this document, comments from Sierra Club (including modeling) confirm our concern with this level of emissions, showing that the emissions restrictions provided in the AOs could potentially threaten attainment and maintenance and cause NAAQS violations in the areas around the relevant sources. As we noted in the proposed action, this is of particular concern as utilization of coal-fired power generation has become more variable and planned startup and shutdown events may occur more frequently than they have in the past. Even intermittent or infrequent events can potentially impact the NAAQS, in particular the 24-hr PM NAAQS that is based on the very high end (98th percentile) of 24-hour average concentrations in a year, which would be equivalent to the 8th highest day in the year when evaluating modeling.²⁹ In the 2020 SIP revision, TCEQ provides that data from Electric Reliability Council of Texas (ERCOT) for calendar year 2018 shows for the five sources in ERCOT there were 46 days during

which a unit was in startup mode.³⁰ Providing data from one year is not sufficient to identify any variability in frequency of MSS events from year to year or any recent trends of increased frequency that would indicate whether past performance is indicative of future expected practice. Regardless, there are no enforceable limitations on frequency in the AOs or SIP.

We also disagree with the commenter (NRG) that the AOs provide “clear and enforceable constraints” with respect to the level of control required. The commenter does not specifically address any of the deficiencies in the requirements identified by EPA in the proposed action that make the requirements vague and unenforceable. For example, for NRG Limestone, the AO requires the ESP be placed into service as soon as practical after the air heater outlet temperature is between 200 and 300 degrees Fahrenheit. It is unclear why a range is specified rather than a minimum temperature or if there are other measurable parameters, such as flow rate or drum metal temperature, that are being evaluated to determine when it would be “practical” to place the ESP into service. Once the air heater outlet temperature is within the specified range, there are no specific conditions identified to define when it is required to place the ESP in service beyond “as soon as practical,” and no way to independently verify if the ESP was in fact placed into service as soon as practical. The commenter simply restates the requirements in the AO and states that they are clear and enforceable. Similarly, for NRG Limestone, the AO states that one condition required to identify when a startup ends is when the ESP is “fully optimized” but there are no specific conditions identified to define when the ESP is to be considered fully optimized. As identified by commenters (Sierra Club), the requirements do not define what it means to place an ESP “into service” and do not specify how the ESP must be operated during the startup period. This allows the ESPs to be operated at widely varying performance levels during startup, with some or all ESPs operating at much lower efficiencies (e.g., by turning on one or two fields during startup) than the equipment is capable of achieving.

We disagree with the commenter that there is no deficiency with respect to the required operating procedures during MSS events. It is unclear what procedures should be followed for startup and shutdown if requirements in the SOP are inconsistent with the

manufacturer’s operating procedures. In addition, the owner/operator’s SOP can be modified over time, and therefore the required work practices cannot be considered permanent and enforceable. As discussed in the proposed notice, we also find that the general duty provisions that apply during maintenance activities in the AOs are not practically enforceable. The generic general duty that an owner or operator shall operate a source consistent with safety and good air pollution control practices for minimizing emissions is not sufficient to identify what these specific practices might be across the range of maintenance activities to which the AOs apply, and thus such general duty clauses are not practically enforceable as a limitation on emissions during these activities.³¹ The AOs do not include any work practices that the sources are required to apply during these maintenance periods. For these activities, the AO for NRG Limestone “authorize” periods of opacity greater than 15% for 535 hrs/year for each unit. As we discuss elsewhere, because emission limitations must be continuous, they cannot include gaps or periods during which sources are not required to limit their emissions and thus, for example, cannot include exemptions for emissions during periods of operation such as MSS. We find that these requirements are neither enforceable nor continuous.

Commenters raise issue with a lack of identified concerns with enforceability/adequacy of these provisions or air quality over the history of Limestone’s MSS practices. However, for the first time, Texas is attempting to clarify and make federally enforceable SIP requirements through the submitted AOs that apply to the relevant sources specifically during MSS periods. These submitted AOs must be evaluated for compliance with the CAA requirements, including that they are enforceable and protective of the NAAQS. During these events, the only requirements that apply are the work standards concerning placing the ESP in service as soon as practicable during startup or keeping the ESP in service as late as practicable during shutdown. There is no requirement for the sources to limit emissions during such events in any other way. PM emissions during these events can be much higher than normal emissions and there is no limitation on the number of times during the year a

is not clear whether what has been approved as BACT also includes the lb/hr emission limits for PM that apply during MSS in the relevant permits. Those lb/hr limits were not included in the AOs submitted for approval into the SIP.

²⁹ 40 CFR part 50.20 and 40 CFR part 50 Appendix N. 40 CFR part 50.20(b) “The primary annual PM_{2.5} standard is met when the annual arithmetic mean concentration, as determined in accordance with appendix N to this part, is less than or equal to 9.0 µg/m³.” 40 CFR part 50.20(c) “The primary 24-hour PM_{2.5} standard is met when the 98th percentile 24-hour concentration, as determined in accordance with appendix N to this part, is less than or equal to 35 µg/m³.” 40 CFR part 50 Appendix N clarifies the specific procedures for calculating the PM 2.5 design values. See Appendix N for details, but in general the PM 2.5 annual NAAQS design value is the average of three consecutive years annual arithmetic mean concentrations, and the PM 2.5 24-hour NAAQS design value is the average of three consecutive years of the annual 98th percentile of 24-hour values.

³⁰ See 2020 SIP submission at Section 2.2.1.

³¹ See 80 FR 33840, 33899–900, and 33903–904 (June 12, 2015) for an extended discussion of why periods when only a “general duty” provision applies cannot constitute part of an enforceable, continuous emission limitation.

boiler can go through a planned startup or shutdown. As discussed elsewhere in this document, the lack of limits to the frequency of startup events, and overly vague requirements for when an ESP must be engaged, work together to mean that there could be essentially unlimited periods of high PM emissions where no enforceable standards apply to limit emissions. Neither Texas in the 2020 SIP revision nor commenters have shown that the requirements in the AOs are protective of the NAAQS. As discussed elsewhere in this document, comments from Sierra Club (including modeling) confirm our concern with this level of emissions, showing that the emissions restrictions provided in the AOs have the potential to cause NAAQS violations in the areas around the relevant sources. The historical record of air monitoring data is not sufficient to identify air quality concerns as the monitors are not located in the vicinity of the sources and therefore cannot be used to characterize air quality or impacts from these emissions near the sources.

The EPA disagrees with commenters' assertion that the EPA disapproved the AOs because they do not impose standardized or identical requirements on all sources.³² EPA's disapproval is not based on a lack of identicality. In describing the issues with the AOs, EPA noted that the AOs vary in level of specificity and then provided an analysis of each AO, identifying the different approaches and lack of specificity in each approach that makes for an unenforceable requirement. At no point did EPA identify a concern with the lack of uniformity in the AOs. As explained in the proposed action, we are disapproving the 2020 SIP revision because the AOs lack specificity and are ambiguous and unenforceable because they are unclear as to the procedures an operator must follow to be in compliance and at what point in the startup or shutdown process the facility must switch from compliance with the AO to compliance with 30 TAC 111.111(a)(1) and 30 TAC 111.153(b) as required for routine operation.

One commenter agreed with EPA's view that the AOs are unenforceable, stating that in addition to EPA's own enforcement powers, the CAA guarantees citizens' ability to directly enforce SIP limits. EPA agrees that the

citizen suit provisions of the CAA further highlight the need for SIP limits like the AOs to be enforceable.

In summary, we find that the AO restrictions are overly vague and unenforceable. We also find that the AO requirements, in combination with the requirements in 30 TAC 111, do not provide for continuous emission limitations. Finally, we find that the AO requirements have not been shown to be protective of the NAAQS.³³

3. EPA's Recommended Measures

Comment: Commenter (NRG) states the EPA suggests several additional "preferred features" such as use of natural gas, different control devices, or reliance on MATS controls for the Agreed Orders. Commenter states that these "preferred features" are not required to comply with the Act and would be redundant, ineffective or inappropriate.

Response: The "preferred features" identified by the commenter were provided by EPA as examples of measures that, if taken, would be expected to minimize emissions during MSS, not as specifically required features of the AOs. They are provided in the context of the recommendations for AELs that serve as guidance and not requirements for developing emissions limits that apply at times like MSS when technological limitations require different limitations on emissions. As discussed elsewhere, the AOs as submitted do not provide for enforceable requirements during MSS. EPA provided a discussion of measures that could be considered to potentially address these enforceability deficiencies. For example, if the AOs included a requirement to startup using natural gas and only introduce coal once the ESP is fully energized, that would be a clear and enforceable requirement that would also minimize emissions during startup. Similarly, use of a baghouse would also alleviate concerns from emissions during MSS. We in no way are suggesting that these are the only options for addressing emissions during MSS but provided them as examples of options that could be considered in developing approvable emission limits that apply during MSS. To the extent that some of these specific measures are already available and taken at the facility to comply with MATS or other requirements, they would also address emissions during MSS, and these can and should be incorporated into the SIP

to provide for permanent and enforceable requirements during these periods. EPA's proposed disapproval was based on the determination that the AO requirements are unenforceable and not that they failed to include these "preferred features."

We disagree that adoption of these measures into the SIP would be redundant as the MATS requirements were promulgated to address hazardous air pollutants, such as mercury, and are subject to revision and/or court decisions independent of the requirements in the Texas SIP. To rely on these requirements to address opacity and PM emissions from EGUs with ESPs during MSS in Texas, Texas should adopt the requirements into the SIP.

4. Recordkeeping and Reporting

Comment: Commenters restate the recordkeeping language in the AOs and state that these requirements are not deficient. TCEQ states that the AOs are all enforceable because each plant operator must maintain records demonstrating when the startup or shutdown periods occur, based on flue gas temperature at the ESP, and must comply with permitted allowable emissions for PM emissions during planned SSM activities. In addition, TCEQ comments that EPA's claims are speculative and not based on evidence of noncompliance with the identical terms contained in the plants' NSR permits that have been in place for over 10 years. NRG comments that EPA identifies no basis in the Act for a standard against which to evaluate monitoring, recordkeeping, and reporting in an MSS provision.

Commenters also claim that deviation reports required under the Title V operating permits provide information to determine compliance.

Response: We disagree with the commenters. Typically, a primary mechanism for ensuring that a SIP provision is legally and practicably enforceable is for a State to impose sufficient monitoring, recordkeeping, and reporting (MRR) requirements on affected sources. CAA section 110(a)(2)(F)(i) speaks more explicitly to the requirement for SIPs to provide for emissions monitoring by requiring "the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owner or operators of stationary sources to monitor emissions from such sources," as may be prescribed by EPA. EPA has promulgated regulations implementing this requirement at 40 CFR 51.214, which requires State SIPs to contain

³² Commenters raised the issue of replicability not being a valid basis for disapproval, citing *Texas v. E.P.A.*, 690 F.3d 670, at 683 (5th Cir. 2012) which holds that replicability is not an independent authoritative standard and standards that the EPA uses must derive from the CAA itself. This case is not analogous to this disapproval as replicability is not used as a basis of disapproval.

³³ See Sections II.G, H and I for additional discussions on interference with attainment or maintenance of the NAAQS and modeling of potential impacts from MSS emissions.

legally enforceable procedures to “[r]equire stationary sources subject to emission standards as part of an applicable plan to install, calibrate, maintain, and operate equipment for continuously monitoring and recording emissions,” among other requirements. EPA notes that monitoring and recordkeeping requirements serve multiple purposes, including supporting effective enforcement of SIP requirements. A lack of adequate monitoring and recordkeeping requirements can undermine the ability of the State, the EPA, and citizens to evaluate or enforce a source’s compliance with applicable emissions limitations imposed by the SIP.

The AOs require sources to keep records of periods of planned MSS, the opacity measured by the continuous opacity monitoring system (COMS) for the duration of the planned MSS activities, and the work practices followed during the planned MSS activities. As discussed in the proposed action, EPA finds that these AOs do not specifically require sources to keep records of the parameters used to identify when startup or shutdown periods actually occur, such as temperature or unit load, or ESP operating parameters. The AOs also do not specifically require sources to keep records of the parameters that are monitored (e.g., air heater outlet temperature, drum metal temperature, periods when solid fuel is burned) to determine whether the ESP should be placed into or removed from service during these MSS periods. These are the types of specific monitoring records that are necessary to provide adequate information to evaluate when startup and shutdown periods actually occur or whether Chapter 111 requirements apply and evaluate compliance with the AO requirements regarding when the ESPs are required to be placed into or removed from service. A requirement to “identify periods of planned MSS” and the “work practices followed” does not provide sufficient information to evaluate whether the facility accurately recorded the end of a startup or beginning of a shutdown event, or whether the ESP was engaged at the appropriate time during the startup process. Thus, the monitoring and recordkeeping requirements do not provide adequate information to evaluate when a startup event ends, and thus whether the AO or Chapter 111 requirements should apply at a given time. Therefore, because there is no way to evaluate which requirements apply, there is no way to evaluate compliance with the applicable requirements.

The commenter further states that the AO requirements are “all enforceable because each plant operator must maintain records demonstrating when the startup or shutdown periods occur, based on flue gas temperature at the ESP.” However, there is no specific requirement in the AOs for sources to record or maintain records of flue gas temperature. Thus, there are no records available to evaluate when the startup or shutdown periods occurred based on the flue gas temperature. Furthermore, only Oklaunion’s AO specifies a specific temperature (once the outlet gas temperature to the ESP is greater than 300 °F) when the ESP should be placed into service. The AOs for the other seven facilities lack this level of specificity and are not enforceable because they require the ESP to be placed into service “as soon as practical.” This requirement is subjective, and it is unclear how the required recordkeeping would provide the necessary information to allow for verification that this requirement has been met.

With respect to the commenter’s suggestion that EPA’s claims are speculative and not based on evidence of noncompliance with the identical terms contained in the plants’ NSR permits that have been in place for over 10 years, this is not relevant to EPA’s conclusion that the relevant requirements do not have sufficient MRR requirements to provide the information necessary to be able to evaluate compliance with and enforce the requirements in the future. As explained, sufficient MRR requirements are necessary to provide adequate information to be able to evaluate compliance with the Chapter 111 and AO SSM-related requirements. Whether there is evidence of noncompliance with the permit terms that have been in place for 10 years in the past has no bearing on the ability to evaluate and enforce compliance with the relevant requirements in the future.

Finally, commenters also claim that deviation reports required under the title V operating permits provide adequate information to determine compliance. Regardless of whether there are reporting requirements in the title V permits as the commenter claims, this does not resolve the deficiencies in the monitoring and recordkeeping requirements. In other words, a requirement to report monitoring and recordkeeping information that is not sufficient to provide the information needed to evaluate compliance with the applicable requirements is deficient.

For the reasons explained, the relevant MRR requirements do not meet

CAA and regulatory requirements and do not provide sufficient information to evaluate compliance with and enforce the specified rules. As discussed in the proposal and in response to other comments in this section, we are disapproving the SIP revision because the requirements in the AOs are overly vague and too subjective to provide for enforceability. The insufficient MRR requirements further reinforce the conclusion that the AOs are not enforceable as written.

G. Comments on Section 110(l) and Interference With Attainment or Maintenance of the NAAQS

Comment: One commenter (Sierra Club) commented that the 2020 SIP revision would relax the existing SIP, resulting in interference with attainment and maintenance of the NAAQS under CAA section 110(l). Therefore, Sierra Club contends that EPA must disapprove the SIP revision under CAA section 110(l), in addition to the rationale EPA provided at proposal. Specifically, Sierra Club pointed to language in our proposal that acknowledged that there is not textual evidence in the language of the regulations that indicate that the rules do not apply continuously, and thus this SIP revision would relax the existing SIP. Sierra Club goes on to say that Texas provided no modeling or other evidence that this SIP revision would not interfere with attainment or maintenance of the NAAQS to show compliance with CAA section 110(l). To further support their comment, Sierra Club provides modeling suggesting that in areas in near proximity to two of the facilities, there could be violations of the PM NAAQS due to emissions allowed under the 2020 SIP revision.

Contrary to Sierra Club’s CAA section 110(l) comment, two commenters, TCEQ and the Texas MSS Working Group, indicated that the rules in 30 TAC 111 have never applied to these facilities during MSS. Further, the Texas MSS Working Group contends that Texas provided a “robust” demonstration under CAA section 110(l). The MSS Working Group also noted that EPA did not comment in its proposal on TCEQ’s CAA section 110(l) demonstration.

One commenter, NRG, provided late comments (received October 9, 2024) indicating that the Sierra Club modeling showing potential PM NAAQS violations at its Limestone Electric Generating Station did not reflect its current operations which utilized cleaner fuels such sub-bituminous coal instead of lignite and natural gas during startup. NRG also argued that EPA’s original rationale was not based on

potential NAAQS violations and that to rely on Sierra Club's modeling, the Agency must reopen the public comment period. Luminant also submitted late comments (received November 22, 2024) that were similar to NRG's comments.³⁴

Response: EPA agrees that CAA section 110(l) is relevant to all SIP revisions and that it makes clear that the Administrator may not approve a SIP revision if it would interfere with attainment or maintenance of the Act. EPA, however, did not base its proposed disapproval on CAA section 110(l). Instead, we based our proposed disapproval on concerns, discussed elsewhere, with the enforceability and continuousness of the AOs provided in the 2020 SIP revision. In this action, we are finalizing our determination that the AOs are (1) not enforceable and (2) it is necessary or appropriate for the AOs and provisions in 30 TAC 111 to be emissions limitations, and they are not continuous in violation of the CAA.

While our disapproval is not based on failure to meet CAA section 110(l) requirements, we do believe that Sierra Club's modeling provides ample evidence that the TCEQ 110(l) demonstration is not adequate to determine that the SIP revision does not interfere with attainment and maintenance of the NAAQS. In other words, Sierra Club's modeling confirms that we are prohibited from approving this submission. TCEQ's 110(l) demonstration is based on two arguments. First, TCEQ claims that MSS emissions have always been occurring from these facilities and never were controlled by the ESPs used by these facilities for control. Second, TCEQ states that there has never been evidence detected by Texas's PM ambient monitoring network of any PM NAAQS violations. Sierra Club provides modeling for two of the facilities covered by the 2020 SIP revision that indicates that violations of the NAAQS are possible, both under the sources' current practices, and to an even greater extent if emissions are uncontrolled during MSS to the extent allowed under the AOs in the 2020 SIP revision. It is worth pointing out that Texas did not provide modeling with this SIP revision. Sierra Club's modeling makes clear that any potential violations of the PM standard as a result of MSS emissions would be much closer to the facilities than any of the monitors Texas points to in its 110(l) demonstration. In the absence of relevant monitoring data, modeling has long been utilized to

estimate impacts of facilities on air quality. In this case, Sierra Club used EPA's preferred model, AERMOD, and modeled the impact of two of the facilities at 25%, 50%, 75%, and 100% load assuming combustion of lignite and separately combustion of sub-bituminous coal and considering that the ESP would not be energized during MSS. The modeling indicates that PM_{2.5} MSS emissions could potentially result in modeled values above the 24-hour PM_{2.5} NAAQS and the annual PM_{2.5} NAAQS. This modeling also suggests that a similar modeling analysis of maximum MSS emissions from the other power plant facilities at issue here could potentially result in violations of the NAAQS. Violations of the standard were indicated at both facilities modeled, with higher concentrations modeled when burning lignite. See response to Comments on Air Dispersion Modeling Results in this document and the RTC Document for full evaluation and discussion of the model results.

Although the Limestone facility has not burned lignite since December 2017, the Limestone units are not restricted by permit or rule from the types of fossil fuels that can be fired in its boilers. The Martin Lake facility entered into an AO in early 2022 that prohibits the facility from burning lignite, but that requirement is currently not federally enforceable.³⁵ EPA's review of the modeling did not detect any significant issues with the modeling techniques themselves or the conclusions, although refinements could be performed.³⁶ NRG claimed that its Limestone facility uses natural gas during startup to comply with EPA's MATS rules and that the ESPs are placed into service "contemporaneous to solid fuel firing", which would certainly reduce PM emissions to very low levels during this period of operation. However, there is no SIP requirement or requirement in the submitted AO that NRG is required to burn only natural gas at startup or that would prohibit the burning of solid fuel prior to placing the ESP into service. Additionally, there is no requirement to burn only sub-bituminous coal rather than lignite in the SIP or the AOs. NRG could decide to change their practices if they are not required to take such emissions-reducing measures in the SIP. In

addition, this further highlights the specific, enforceable measures available to the source such as prohibiting burning solid fuel until the ESP is in service, in contrast to the vague requirements actually included in the AOs such as "placing the ESP into service as soon as practical" or "operating the facilities and associated air pollution control equipment in accordance with good air pollution control practices."

In sum, while Sierra Club's modeling confirms that EPA is prohibited from approving this SIP revision, it is unnecessary for EPA to base its disapproval on failure to comply with section 110(l) requirements. An approvable SIP revision would need to confirm that the revision would not interfere with attainment or maintenance of the NAAQS or any other applicable CAA requirement. In the absence of monitoring data from monitors located closer to the facilities, such a demonstration would most likely need modeling. Sierra Club's modeling makes clear that such a demonstration would depend on the type of coal or other fuel used during startup, and those fuel requirements would need to be made enforceable to ensure the SIP revision did not interfere with attainment or maintenance.

In response to NRG's late comment that EPA is not providing sufficient notice and must open a new public comment period, it is not required that the Agency repropose every time a comment raises new evidence to consider. "To avoid perpetual cycles of new notice and comment periods, a final rule that is a logical outgrowth of the proposal does not require an additional round of notice and comment even if the final rule relies on data submitted during the comment period."³⁷ EPA's final action here is in substance exactly the same as its proposal—as the Agency has made clear, these AO requirements are not enforceable or continuous and allow for periods of unlimited emissions. Sierra Club's modeling is evidence that the emissions can interfere with attainment or maintenance of the NAAQS. EPA "fairly apprise[d] interested persons of the subjects and issues" the Agency considered; "the notice need not specifically identify every precise proposal which the agency may ultimately adopt as final rule."³⁸

³⁵ This AO was submitted to EPA for approval as part of the SO₂ NAAQS attainment SIP revision. EPA has not taken final action on that submittal at this time. See EPA proposed actions 89 FR 63117 (Aug. 2, 2024) and 89 FR 68378 (Aug. 26, 2024).

³⁶ See Section I and the RTC document for additional discussion of EPA's review of the modeling

³⁷ *Bldg. Indus. Ass'n v. Norton*, 247 F.2d 1241, 1246 (D.C. Cir. 2001) (internal citations omitted).

³⁸ *Chemical Mfrs. Ass'n v. EPA*, 870 F.2d 177, 203 (5th Cir. 1989) (internal citations omitted).

³⁴ We fully address these late comments in the RTC document.

H. Comments on the Use of Air Dispersion Modeling

Comment: Sierra Club commented that air quality dispersion modeling is a technically appropriate, efficient, and readily available technique for evaluating air quality impacts associated with SIP submittals and revisions. Sierra Club pointed out that EPA has identified the AERMOD steady-state plume dispersion model as the Agency's default model for the assessment of both primary and secondary particulate matter concentrations from large point sources. Sierra Club also indicated that EPA has recognized in analogous circumstances, monitoring alone is not generally adequate for identifying the maximum concentration of particulate matter impacts from large sources "[d]ue to the generally localized impacts" from those sources, and the lack of nearby monitors. Sierra Club also cited to TCEQ's air monitoring network plan, that indicates that there are no PM air quality monitors in the vicinity of any of the facilities at issue in this proposal, or even in the same county. Sierra Club continued that the use of air dispersion modeling is also consistent with the Agency's historic use of such modeling for determining compliance with the NAAQS and the use of dispersion modeling to demonstrate attainment with the NAAQS is also court-validated. Sierra Club summarized that the use of scientifically and legally supported air quality dispersion modeling (AERMOD in this case) to characterize and evaluate the air quality impacts of Texas's 2020 SIP revision, including the worst-case emissions from MSS operations at those facilities is not only consistent with EPA's Appendix W guidance, but it is well supported by EPA's lengthy and court-validated history of using AERMOD as a tool for evaluating individual source compliance with the NAAQS and is technically appropriate and supported by EPA regulations and guidance.

Response: As discussed in more detail in the RTC document for this action, there are no PM_{2.5} monitors located within 50 km of either Luminant's Martin Lake or NRG's Limestone facility. We note that three of the eight facilities do have PM_{2.5} monitors located in the same county, but those monitors are not sited near the facilities, with the closest being 17 kilometers from the facility.³⁹ Maximum modeled primary

PM concentrations are usually within three kilometers of the source and then concentrations drop off quickly with increasing distance for these types of facilities in semi-flat terrain. Therefore, none of the PM_{2.5} monitors have been sited to pick up the maximum impacts near the sources covered by the 2020 SIP revision; therefore, it is necessary to utilize area specific modeling to estimate PM_{2.5} air quality levels around these facilities. EPA has utilized modeling to assess air quality standards for single facilities in permitting actions, SIPs, enforcement cases, and designations since the 1970s.⁴⁰ For example, EPA relied on modeling from States, industry, and third-party modeling performed by Sierra Club and others during the 1-hour SO₂ designations for Round 2 and Round 3 designations to assess areas should be designated nonattainment or attainment and also to assess the appropriate boundaries for the nonattainment areas.⁴¹ EPA also relied on modeling from States and industry in 2008 Lead NAAQS designations.⁴² Modeling provides the ability to assess the air quality in areas around facilities because it is impractical to site monitors everywhere. EPA concurs that modeling with AERMOD in this case is the appropriate model to use and is an appropriate technique, scientifically and legally, to analyze primary pollutant concentrations of PM_{2.5} in the areas around these facilities when they have MSS emissions.⁴³

In addition to the citations provided by Sierra Club, EPA's reliance on modeling rather than monitoring data was recently upheld by the 5th Circuit in *Texas v. EPA*, 91 F.4th 280 (5th Cir.

2024).⁴⁴ The court highlighted that review of an agency's evaluation of complex scientific data within its technical expertise—such as the decision whether to use modeling or monitoring data in evaluating possible attainment issues—is extremely deferential, and that there is a 'presumption of regularity' that is difficult for challenging parties to overcome.⁴⁵ The court applied that standard and found that EPA did not act arbitrarily or capriciously in relying on modeling data despite the existence of monitoring data.⁴⁶

I. Comments on Results of Air Dispersion Modeling

Comment: Sierra Club indicated that EPA must consider credible third-party modeling. Sierra Club has submitted modeling of "worst case" MSS potential emissions rates for boilers at two of the facilities (Luminant's Martin Lake facility and NRG's Limestone facility) for multiple load levels spanning from 10% load to 100% load. Sierra Club concludes that the modeling results credibly demonstrate that effectively uncontrolled PM emissions from Martin Lake and Limestone plants during MSS periods, as would be allowed under Texas's proposed 2020 SIP revision and its Agreed Orders, could result in violations of the annual and 24-hour NAAQS for PM_{2.5} in areas surrounding these two facilities. Sierra Club did not model whether MSS emissions from the other power plant facilities at issue here could cause violations of the NAAQS, but the modeling results for Martin Lake and Limestone suggest that MSS emissions at the other facilities could result in violations of the NAAQS.

NRG provided late comments (received October 9, 2024) indicating that the Sierra Club modeling showing potential PM NAAQS violations at its Limestone Electric Generating Station overstates Limestone's emissions. Luminant also submitted late comments (received November 23, 2024) on the modeled emission rates and modeling results.⁴⁷

Response: The EPA obtained the modeling files from Sierra Club (SC) and has reviewed both the reports from Wingra (Sierra Club's contractor) and

⁴⁰ Guideline on Air Quality Models versions including 40 CFR part 51 Appendix W (current version published November 2024 (FR Vol. 89, No. 230, November 29, 2024, 95034–95075). The EPA originally published the Guideline in April 1978 (EPA–450/2–78–027). The EPA revised the Guideline in 1986 (51 FR 32176) and updated it with supplement A in 1987 (53 FR 32081), supplement B in July 1993 (58 FR 38816), and supplement C in August 1995 (60 FR 40465). The EPA published the Guideline as Appendix W to 40 CFR part 51 when the EPA issued supplement B. The EPA republished the Guideline in August 1996 (61 FR 41838) to adopt the CFR system for labeling paragraphs. The EPA also published updated Guideline in 2003, 2005, and 2017.

⁴¹ SO₂ designations FR cities including **Federal Register** Vol. 81, No. 133, July 12, 2016, 45039–45055; **Federal Register** Vol. 81, No. 239, December 13, 2016, 89870–89876; **Federal Register** Vol. 83, No. 6, January 9, 2018, 1098–1172.

⁴² Lead Designations FR Vol. 75, No. 244, November 22, 2010, and Texas Area Designations for the 2008 Lead National Ambient Air Quality Standards.

⁴³ 40 CFR part 51 App. W Sections 1.0, 4.0 (including 4.2.2.1 and 4.2.3.5), and Appendix A to Appendix W of Part 51 Summaries of Preferred Air Quality Models (Section A.1)

⁴⁴ See also *Galveston-Houston Assoc. for Smog Prevention v. EPA*, 289 Fed. Appx. 745, 754 (5th Cir. 2008) (upholding use of modeling rather than monitoring data).

⁴⁵ *Id.* at 291 (citing to *BCCA Appeal Grp. v. EPA*, 355 F.3d 817, 824 (5th Cir. 2003) and *American Petroleum Inst. v. EPA*, 787 F.2d 965, 983 (5th Cir. 1986)); see also *Huntsman Petrochemical LLC v. EPA*, 114 F.4th 727 (D.C. Cir. 2024).

⁴⁶ *Id.* at 293.

⁴⁷ We fully address these late comments from NRG and Luminant in the RTC document.

³⁹ There are PM_{2.5} monitors in Harrison, Potter and Atascosa Counties where the Southwestern Electric Power Company H.W. Pirkey, San Miguel Electric Cooperative, Inc. San Miguel and Southwestern Public Service Company Harrington Station are respective located.

the modeling files for modeling of MSS emissions from Luminant's Martin Lake facility and NRG's Limestone facility. EPA reviewed the different components of the modeling and found that overall, it is informative and does indicate that "worst case" MSS emissions could result in modeled violations. EPA is including a summary of two key elements of our review related to the emission rates modeled and the representative background monitoring concentration added to modeled values here, and note that our full review of all the Sierra Club modeling and results are included in the RTC document available in the docket for this action.

The SIP revision and the AOs for these two facilities do not include any numerical limits on the maximum pounds per hour (lb/hr) that could be emitted from each boiler during MSS. As discussed in Section II.F.2, the SIP revision with its AOs does not include limits on the frequency of startup and shutdown events so there is no restriction to the total number of hours per year that the boilers at a facility can be in a normal MSS operation situation; therefore, they could operate a large number of hours per year and the MSS emissions could potentially impact the 24-hour PM_{2.5} NAAQS and the annual PM_{2.5} NAAQS. Sierra Club modeled MSS emissions for every hour of the year and based on the lack of limits on hours of operation per year in MSS mode, we find this assumption to be reasonable, especially when analyzing the 24-hour PM_{2.5} NAAQS, which is based on the very high end (98th percentile) of 24-hour average concentrations in a year.⁴⁸ As a check on the reasonableness of Sierra Club's assumptions, EPA reviewed Sierra Club's modeled emission rates, compared that with the MSS emission limits included in the facilities' MSS permits,⁴⁹ and found the Sierra Club's

emission rates were similar or less than the PM_{2.5} lb/hr emission limits in the permits for NRG Limestone. As discussed in the RTC document, we also find that the modeled emission rates for Martin Lake are also reasonable. EPA has not fully reviewed the PM_{2.5} lb/hr emission limits and the underlying assumptions and calculations in the MSS permits for these two facilities to evaluate if they are representative of the maximum emissions that could occur during MSS but note that some of the other associated limits in the permits (*i.e.* ash content and sulfur content limits) indicate that the maximum emission rates could be larger/higher using EPA's emission factors. If higher emission rates are possible during MSS, then Sierra Club's maximum modeled concentrations would also be expected to be higher if appropriately adjusted and remodeled.⁵⁰

Modeled ambient concentrations are estimated by adding the modeled values to a representative background concentration from a representative monitor which represents concentrations from non-modeled sources and general PM_{2.5} background levels in the area. EPA's review found that Sierra Club used the lowest PM_{2.5} monitored design values⁵¹ in the State of Texas, which are significantly lower than PM_{2.5} monitored design values at monitors located closer to these two facilities. Monitored design values from these closer monitors should have been added to the modeling because they would be more representative of regional PM_{2.5} background

emission rate limits that are not included in the SIP revision and thus are not specifically being reviewed in this action but are discussed here as a reference point for the reasonableness of Sierra Club's assumptions.

⁵⁰ We also note that EPA's guidance in assessing PM_{2.5} impacts is to also include the secondary formation of PM_{2.5} due to precursor emissions (*i.e.* NO_x and SO₂). Including the secondary formation of PM_{2.5} would be expected to have some increase in the overall maximum modeled concentration. See Guidance on the Development of Modeled Emission Rates for Precursors (MERPs) as a Tier 1 Demonstration Tool for Ozone and PM_{2.5} under the PSD Permitting Program (pdf) (3.36 MB, 04/30/2019, 454-R-19-003). Available for download at <https://www.epa.gov/nsr/guidance-development-modeled-emission-rates-precursors-merps-tier-1-demonstration-tool-ozone>

⁵¹ Design Values for PM_{2.5} Annual and 24-Hour NAAQS are calculated in accordance with 40 CFR part 50 Appendix N using monitoring data collected and the Design Values are compared to the PM_{2.5} Annual and 24-Hour NAAQS (40 CFR part 50.20) to determine whether the design value meets or exceeds the applicable PM_{2.5} NAAQS. See Appendix N for details, but in general the PM_{2.5} annual NAAQS design value is the average of three consecutive years annual arithmetic mean concentrations, and the PM_{2.5} 24-hour NAAQS design value is the average of three consecutive years of the annual 98th percentile of 24-hour values.

concentrations than the low values Sierra Club utilized. Using the more representative background monitored design value concentrations for Limestone and Martin Lake results in higher maximum modeled design values and more of Sierra Club's operating scenarios having maximum design values that exceed the 24-hour and annual PM_{2.5} NAAQS.

EPA notes that Sierra Club's modeling scenarios were based on both boilers at Limestone or the three boilers at Martin Lake having MSS emissions at the same time. Those scenarios may not be expected to occur often, but the scenario is not limited by the current SIP revision or AOs, nor by the MSS permits. The modeling for some of the operating scenarios was sufficiently above the NAAQS such that additional modeling may show that not all the boilers at a facility must have MSS emissions at the same time for modeled violations to occur.

Overall, EPA's review indicates that while there are some uncertainties regarding what potential maximum (worst case) MSS emission rates should be modeled and that a higher background monitor DVs should have been used, the Sierra Club's modeling is informative and indicates that PM_{2.5} MSS emissions allowed under the 2020 SIP revision and AOs could result in modeled values above the 24-hour PM_{2.5} NAAQS and the annual PM_{2.5} NAAQS. This modeling also suggests that a similar modeling analysis of maximum MSS emissions from the other power plant facilities at issue here could possibly result in violations of the NAAQS because these other facilities are similar in the general magnitude of potential hourly MSS emissions and have somewhat similar stack parameters (stack velocity, temperature and height).

J. Other

1. Change in Facility Operations

Comment: The commenter (TCEQ) states that four plants (Gibbons Creek Steam Electric Station, Pirkey Power Plant, Oklaunion Power Station, and Harrington Station) have either ceased burning coal, shut down, or converted to natural gas for power generation; therefore, making these AOs and their approval into the SIP unnecessary. The commenter also states that EPA should approve the other four AOs (Lower Colorado River Authority's Sam Seymour Fayette Power Project (order no. 2020-0077-SIP); Luminant Generation Company, LLC's Martin Lake Steam Electric Station (order no. 2020-0076-SIP); NRG Texas Power LLC's Limestone Electric Generation

⁴⁸ 40 CFR part 50.20 and 40 CFR part 50 Appendix N. 40 CFR part 50.20(b) "The primary annual PM_{2.5} standard is met when the annual arithmetic mean concentration, as determined in accordance with appendix N to this part, is less than or equal to 9.0 µg/m³." 40 CFR part 50.20(c) "The primary 24-hour PM_{2.5} standard is met when the 98th percentile 24-hour concentration, as determined in accordance with appendix N to this part, is less than or equal to 35 µg/m³." 40 CFR part 50 Appendix N clarifies the specific procedures for calculating the PM_{2.5} design values. See Appendix N for details, but in general the PM_{2.5} annual NAAQS design value is the average of three consecutive years annual arithmetic mean concentrations, and the PM_{2.5} 24-hour NAAQS design value is the average of three consecutive years of the annual 98th percentile of 24-hour values.

⁴⁹ As discussed elsewhere, Texas issued permits to these facilities to address emissions during MSS. The permits were not submitted as part of this SIP revision. The permits include lb/hour and ton/year

Station (order no. 2020–0075–SIP); and San Miguel Electric Cooperative, Inc.’s San Miguel Electric Plant (order no. 2020–0074–SIP) into the SIP.

Response: TCEQ can formally withdraw the AOs (*i.e.*, a partial withdrawal of its submitted SIP revision) that TCEQ believes are no longer necessary to be included as part of the Texas SIP. As long as the SIP revision is before us, we are legally obligated to act on that submission, either by approving or disapproving it. Moreover, we must act on the entire SIP revision and cannot parse out pieces and take no action. For the reasons described in this final rule and responses to other comments, EPA is disapproving Texas’s 2020 SIP revision, including the accompanying AOs.

2. EPA Comments on the State’s Proposed SIP

Comment: The commenter states that EPA failed to raise concerns regarding ‘legal and practical enforceability,’ continuity of the limitations, or compliance with AEL guidance during the commission’s public comment period on the proposed AOs and the 2020 SIP revision. The commenter then states that EPA’s failure to raise concerns about legal and practical enforceability, continuity of the limits, or failure to meet certain factors from their AEL guidance indicates EPA agreed with TCEQ’s assessment that the AOs should be incorporated into the SIP.

Response: EPA disagrees with the commenter’s assertion that EPA not providing comments during TCEQ’s public comment period on its proposed SIP regarding concerns about legal and practical enforceability, continuity of the limits, or failure to consider certain factors from their AEL guidance indicates that EPA agreed with TCEQ’s assessment that the AOs should be incorporated into the SIP. EPA must follow CAA requirements and conduct a formal review of the submitted SIP revision, regardless of whether particular objections were raised during a proceeding before the SIP was submitted to the Agency.

3. EPA Interpretation of 30 TAC 111

Comment: The commenters state that EPA repeatedly acknowledged TCEQ’s interpretation and characterization of its rules in 30 TAC 111, including that limits on opacity and PM do not apply during periods of SSM for these specific units.

Response: The commenters misconstrue EPA’s statements on TCEQ’s interpretation and characterization of its rules in 30 TAC

111 as acceptance and agreement of its interpretation and characterization. While EPA acknowledged TCEQ’s interpretation in the proposal, we also acknowledged that there is no textual evidence in the rule to provide evidence of TCEQ’s interpretation. We also point out in other comments that this is the first time in a SIP revision that TCEQ has put forward this interpretation. The stated goal of this SIP revision was to provide continuous federally enforceable emission limitations under TCEQ’s interpretation that the rules in Chapter 111 do not apply during MSS for coal fired electric generating units using ESPs. Without adding provisions to the SIP to address time periods of MSS, the requirements during MSS and more importantly the duration of time when the chapter 111 rules would not apply under the TCEQ interpretation will continue to be unclear.

4. Misconception of Action as a SIP Call

Comment: The commenter states that the proposal indicates that Texas provisions were previously approved and incorporated into operating permits. The commenter cites to CAA section 110(k), stating that the CAA imposes a heavy burden of proof for EPA disapproval of an already approved SIP revision. The commenter states that EPA has a heavy burden of proof to show that previously approved SIP provisions are “substantially inadequate” to meet the relevant provisions of the Act and must be revised, and EPA failed meet this burden and therefore must approve the provisions at issue here.

Response: The commenter appears to mistakenly be stating that EPA is proposing disapproval of already approved provisions in the SIP or issuing a SIP call under CAA section 110(k)(5). However, the commenter also states later that EPA must approve the provisions at issue here. EPA is clarifying that (1) EPA did not propose disapproval of an already approved SIP revision or propose to find an approved SIP provision to be “substantially inadequate” and (2) CAA section 110(k)(5) is not applicable in this context, neither in the proposal or this final rule. TCEQ submitted a SIP revision and after our evaluation, we proposed disapproval of that SIP revision and its provisions as not meeting the requirements of the Act.

III. Final Action

We are disapproving a revision to the Texas SIP submitted by TCEQ on August 20, 2020 (concerning opacity and PM emissions during planned MSS activities for certain EGU sources equipped with ESPs as the PM control

device). These EGUs are the Southwestern Electric Power Company (SWEPCO) H.W. Pirkey Power Plant; the Lower Colorado River Authority (LCRA) Sam Seymour Fayette Power Project; the Luminant Generation Company, LLC Martin Lake Steam Electric Station; the NRG Texas Power, LLC Limestone Electric Generating Station; the San Miguel Electric Cooperative, Inc. San Miguel Plant; the Southwestern Public Service Company (SPS) Harrington Station; the Texas Municipal Power Agency (TMPA) Gibbons Creek Steam Electric Station; and the Public Service Company of Oklahoma (PSCO) Oklaunion Power Station.

The Agreed Orders will not be incorporated into the SIP. There will be no sanctions or FIP clocks as a result of this action.

IV. Environmental Justice Considerations

Information on Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994), Executive Order 14096 (Revitalizing Our Nation’s Commitment to Environmental Justice for All, 88 FR 25251, April 26, 2023), and how EPA defines environmental justice (EJ) can be found in the section below titled “Statutory and Executive Order Reviews.” For informational and transparency purposes only, EPA included in its proposal additional analysis of EJ associated with this proposed action for the purpose of providing information to the public (89 FR 71237).

Communities in close proximity to and/or downwind of these EGUs may be subject to environmental impacts of emissions. Short- and/or long-term exposure to air pollution has been associated with a wide range of human health effects including increased respiratory symptoms, hospitalization for heart or lung diseases, and even premature death.⁵² Emissions during planned MSS may be higher than emissions under normal steady-state operations. The EPA believes that the human health or environmental risk addressed by this action will not likely have disproportionately high and adverse human health or environmental effects on communities with EJ concerns. This action merely disapproves a SIP revision as not meeting the CAA requirements. We

⁵² See <https://www.epa.gov/air-quality-management-process/managing-air-quality-human-health-environmental-and-economic-what> (accessed dated 02/05/2024).

therefore determine that this rulemaking action will not have disproportionately high or adverse human health or environmental effects on communities with EJ concerns.

V. Statutory and Executive Order Reviews

Under the Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations.⁵³ Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Act. Accordingly, this action disapproves Texas's 2020 SIP revision as not meeting applicable requirements of the CAA.

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, Executive Order 13563: Improving Regulation and Regulatory Review, and Executive Order 14094: Modernizing 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 Executive Order 14094 (88 FR 21879, April 11, 2023), and was therefore not subject to a requirement for Executive Order 12866 review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA (44 U.S.C. 3501 *et seq.*) because it does not contain any information collection activities.

C. Regulatory Flexibility Act (RFA)

This action is certified to 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 Executive Order 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: Coordination With Indian Tribal Governments

This 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 as it does not have applicable or related Tribal laws.

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

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definitions 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 disapproves a SIP revision. 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 (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)

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 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 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 environmental justice considerations as part of its 2020 SIP revision; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA performed an environmental justice analysis, as is described above 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. Due to the nature of the action being taken here, this action is expected to have no impact on the air quality of the affected area. In addition, there is no information in the record upon which this decision is based inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for communities with EJ concerns.

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

Under section 307(b)(1) of the Clean Air Act, 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 final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time

⁵³ 42 U.S.C. 7410(k); 40 CFR 52.02(a).

within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or 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 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Particulate matter, Sulfur dioxide, 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. 2024–29956 Filed 12–19–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2023–0501; FRL–12273–01–R4]

Air Plan Approval; Georgia; Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notification of administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is updating the materials that are incorporated by reference (IBR) into the Georgia State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by Georgia and approved by EPA. In this notice, EPA is also notifying the public of corrections to the Code of Federal Regulations (CFR) tables that identify material incorporated by reference into the Georgia SIP. This update affects the materials that are available for public inspection at the National Archives and Records Administration (NARA) and the EPA Regional Office.

DATES: This action is effective December 20, 2024.

ADDRESSES: The SIP materials whose incorporation by reference into 40 CFR part 52 is finalized through this action are available for inspection at the following locations: Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, GA 30303; and www.regulations.gov. To view the materials at the Region 4 Office, EPA

requests that you email the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Josue Ortiz Borrero, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Josue Ortiz Borrero can be reached via telephone at (404) 562–8085 or via electronic mail at ortizborrero.josue@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Each State has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

Each State must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the proposed SIP revisions to EPA. Once these control measures and strategies are approved by EPA, and after notice and comment, they are incorporated into the federally-approved SIP and are identified in part 52, “Approval and Promulgation of Implementation Plans,” title 40 of the Code of Federal Regulations (40 CFR part 52). The full text of the State regulation approved by EPA is not reproduced in its entirety in 40 CFR part 52 but is “incorporated by reference.” This means that EPA has approved a given State regulation or specified changes to the given regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP. The information provided allows EPA and the public to monitor the extent to which a State implements a SIP to attain and maintain the NAAQS and to take enforcement action for violations of the SIP.

The SIP is a living document which the State can revise as necessary to address the unique air pollution problems in the State. Therefore, EPA from time to time must take action on proposed revisions containing new or revised State regulations. A submission

from a State can revise one or more rules in their entirety or portions of rules. The State indicates the changes in the submission (such as by using redline/strikethrough text) and EPA then takes action on the requested changes. EPA establishes a docket for its actions using a unique Docket Identification Number, which is listed in each action. These dockets and the complete submission are available for viewing on www.regulations.gov.

On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference, into the Code of Federal Regulations, materials approved by EPA into each SIP. These changes revised the format for the identification of the SIP in 40 CFR part 52, streamlined the mechanisms for announcing EPA approval of revisions to a SIP, and streamlined the mechanisms for EPA's updating of the IBR information contained for each SIP in 40 CFR part 52. The revised procedures also called for EPA to maintain “SIP Compilations” that contain the federally approved regulations and source-specific permits submitted by each State agency.

EPA generally updates these SIP Compilations on an annual basis. Under the revised procedures, EPA must periodically publish an informational document in the rules section of the **Federal Register** notifying the public that updates have been made to a SIP Compilation for a particular State. EPA began applying the 1997 revised procedures to Georgia on May 21, 1999, see 64 FR 27699, and is providing this notification in accordance with such procedures.

II. EPA Action

In this action, EPA is providing notice of an update to the materials incorporated by reference into the Georgia SIP as of September 1, 2024, and identified in 40 CFR 52.570(c). This update includes SIP materials submitted by Georgia and approved by EPA since the last IBR update. See 88 FR 16564 (March 20, 2023). In addition, EPA is providing notice of the following corrections to 40 CFR 52.570(c):

Changes Applicable to Paragraph (c), Table (1), EPA-Approved Georgia Regulations

A. Under 391–3–1–.02(7), “Prevention of Significant Deterioration of Air Quality (PSD),” the explanation column is reformatted to combine the two existing paragraphs into one cell.

B. Under 391–3–1–.01, “Definitions,” the explanation column is revised to add the text “which were” before the text “approved on 12/4/2018” and before the text “approved on 2/2/1996,”

as well as the text “which was” before the text “approved on 1/5/2017.”

C. Under 391–3–1–.02(4), “Ambient Air Standards,” the explanation column is revised to add the text “which were” before the text “approved on 12/4/2018.”

D. Under 391–3–1–.02(6), “Source Monitoring,” the explanation column is revised to add the text “which was” before the text “approved on 3/9/2022.”

E. Under 391–3–1–.03(6), “Exemptions,” the explanation column is revised to replace the text “With the exception of” with the text “Except” and to add the text “, which is not approved into the SIP” after the current explanation.

F. Under 391–3–1–.03(11), “Permit by Rule,” the explanation column is revised to add the text “which were” before the text “approved on 2/9/2010” and the text “which was” before the text “approved on 3/13/2000.”

III. Good Cause Exemption

EPA has determined that this action falls under the “good cause” exemption in section 553(b)(B) of the Administrative Procedure Act (APA) which, upon finding “good cause,” authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make an action effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs and makes typographical/ministerial revisions to the tables in the CFR. Under section 553(b)(B) of the APA, an agency may find good cause where procedures are “impracticable, unnecessary, or contrary to the public interest.” Public comment for this administrative action is “unnecessary” and “contrary to the public interest” since the codification (and corrections) only reflect existing law, combine two cells of a table, and revise explanations in the table for consistency. Immediate notice of this action in the **Federal Register** benefits the public by providing the public notice of the updated Georgia SIP Compilation and notice of corrections to the Georgia “Identification of Plan” portion of the CFR. Further, pursuant to section 553(d)(3), making this action immediately effective benefits the public by immediately updating both the SIP Compilation and the CFR “Identification of plan” section (which includes table entry corrections).

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference of regulations promulgated by Georgia, previously approved by EPA and federally effective before September 1, 2024, contained in “Georgia, Volume 1, 40 CFR 52.570(c), State Implementation Plan Compilation, EPA-Approved Georgia Regulations” and “Georgia, Volume 2, 40 CFR 52.570(d), State Implementation Plan Compilation, EPA-Approved Georgia Source-Specific Requirements.” EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act (CAA), the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this 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 approves 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 CAA.

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the 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 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.”

EPA did not perform an EJ analysis and did not consider EJ in this action. 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.

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

EPA also believes that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. This is because prior EPA rulemaking actions for each individual component of the Georgia SIP compilation previously afforded interested parties the opportunity to file a petition for judicial review in the United States

Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA believes judicial review of this action under section 307(b)(1) is not available.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: December 13, 2024.

Jeananne Gettle,

Acting Regional Administrator, Region 4.

For the reasons set out in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority for citation for part 52 continues to read as follows:

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

Subpart L—Georgia

■ 2. In § 52.570, paragraphs (b) through (d) are revised to read as follows:

§ 52.570 Identification of plan.

* * * * *

(b) *Incorporation by reference.* (1) Material listed in paragraph (c) of this section with an EPA approval date prior to September 1, 2024, for Georgia was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and notification of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after September 1, 2024, for Georgia, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in

paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of the dates referenced in paragraph (b)(1) of this section.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street SW, Atlanta, GA 30303. To obtain the material, please call (404) 562–9022. You may also inspect the material with an EPA approval date prior to September 1, 2024, for Georgia at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA email fedreg.legal@nara.gov or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(c) *EPA-approved Georgia regulations.*

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED GEORGIA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
391–3–1–.01	Definitions	7/29/2020	4/5/2022, 87 FR 19643	Except the first paragraph, sections (a)–(nn), (pp)–(ccc), (eee)–(jjj), (nnn)–(bbb), (ddd)–(kkk), (mmm), (rrr)–(sss), which were approved on 12/4/2018 with a state effective date of 7/20/2017; sections (ddd) and (cccc) which were approved on 2/2/1996 with a state effective date of 11/20/1994; (nnnn), which was approved on 1/5/2017 with a state effective date of 8/14/2016; and sections (oooo), (pppp), which are not in the SIP.
391–3–1–.02	Provisions			
391–3–1–.02(1)	General Requirements	3/20/1979	9/18/1979, 44 FR 54047.	
391–3–1–.02(2)	Emission Standards			
391–3–1–.02(2)(a)	General Provisions	8/1/2013	7/28/2017, 82 FR 35106	Except for paragraph 391–3–1–.02(2)(a)1
391–3–1–.02(2)(b)	Visible Emissions	1/17/1979	9/18/1979, 44 FR 54047.	
391–3–1–.02(2)(c)	Incinerators	7/23/2018	11/22/2019, 84 FR 64427.	
391–3–1–.02(2)(d)	Fuel-burning Equipment	7/20/2005	2/9/2009, 75 FR 6309.	
391–3–1–.02(2)(e)	Particulate Emission from Manufacturing Processes.	8/1/2013	7/28/2017, 82 FR 35106.	
391–3–1–.02(2)(f)	Normal Superphosphate Manufacturing Facilities.	1/17/1979	9/18/1979, 44 FR 54047.	
391–3–1–.02(2)(g)	Sulfur Dioxide	7/17/2002	7/9/2003, 68 FR 40786.	
391–3–1–.02(2)(h)	Portland Cement Plants	1/17/1979	9/18/1979, 44 FR 54047.	
391–3–1–.02(2)(i)	Nitric Acid Plants	1/17/1979	9/18/1979, 44 FR 54047.	
391–3–1–.02(2)(j)	Sulfuric Acid Plants	1/17/1979	9/18/1979, 44 FR 54047.	
391–3–1–.02(2)(k)	Particulate Emission from Asphaltic Concrete Hot Mix Plants.	1/17/1979	9/18/1979, 44 FR 54047.	
391–3–1–.02(2)(n)	Fugitive Dust	1/17/1979	9/18/1979, 44 FR 54047.	
391–3–1–.02(2)(p)	Particulate Emissions from Kaolin and Fuller's Earth Processes.	8/1/2013	7/28/2017, 82 FR 35106.	
391–3–1–.02(2)(q)	Particulate Emissions from Cotton Gins	8/1/2013	7/28/2017, 82 FR 35106.	
391–3–1–.02(2)(r)	Particulate Emissions from Granular and Mixed Fertilizer Manufacturing Units.	1/27/1972	5/31/1972, 37 FR 10842.	
391–3–1–.02(2)(t)	VOC Emissions from Automobile and Light Duty Truck Manufacturing.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(u)	VOC Emissions from Can Coating	9/16/1992	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(v)	VOC Emissions from Coil Coating	9/16/1992	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(w)	VOC Emissions from Paper Coating	3/7/2012	9/28/2012, 77 FR 59554.	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED GEORGIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
391–3–1–.02(2)(x)	VOC Emissions from Fabric and Vinyl Coating.	9/16/1992	9/28/2012, 77 FR 59554.	Except for subparagraph 391–3–1–.02(2)(rr)16.(x), which was approved on 9/28/2012, with a state-effective date of 6/8/2008.
391–3–1–.02(2)(y)	VOC Emissions from Metal Furniture Coating	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(z)	VOC Emissions from Large Appliance Surface Coating.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(aa)	VOC Emissions from Wire Coating	9/16/1992	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(bb)	Petroleum Liquid Storage	1/9/1991	10/13/1992, 57 FR 46780.	
391–3–1–.02(2)(cc)	Bulk Gasoline Terminals	1/9/1991	10/13/1992, 57 FR 46780.	
391–3–1–.02(2)(dd)	Cutback Asphalt	1/17/1979	9/18/1979, 44 FR 54047.	
391–3–1–.02(2)(ee)	Petroleum Refinery	1/9/1991	10/13/1992, 57 FR 46780.	
391–3–1–.02(2)(ff)	Solvent Metal Cleaning	5/29/1996	4/26/1999, 64 FR 20186.	
391–3–1–.02(2)(gg)	Kraft Pulp Mills	8/1/2013	7/28/2017, 82 FR 35106.	
391–3–1–.02(2)(hh)	Petroleum Refinery Equipment Leaks	6/24/1994	2/2/1996, 61 FR 3817.	
391–3–1–.02(2)(ii)	VOC Emissions from Surface Coating of Miscellaneous Metal Parts and Products.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(jj)	VOC Emissions from Surface Coating of Flat Wood Paneling.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(kk)	VOC Emissions from Synthesized Pharmaceutical Manufacturing.	12/18/1980	11/24/1981, 46 FR 57486.	
391–3–1–.02(2)(ll)	VOC Emissions from the Manufacture of Pneumatic Rubber Tires.	12/18/1980	11/24/1981, 46 FR 57486.	
391–3–1–.02(2)(mm)	VOC Emissions from Graphic Arts Systems ..	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(nn)	VOC Emissions from External Floating Roof Tanks.	12/18/1980	11/24/1981, 46 FR 57486.	
391–3–1–.02(2)(oo)	Fiberglass Insulation Manufacturing Plants	12/18/1980	11/24/1981, 46 FR 57486.	
391–3–1–.02(2)(pp)	Bulk Gasoline Plants	6/8/2008	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(qq)	VOC Emissions from Large Petroleum Dry Cleaners.	4/3/1991	10/13/1992, 57 FR 46780.	
391–3–1–.02(2)(rr)	Gasoline Dispensing Facility—Stage I	10/25/2021	8/2/2023, 88 FR 50770	
391–3–1–.02(2)(ss)	Gasoline Transport Vehicles and Vapor Collection Systems.	9/17/2023	7/16/2024, 89 FR 57736.	Except paragraphs (a), (c), (d), (e), (f), (g), and (h), which were approved on 12/4/2018, with a state effective date of 7/20/2017.
391–3–1–.02(2)(tt)	VOC Emissions from Major Sources	6/8/2008	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(uu)	Visibility Protection	10/31/1985	1/28/1986, 51 FR 3466.	
391–3–1–.02(2)(vv)	Volatile Organic Liquid Handling and Storage	4/12/2009	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(yy)	Emissions of Nitrogen Oxides from Major Sources.	4/12/2009	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(ccc)	VOC Emissions from Bulk Mixing Tanks	4/12/2009	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(ddd)	VOC Emissions from Offset Lithography and Letterpress.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(eee)	VOC Emissions from Expanded Polystyrene Products Manufacturing.	4/12/2009	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(fff)	Particulate Matter Emissions from Yarn Spinning Operations.	6/15/1998	12/2/1999, 64 FR 67491.	
391–3–1–.02(2)(hhh)	Wood Furniture Finishing and Cleaning Operations.	4/12/2009	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(jjj)	NO _x Emissions from Electric Utility Steam Generating Units.	3/12/2007	11/27/2009, 74 FR 62249.	
391–3–1–.02(2)(kkk)	VOC Emissions from Aerospace Manufacturing and Rework Facilities.	2/17/2019	3/11/2020, 85 FR 14145.	
391–3–1–.02(2)(lll)	NO _x Emissions from Fuel-burning Equipment	4/12/2009	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(mmm)	NO _x Emissions from Stationary Gas Turbines and Stationary Engines used to Generate Electricity.	5/4/2014	9/1/2015, 80 FR 52627.	
391–3–1–.02(2)(nnn)	NO _x Emissions from Large Stationary Gas Turbines.	4/20/2003	5/28/2019, 84 FR 24393.	
391–3–1–.02(2)(rrr)	NO _x Emissions from Small Fuel-Burning Equipment.	4/12/2009	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(vvv)	VOC Emissions from Coating Miscellaneous Plastic Parts and Products.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(yyy)	VOC Emissions from the Use of Miscellaneous Industrial Adhesives.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(zzz)	VOC Emissions from Fiberglass Boat Manufacturing.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(aaaa)	Industrial Cleaning Solvents	3/7/2012	9/28/2012, 77 FR 59554.	Except paragraph (a)4., which was approved on 3/9/2022, with a state effective date of 10/25/2021.
391–3–1–.02(3)	Sampling	6/15/1998	12/2/1999, 64 FR 67491.	
391–3–1–.02(4)	Ambient Air Standards	9/19/2022	2/6/2024, 89 FR 8076	
391–3–1–.02(5)	Open Burning	7/13/2006	5/28/2019, 84 FR 24393	
391–3–1–.02(6)	Source Monitoring	8/1/2013	7/28/2017, 82 FR 35108	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED GEORGIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
391–3–1–.02(7)	Prevention of Significant Deterioration of Air Quality (PSD).	7/20/2017	9/16/2020, 85 FR 57707	Except for the automatic rescission clause at 391–3–1–.02(7)(a)(2)(iv), which EPA disapproved on March 4, 2016. Except for portions of Rule 391–3–1–.02(7) incorporating by reference § 52.21(b)(2)(v) and (b)(3)(iii)(c), because those CFR provisions were indefinitely stayed by the Fugitive Emissions Rule in the March 30, 2011 rulemaking and have not been approved into the Georgia SIP.
391–3–1–.02(11)	Compliance Assurance Monitoring	6/15/1998	12/2/1999, 64 FR 67491.	
391–3–1–.02(12)	Cross State Air Pollution Rule NO _x Annual Trading Program.	7/23/2018	2/18/2020, 85 FR 8749.	
391–3–1–.02(13)	Cross State Air Pollution Rule SO ₂ Annual Trading Program.	7/23/2018	2/18/2020, 85 FR 8749.	
391–3–1–.02(14)	Cross State Air Pollution Rule NO _x Ozone Season Trading Program.	7/23/2018	2/18/2020, 85 FR 8749.	
391–3–1–.03	Permits			
391–3–1–.03(1)	Construction (SIP) Permit	8/17/1994	8/30/1995, 60 FR 45048.	Except subparagraph (e), which is not approved into the SIP.
391–3–1–.03(2)	Operating (SIP) Permit	12/26/2001	7/11/2002, 67 FR 45909	
391–3–1–.03(3)	Revocation, Suspension, Modification or Amendment of Permits.	2/23/1979	9/18/1979, 44 FR 54047.	Except Rule 391–3–1–.03(6)(b)16, which is not approved into the SIP.
391–3–1–.03(4)	Permits Not Transferable	11/20/1975	8/20/1976, 41 FR 35184.	
391–3–1–.03(5)	Permits Public Records	10/28/1992	2/2/1996, 61 FR 3819.	
391–3–1–.03(6)	Exemptions	7/29/2020	4/5/2022, 87 FR 19643	
391–3–1–.03(7)	Combined Permits and Applications	2/23/1979	9/18/1979, 44 FR 54047.	Except sections (a)–(b)(5) and (b)(7)–(b)(10), which were approved on 2/9/2010 with a state effective date of 7/20/2005; section (b)(6), which was approved on 3/13/2000 with a state effective date of 12/25/1997; and the phrase “or enforceable as a practical matter” in section .03(11)(b)11.(i), which is not in the SIP.
391–3–1–.03(8)	Permit Requirements	9/26/2019	9/16/2020, 85 FR 57694.	
391–3–1–.03(11)	Permit by Rule	7/23/2018	11/22/2019, 84 FR 64427 ...	
391–3–1–.03(12)	Generic Permit	8/17/1994	8/30/1995, 60 FR 45048.	
391–3–1–.03(13)	Emission Reduction Credits	9/26/2019	9/22/2020, 85 FR 59436	Except subparagraph 391–3–1–.03(13)(f), which was approved into the SIP with a state effective date of 7/18/2001, and subparagraphs (b), (c), (e), (g), and (i), which were approved into the SIP with a state effective date of 2/16/2000.
391–3–1–.04	Air Pollution Episodes	11/20/1975	8/20/1976, 41 FR 35184.	
391–3–1–.07	Inspections and Investigations	11/20/1975	8/20/1976, 41 FR 35184.	
391–3–1–.08	Confidentiality of Information	11/20/1975	8/20/1976, 41 FR 35184.	
391–3–1–.09	Enforcement	11/22/1992	2/2/1996, 61 FR 3819.	
391–3–1–.10	Continuance of Prior Rules	11/22/1992	2/2/1996, 61 FR 3819.	
391–3–1–.15	Georgia Transportation Conformity and Consultation Interagency Rule.	10/6/2010	6/15/2012, 77 FR 35866.	
391–3–20	Enhanced Inspection and Maintenance			
391–3–20–.01	Definitions	3/21/2023	2/9/2024, 89 FR 8996.	
391–3–20–.02	Covered Counties	1/9/2005	5/24/2007, 72 FR 29075.	
391–3–20–.03	Covered Vehicles; Exemptions	3/21/2023	2/9/2024, 89 FR 8996.	
391–3–20–.04	Emission Inspection Procedures	3/21/2023	2/9/2024, 89 FR 8996.	
391–3–20–.05	Emission Standards	3/21/2023	2/9/2024, 89 FR 8996.	
391–3–20–.06	On-Road Testing of Exhaust Emissions by Remote Sensing Technology or Other Means.	2/17/2019	8/24/2020, 85 FR 52407.	
391–3–20–.07	Inspection Equipment System Specifications	4/13/2021	9/22/2022, 87 FR 57834.	
391–3–20–.08	Quality Control and Equipment Calibration Procedures.	3/28/2018	8/24/2020, 85 FR 52407.	
391–3–20–.09	Inspection Station Requirements	4/19/2022	2/9/2024, 89 FR 8996.	
391–3–20–.10	Certificates of Authorization	4/19/2022	2/9/2024, 89 FR 8996.	
391–3–20–.11	Inspector Qualifications and Certification	3/21/2023	2/9/2024, 89 FR 8996.	
391–3–20–.12	Schedules for Emission Inspections	6/19/2014	4/10/2017, 82 FR 17128.	
391–3–20–.13	Certificate of Emission Inspection	4/19/2022	2/9/2024, 89 FR 8996.	
391–3–20–.15	Repairs and Retests	4/19/2022	2/9/2024, 89 FR 8996.	
391–3–20–.16	Extensions and Reciprocal Inspections	6/19/2014	4/10/2017, 82 FR 17128.	
391–3–20–.17	Waivers	4/19/2022	2/9/2024, 89 FR 8996.	
391–3–20–.18	Sale of Vehicles	3/28/2018	8/24/2020, 85 FR 52407.	
391–3–20–.19	Management Contractor	6/19/2014	4/10/2017, 82 FR 17128.	
391–3–20–.20	Referee Program	3/28/2018	8/24/2020, 85 FR 52047.	
391–3–20–.21	Inspection Fees	6/19/2014	4/10/2017, 82 FR 17128.	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED GEORGIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
391–3–20–.22	Enforcement	4/19/2022	2/9/2024, 89 FR 8996.	

(d) *EPA-approved Georgia source-specific requirements.*

TABLE 2 TO PARAGRAPH (d)—EPA-APPROVED GEORGIA SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Comments
Georgia Power Plant Bowen	EPD–AQC–180	11/17/1980	8/17/1981, 46 FR 41498.	
Georgia Power Plant Harlee Branch.	4911–117–6716–0	4/23/1980	5/5/1981, 46 FR 25092.	
ITT Rayonier, Inc	2631–151–7686–C	11/4/1980	8/14/1981, 46 FR 41050.	
Georgia Power Plant Bowen	EPD–AQC–163	5/16/1979	1/3/1980, 45 FR 781.	
Union Camp	2631–025–7379–0	12/18/1981	4/13/1982, 47 FR 15794.	
Blue Bird Body Company	3713–111–8601	1/27/1984	1/7/1985, 50 FR 765.	
Plant McDonough	4911–033–5037–0 conditions 10 through 22	12/27/1995	3/18/1999, 64 FR 13348.	
Plant Yates	4911–038–4838–0 conditions 19 through 32	12/27/1995	3/18/1999, 64 FR 13348.	
Plant Yates	4911–038–4839–0 conditions 16 through 29	12/27/1995	3/18/1999, 64 FR 13348.	
Plant Yates	4911–038–4840–0 conditions 16 through 29	12/27/1995	3/18/1999, 64 FR 13348.	
Plant Yates	4911–038–4841–0 conditions 16 through 29	12/27/1995	3/18/1999, 64 FR 13348.	
Plant Atkinson	4911–033–1319–0 conditions 8 through 13	11/15/1994	3/18/1999, 64 FR 13348.	
Plant Atkinson	4911–033–1320–0 conditions 8 through 13	11/15/1994	3/18/1999, 64 FR 13348.	
Plant Atkinson	4911–033–1321–0 conditions 8 through 13	11/15/1994	3/18/1999, 64 FR 13348.	
Plant Atkinson	4911–033–1322–0 conditions 8 through 13	11/15/1994	3/18/1999, 64 FR 13348.	
Plant Atkinson	4911–033–6949 conditions 5 through 10	11/15/1994	3/18/1999, 64 FR 13348.	
Plant McDonough	4911–033–6951 conditions 5 through 10	11/15/1994	3/18/1999, 64 FR 13348.	
Atlanta Gas Light Company	4922–028–10902 conditions 20 and 21	11/15/1994	3/18/1999, 64 FR 13348.	
Atlanta Gas Light Company	4922–031–10912 conditions 27 and 28	11/15/1994	3/18/1999, 64 FR 13348.	
Austell Box Board Corporation ..	2631–033–11436 conditions 1 through 5	11/15/1994	3/18/1999, 64 FR 13348.	
Emory University	8922–044–10094 conditions 19 through 26	11/15/1994	3/18/1999, 64 FR 13348.	
General Motors Corporation	3711–044–11453 conditions 1 through 6 and Attachment A	11/15/1994	3/18/1999, 64 FR 13348.	
Georgia Proteins Company	2077–058–11226 conditions 16 through 23 and Attachment A	11/15/1994	3/18/1999, 64 FR 13348.	
Owens-Brockway Glass Container, Inc.	3221–060–10576 conditions 26 through 28 and Attachment A	11/15/1994	3/18/1999, 64 FR 13348.	
Owens-Corning Fiberglass Corporation.	3296–060–10079 conditions 25 through 29	11/15/1994	3/18/1999, 64 FR 13348.	

* * * * *

[FR Doc. 2024–30253 Filed 12–19–24; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 424, 483, and 484

[CMS–1803–CN]

RIN 0938–AV28

Medicare Program; Calendar Year (CY) 2025 Home Health Prospective Payment System (HH PPS) Rate Update; HH Quality Reporting Program Requirements; HH Value-Based Purchasing Expanded Model Requirements; Home Intravenous Immune Globulin (IVIG) Items and Services Rate Update; and Other Medicare Policies; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Final rule; correction.

SUMMARY: This document corrects technical errors in the final rule that

appeared in the November 7, 2024, **Federal Register** titled “Medicare Program; Calendar Year (CY) 2025 Home Health Prospective Payment System (HH PPS) Rate Update; HH Quality Reporting Program Requirements; HH Value-Based Purchasing Expanded Model Requirements; Home Intravenous Immune Globulin (IVIG) Items and Services Rate Update; and Other Medicare Policies”.

DATES: This correction is effective January 1, 2025.

FOR FURTHER INFORMATION CONTACT: Brian Slater, (410) 786–5229, for home health and home IVIG payment inquiries.

For questions about the Home Health Quality Reporting Program (HH QRP), send your inquiry via email to HHQRPquestions@cms.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2024–25441 of November 7, 2024 (89 FR 88354), there were technical and typographical errors that

are identified and corrected in the Correction of Errors section of this correcting document. Accordingly, the corrections are effective January 1, 2025.

II. Summary of Errors

On page 88375, in the table titled “Table 7: Final OASIS Points Table for CY 2025”, we made a typographical error in a column heading.

On page 88376, in the table titled “Table 8: Final Thresholds for Functional Levels by Clinical Group, For CY 2025”, we made a typographical error in a column heading.

On page 88378, in the table titled “Table 9: Low Comorbidity Adjustment Subgroups for CY 2025”, we made typographical and technical errors in two low comorbidity subgroups/ descriptions and the table note.

On pages 88431 and 88432, in our discussion of the Home Health Quality Reporting Program (HHQRP) quality measures, we made typographical errors in calendar year for which the measures are adopted.

III. Waiver of Proposed Rulemaking and Delay in Effective Date

Under 5 U.S.C. 553(b) of the Administrative Procedure Act (APA), the agency is required to publish a notice of the proposed rulemaking in the **Federal Register** before the provisions of a rule take effect. Similarly, section 1871(b)(1) of the Social Security Act (the Act) requires the Secretary to provide for notice of the proposed rulemaking in the **Federal Register** and provide a period of not less than 60 days for public comment. In addition, section 553(d) of the APA, and section 1871(e)(1)(B)(i) of the Act mandate a 30-day delay in effective date after issuance or publication of a rule. Sections 553(b)(B) and 553(d)(3) of the APA provide for exceptions from the notice and comment and delay in effective date APA requirements; in cases in which these exceptions apply, sections 1871(b)(2)(C) and 1871(e)(1)(B)(ii) of the Act provide exceptions from the notice and 60-day comment period and delay in effective

date requirements of the Act as well. Section 553(b)(B) of the APA and section 1871(b)(2)(C) of the Act authorize an agency to dispense with normal rulemaking requirements for good cause if the agency makes a finding that the notice and comment process are impracticable, unnecessary, or contrary to the public interest. In addition, both section 553(d)(3) of the APA and section 1871(e)(1)(B)(ii) of the Act allow the agency to avoid the 30-day delay in effective date where such delay is contrary to the public interest and an agency includes a statement of support.

We believe that this final rule correction does not constitute a rule that would be subject to the notice and comment or delayed effective date requirements. This document corrects technical errors in the preamble of the CY 2025 HH PPS final rule but does not make substantive changes to the policies or payment methodologies that were adopted in the final rule. As a result, this final rule correction is intended to ensure that the information in the CY 2025 HH PPS final rule accurately reflects the policies adopted in that document.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the final rule or delaying the effective date would be contrary to the public interest because it is in the public’s interest for providers to receive information regarding the relevant Medicare payment policy in as timely a manner as possible, and to ensure that the CY 2025 HH PPS final rule accurately reflects our policies. Furthermore, such procedures would be unnecessary, as we are not altering our payment methodologies or policies, but rather, we are simply implementing correctly the methodologies and policies that we previously proposed, requested

comment on, and subsequently finalized. This final rule correction is intended solely to ensure that the CY 2025 HH PPS final rule accurately reflects these payment methodologies and policies. Therefore, we believe we have good cause to waive the notice and comment and effective date requirements. Moreover, even if these corrections were considered to be retroactive rulemaking, they would be authorized under section 1871(e)(1)(A)(ii) of the Act, which permits the Secretary to issue a rule for the Medicare program with retroactive effect if the failure to do so would be contrary to the public interest. As we have explained previously, we believe it would be contrary to the public interest not to implement the corrections in this final rule correction for changes effective on November 1, 2024, because it is in the public’s interest for providers to receive information regarding the relevant Medicare payment policy in as timely a manner as possible, and to ensure that the CY 2025 HH PPS final rule accurately reflects our policies.

Corrections

In FR Doc. 2024–25441 of November 7, 2024 (89 FR 88354), we make the following corrections:

1. On page 88375, in the table titled “Table 7: Final OASIS Points Table for CY 2025”, header row, third column, the column heading “Points (2023)” is corrected to read “Points (2025)”.

2. On page 88376, in the table titled “Table 8: Final Thresholds for Functional Levels by Clinical Group, For CY 2025”, header row, last column, the column heading “Points (2023)” is corrected to read “Points (2025)”.

3. On page 88378, in the table titled “Table 9: Low Comorbidity Adjustment Subgroups for CY 2025” is corrected as follows:

Table 9: Low Comorbidity Adjustment Subgroups for CY 2025

a. After the third row (entry for Circulatory 2) adding the following entry:

Low Comorbidity Subgroup	Description
Circulatory 7	Atherosclerosis, includes Peripheral Vascular Disease, Aortic Aneurysms and Hypotension

b. Removing the 14th row (entry for Neoplasms 2).

c. Following the table, the note “Source: CY 2023 Home Health Claims Data, Periods that end in CY 2022 accessed on the CCW July 11, 2024.” is corrected to read “Source: CY 2023

Home Health Claims Data, Periods that end in CY 2023 accessed on the CCW July 11, 2024.”.

4. On page 88431, third column

a. First full paragraph, lines 6 and 7, the phrase “In 2022, CMS tested” is corrected to read “In 2023, CMS tested”.

b. Fifth full paragraph, line 2, the section heading “C. Quality Measures Currently Adopted for the CY 2024 HH QRP” is corrected to read “C. Quality Measures Currently Adopted for the CY 2025 HH QRP”

c. Last paragraph, line 2, the year “CY 2024” is corrected to read “CY 2025”.

5. On page 88432, in the table titled “Table 26: Measures Currently Adopted

for the CY 2024 HH QRP” the table heading is corrected to read “Table 26: Measures Currently Adopted for the CY 2025 HH QRP”.

Elizabeth J. Gramling,
Executive Secretary, Department of Health and Human Services.
[FR Doc. 2024–30169 Filed 12–19–24; 8:45 am]
BILLING CODE 4120–01–P

Proposed Rules

Federal Register

Vol. 89, No. 245

Friday, December 20, 2024

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2024-2666; Project Identifier MCAI-2024-00261-T]

RIN 2120-AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD-500-1A11 airplanes. This proposed AD was prompted by an investigation of an in-service hydraulic fluid leakage event that indicated the potential use of an uncalibrated torque wrench when tightening the union fittings at the pressure and return interfaces of all three rudder hydraulic power control units (PCUs). This proposed AD would require properly torquing the rudder PCU hydraulic fittings and applying the torque seal on the rudder PCU hydraulic fittings, as specified in a Transport Canada AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by February 3, 2025.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-

30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-2666; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Transport Canada material identified in this proposed AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888-663-3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca. You may find this material on the Transport Canada website at tc.canada.ca/en/aviation. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-2666.

- 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.

FOR FURTHER INFORMATION CONTACT:

Brenda Buitrago Perez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; email 9-avs-nyaco-cos@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2024-2666; Project Identifier MCAI-2024-00261-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Brenda Buitrago Perez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228 7300; email 9-avs-nyaco-cos@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF-2024-13, dated April 29, 2024 (Transport Canada AD CF-2024-13) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD-500-1A11 airplanes. The MCAI states an investigation of an in-service leakage event indicated the potential use of an uncalibrated torque wrench when tightening the union fittings at the pressure and return interfaces of all three rudder PCUs. If not corrected, this condition could cause the union fittings to come loose and leak, resulting in the

potential loss of one or more hydraulic systems.

The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–2666.

Material Incorporated by Reference Under 1 CFR Part 51

Transport Canada AD CF–2024–13 specifies procedures for properly torquing the rudder PCU hydraulic fittings and applying the torque seal on the rudder PCU hydraulic fittings, which includes cleaning any leaks at the coil B-nut connections, performing a visual inspection for hydraulic leaks for all rudder PCU coil tube fittings and repair. The repair includes tightening the nut to the specified torque, testing for leakage limits, and replacing any defective components. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

FAA’s Determination

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 is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in Transport Canada AD CF–2024–13 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

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

use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate Transport Canada AD CF–2024–13 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2024–13 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by Transport Canada AD CF–2024–13 for compliance will be available at *regulations.gov* under Docket No. FAA–2024–2666 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 5 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 9 work-hours × \$85 per hour = Up to \$765	Up to \$0 *	Up to \$765	Up to \$3,825.

* The FAA has received no definitive data on which to base the cost estimates for the replacement cost.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency’s authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not

have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2024–2666; Project Identifier MCAI–2024–00261–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by February 3, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (Type Certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A11 airplanes, certificated in any category, as identified in Transport Canada AD CF–

2024–13, dated April 29, 2024 (Transport Canada AD CF–2024–13).

(d) Subject

Air Transport Association (ATA) of America Code 29, Hydraulic Power.

(e) Unsafe Condition

This AD was prompted by an investigation of an in-service leakage event that indicated the use potential of an uncalibrated torque wrench when tightening the union fittings at the pressure and return interfaces of all three rudder hydraulic power control units (PCUs). The FAA is issuing this AD to address union fittings that could come loose and leak when improperly torqued. The unsafe condition, if not addressed, could result in the potential loss of one or more hydraulic systems.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2024–13.

(h) Exception to Transport Canada AD CF–2024–13

(1) Where Transport Canada AD CF–2024–13 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2024–13 refers to hours air time, this AD requires using flight hours.

(3) Where the material referenced in Transport Canada AD CF–2024–13 specifies to “perform a visual inspection for hydraulics leaks for all Rudder PCUs coil tube fitting (Upper, Middle and Lower)” this AD requires replacing that text with “perform a visual inspection for hydraulics leaks for all Rudder PCUs coil tube fitting (Upper, Middle and Lower), and if any leak is found, the leak must be repaired before further flight.”

(i) No Reporting Requirement

Although the material referenced in Transport Canada AD CF–2024–13 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, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: AMOC@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, AIR–520, Continued Operational Safety Branch, FAA; or Transport Canada; or Airbus Canada Limited Partnership’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 Brenda Buitrago Perez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228 7300; email 9-avs-nyaco-cos@faa.gov.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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) Transport Canada AD CF–2024–13, dated April 29, 2024.

(ii) [Reserved]

(3) For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca. You may find this Transport Canada material on the Transport Canada website at tc.canada.ca/en/aviation.

(4) 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.

(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 December 16, 2024.

Peter A. White,
Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2024–30310 Filed 12–19–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 310

[Docket ID: DoD–2024–OS–0137]

RIN 0790–AL80

Privacy Act of 1974; Implementation

AGENCY: Office of the Secretary of Defense, Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: The Department of Defense (Department or DoD) is giving concurrent notice of a modified system of records titled “Defense Sexual Assault Incident Database,” DHRA 06, and this rulemaking, which exempts portions of this system of records from certain provisions of the Privacy Act to avoid interference during the conduct of criminal, civil, or administrative actions or investigations.

DATES: Send comments on or before February 18, 2025.

ADDRESSES: You may submit comments, identified by docket number, Regulation Identifier Number (RIN), and title, by any of the following methods.

* *Federal Rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <https://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Rahwa Keleta, OSD.DPCLTD@mail.mil; (703) 571–0070.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, the Office of the Secretary of Defense is modifying and reissuing a system of records titled “Defense Sexual Assault Incident Database,” DHRA 06. This system of records was originally established to centralize case-level sexual assault data involving a member of the Armed Forces, in a manner consistent with law and DoD regulations for Unrestricted and Restricted reporting and to facilitate reports to Congress on claims of retaliation in connection with an Unrestricted Report of sexual assault made by or against a member of the Armed Forces.

II. Privacy Act Exemption

The Privacy Act permits Federal agencies to exempt eligible records in a system of records from certain

provisions of the Act, including the provisions providing individuals with a right to request access to and amendment of their own records and accountings of disclosures of such records. If an agency intends to exempt a particular system of records, it must first go through the rulemaking process pursuant to 5 U.S.C. 553(b)(1)–(3), (c), and (e). This proposed rule explains why an exemption is being claimed for this system of records and invites public comment, which DoD will consider before the issuance of a final rule implementing the exemption.

The DoD proposes to modify 32 CFR part 310 to add a new Privacy Act exemption rule for DHRA 06, “Defense Sexual Assault Incident Database,” and to exempt portions of this system of records from certain provisions of the Privacy Act because some records may contain investigatory material compiled for law enforcement purposes within the scope of 5 U.S.C. 552a(k)(2), other than material within the scope of subsection (j)(2). The DoD is proposing to claim exemptions from several provisions of the Privacy Act, including various access, amendment, disclosure of accounting, and notice requirements, pursuant to 5 U.S.C. 552a(k)(2).

A notice of a modified system of records for DHRA 06, “Defense Sexual Assault Incident Database,” is also published in this issue of the **Federal Register**.

Regulatory Analysis

Executive Order 12866, “Regulatory Planning and Review,” as Amended by Executive Order 14094, “Modernizing Regulatory Review,” and Executive Order 13563, “Improving Regulation and Regulatory Review”

Executive Orders 12866 (as amended by Executive Order 14094) 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, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. It has been determined that this proposed rule is not a significant regulatory action under these executive orders.

Section 202, Public Law 104–4, “Unfunded Mandates Reform Act”

Section 202(a) of the Unfunded Mandates Reform Act of 1995 (UMRA)

(2 U.S.C. 1532(a)) requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates may result in the expenditure by State, local, and Tribal governments in the aggregate, or by the private sector, in any one year of \$100 million in 1995 dollars, updated annually for inflation. This proposed rule will not mandate any requirements for State, local, or Tribal governments, nor will it affect private sector costs.

Public Law 96–354, “Regulatory Flexibility Act” (5 U.S.C. 601 *et seq.*)

The Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency has certified that this proposed rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule is concerned only with the administration of Privacy Act systems of records within the DoD. Therefore, the Regulatory Flexibility Act, as amended, does not require DoD to prepare a regulatory flexibility analysis.

Public Law 96–511, “Paperwork Reduction Act” (44 U.S.C. 3501 *et seq.*)

The Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*) was enacted to minimize the paperwork burden for individuals; small businesses; educational and nonprofit institutions; Federal contractors; State, local, and Tribal governments; and other persons resulting from the collection of information by or for the Federal Government. The Act requires agencies obtain approval from the Office of Management and Budget before using identical questions to collect information from ten or more persons. This proposed rule does not impose reporting or recordkeeping requirements on the public.

Executive Order 13132, “Federalism”

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a rule that has federalism implications, imposes substantial direct compliance costs on State and local governments, and is not required by statute, or has federalism implications and preempts State law. This proposed rule will not have a substantial effect on State and local governments.

Executive Order 13175, “Consultation and Coordination With Indian Tribal Governments”

Executive Order 13175 establishes certain requirements that an agency

must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct compliance costs on one or more Indian Tribes, preempts Tribal law, or affects the distribution of power and responsibilities between the Federal Government and Indian Tribes. This proposed rule will not have a substantial effect on Indian Tribal governments.

List of Subjects in 32 CFR Part 310

Privacy.

Accordingly, 32 CFR part 310 is proposed to be amended as follows:

PART 310—PROTECTION OF PRIVACY AND ACCESS TO AND AMENDMENT OF INDIVIDUAL RECORDS UNDER THE PRIVACY ACT OF 1974

■ 1. The authority citation for 32 CFR part 310 continues to read as follows:

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

■ 2. Amend § 310.29 by adding paragraph (c)(30) to read as follows:

§ 310.29 Office of the Secretary of Defense (OSD) exemptions.

* * * * *

(c) * * *

(30) *System identifier and name.* DHRA 06, Defense Sexual Assault Incident Database.

(i) *Exemptions.* This system of records is exempt from 5 U.S.C. 552a(c)(3); (d)(1), (2), (3), and (4); (e)(1); (e)(4)(G), (H), (I), and (f).

(ii) *Authority.* 5 U.S.C. 552a(k)(2).

(iii) *Exemption from the particular subsections.* Exemption from the particular subsections is justified for the following reasons:

(A) *Subsections (c)(3), (d)(1), and (d)(2)—Exemption (k)(2).* Records in this system of records may contain investigatory material compiled for law enforcement purposes other than material within the scope of 5 U.S.C. 552a(j)(2). Application of exemption (k)(2) may be necessary because access to, amendment of, or release of the accounting of disclosures of such records could: inform the record subject of an investigation of the existence, nature, or scope of an actual or potential law enforcement or disciplinary investigation, and thereby seriously impede law enforcement efforts by permitting the record subject and other persons to whom the subject might disclose the records or accounting of records to avoid criminal penalties, civil remedies, or disciplinary measures; interfere with a civil or administrative action or investigation by allowing the subject to tamper with witnesses or evidence, and to avoid detection or

apprehension, which may undermine the entire investigatory process; or reveal confidential sources who might not have otherwise come forward to assist in an investigation and thereby hinder DoD's ability to obtain information from future confidential sources, and result in an unwarranted invasion of the privacy of others.

(B) *Subsection (d)(3), and (d)(4).* These subsections are inapplicable to the extent that an exemption is being claimed from subsections (d)(1) and (2). Accordingly, exemptions from subsections (d)(3), and (d)(4) are claimed pursuant to (k)(2).

(C) *Subsection (e)(1).* In the collection of information for investigatory purposes it is not always possible to conclusively determine the relevance and necessity of particular information in the early stages of the investigation or adjudication. In some instances, it will be only after the collected information is evaluated in light of other information that its relevance and necessity for effective investigation and adjudication

can be assessed. Collection of such information permits more informed decision-making by the Department when making required disciplinary determinations. Accordingly, application of exemption (k)(2) may be necessary.

(D) *Subsection (e)(4)(G) and (H).* These subsections are inapplicable to the extent exemption is claimed from subsections (d)(1) and (2).

(E) *Subsection (e)(4)(I).* To the extent that this provision is construed to require more detailed disclosure than the broad, generic information currently published in the system notice, an exemption from this provision is necessary to protect the confidentiality of sources of information and to protect the privacy and physical safety of individuals providing information, including witnesses, victims, informants, or others. Accordingly, application of exemption (k)(2) may be necessary.

(F) *Subsection (f).* The agency's rules are inapplicable to those portions of the

system that are exempt. Accordingly, application of exemption (k)(2) may be necessary.

(iv) *Exempt records from other systems.* In the course of carrying out the overall purpose for this system, exempt records from other systems of records may in turn become part of the records maintained in this system. To the extent that copies of exempt records from those other systems of records are maintained in this system, the DoD claims the same exemptions for the records from those other systems that are entered into this system, as claimed for the prior system(s) of which they are a part, provided the reason for the exemption remains valid and necessary.

Dated: December 12, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-29916 Filed 12-19-24; 8:45 am]

BILLING CODE 6001-FR-P

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by January 21, 2025 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

Rural Housing Service

Title: 7 CFR 1942–A, Community Facility Loans.

OMB Control Number: 0575–0015.

Summary of Collection: The Rural Housing Service (RHS) is a credit agency within the Rural Development mission area of the U.S. Department of Agriculture. The Community Programs Division of the RHS administers the Community Facilities program under 7 CFR part 1942, subpart A. Rural Development provides loan and grant funds through the Community Facilities program to finance many types of projects varying in size and complexity, from large general hospitals to small fire trucks. The facilities financed are designed to promote the development of rural communities by providing the infrastructure necessary to attract residents and rural jobs. RHS will collect information using multiple forms and in written format.

Need and Use of the Information: Information will be collected by Rural Development field offices from applicants/borrowers and consultants. The information is used to determine eligibility, project feasibility, and to ensure borrowers operate on a sound basis and use loan and grant funds for authorized purposes. Failure to collect proper information could result in improper determinations of eligibility, improper use of funds, and/or unsound loans.

Description of Respondents: Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 1,640.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Annually.

Total Burden Hours: 67,749.

Rural Housing Service

Title: Single Family Housing Guaranteed Loan Program.

OMB Control Number: 0575–0179.

Summary of Collection: The Rural Housing Service, hereinafter referred to as the "Agency," is a credit agency of the U.S. Department of Agriculture (USDA). The Agency offers supervised credit programs to build modest housing and essential community facilities in rural areas. Section 517(d) of Title V of the Housing Act of 1949, as amended, provides the authority for the Secretary

of Agriculture to issue loan guarantees for the acquisition of new or existing dwellings and related facilities to provide decent, safe, and sanitary living conditions and other structures in rural areas.

The purpose of the Single-Family Housing Guaranteed Loan Program (SFHGLP) is to assist low and moderate-income individuals and families in acquiring or constructing a single-family residence in designated rural areas with loans originated and serviced by private lenders. Eligibility for this program includes very low, low, and moderate-income families or persons whose income does not exceed 115 percent of the median income for the area, as determined by the Secretary.

The SFHGLP was authorized under the Cranston-Gonzalez National Affordable Housing Act and the Agency issued a final rule implementing the SFHGLP on April 17, 1991, under 7 CFR part 1980–D. The program launched as a pilot in 20 States on May 17, 1991, and was offered nationwide in 1992. During the implementation process, the Agency explored methods of improving the program to structure it for use in the mortgage lending community.

Need and Use of the Information: Information is collected from both a potential homebuyer and lender. To participate in the program, lenders must submit to standards which ensure the loan objectives of the SFHGLP are met. The lender submits qualifications to the Agency and enters into an agreement that outlines both the lender and Agency's commitments and responsibilities under the guaranteed program. Information from a homebuyer includes financial documents such as confirmation of household income, assets and liabilities, a credit record, evidence the homebuyer has adequate repayment ability for the loan amount requested and if the condition and location of the property meet program guidelines. All information collected is vital for the Agency to determine if borrowers qualify for all assistance for which they are eligible.

Description of Respondents: Business or other for-profit; State, Local or Tribal Government.

Number of Respondents: 1,600.

Frequency of Responses: Reporting: Monthly; Quarterly; Annually.

Total Burden Hours: 471,052.

Levi S. Harrell,

*Departmental Information Collection
Clearance Officer.*

[FR Doc. 2024–30463 Filed 12–19–24; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by January 21, 2025 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

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Rural Utilities Service

Title: RUS Form 87, Request for Mail List Data.

OMB Control Number: 0572–0051.

Summary of Collection: The Rural Utilities Service (RUS) is a credit agency

of the U.S. Department of Agriculture. The agency makes loans (direct and guaranteed) to finance electric and telecommunications facilities in rural areas in accordance with the Rural Electrification Act of 1936, 7 U.S.C. 901 as amended, (ReAct). RUS Electric Program provides support to the vast rural American electric infrastructure. RUS' Telecommunications Program makes loans to furnish and improve telephone services and other telecommunications purposes in rural areas.

Need and Use of the Information: RUS will collect information using RUS Form 87, Request for Mail List Data. The information is used for the RUS Electric and Telephone programs to obtain the name and addresses of the borrowers' officers/board of directors and corporate officials, who are authorized to sign official documents and/or to make official representations concerning borrower operations and management. RUS uses the information to assure that (1) accurate, current, and verifiable information is available; (2) correspondence with borrowers is properly directed; and (3) the appropriate officials have signed the official documents submitted. Failure to collect information from borrowers could result in failure to protect the government's security interest when determining eligibility and administering loan programs.

Description of Respondents: Not-for-profit institutions; Business or other for-profit.

Number of Respondents: 869.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 217.

Levi S. Harrell,

*Departmental Information Collection
Clearance Officer.*

[FR Doc. 2024–30468 Filed 12–19–24; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including

the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by January 21, 2025 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

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Risk Management Agency

Title: Acreage/Crop Reporting Streamlining Initiative.

OMB Control Number: 0563–0084.

Summary of Collection: Section 508(f)(3) of the Federal Crop Insurance Act (7 U.S.C. 1515); 7 U.S.C. 7333(b)(3); 7 CFR 457.8 and 7 CFR 1437.7(d) mandates the collection of acreage and production information from producers who wish to participate in certain USDA programs. The Farm Service Agency (FSA) and the Risk Management Agency (RMA) are implementing the Acreage/Crop Reporting Streamlining Initiative (ACRSI), a web-based single source reporting system to establish a single reporting and data collection.

Need and use of the Information: This initiative is being conducted in phases by geographical area and additional commodities. Counties are selected based on their commonality of historical crop reporting, high percentage of producers participating in both RMA and FSA programs and the high level of interest of the private agricultural service industry (precision-ag and farm management) in the pilot phases. It will reengineer the procedures, processes, and standards to simplify commodity, acreage and production reporting by producers, eliminate or minimize

duplication of information collection by multiple agencies and reduce the burden on producers, insurance agents and AIPs. Information being collected will consist of, but not be limited to: Producer name, location state, commodity name, commodity type or variety, location county, date planted, land location (legal description, FSA farm number, FSA track number, FSA field number), intended use, prevented planting acres, acres planted but failed, planted acres, and production of commodity produced. Failure to collect the applicable information could result in unearned Federal benefits being issued or producers being denied eligibility to program benefits.

Description of Respondents:

Individuals and households.

Number of Respondents: 500,000.

Frequency of Responses: Reporting: One time.

Total Burden Hours: 187,500.

Rachelle Ragland-Greene,

Departmental Information Clearance Officer.

[FR Doc. 2024–30386 Filed 12–19–24; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by January 21, 2025 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by

selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

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Economic Research Service

Title: Food Security Supplement to the Current Population Survey.

OMB Control Number: 0536–0043.

Summary of Collection: The Economic Research Service (ERS) will be conducting an annual Food Security Supplement to the Current Population Survey (CPS–FSS). The mission of ERS is to provide timely research and analysis to public and private decision makers on topics related to agriculture, food, the environment, and rural America. ERS has provided estimates for the prevalence of food security among households in the United States for the last 30 years. These estimates capture U.S. households' consistent access to enough food for an active, healthy life for all members, meaning, they are food secure. This survey supplement is the official source of information on food security in the United States and is used by ERS to report annually on the prevalence of food security among the U.S. population.

Need and Use of the Information: The data collected by the CPS–FSS will be used for monitoring the prevalence of food security, food insecurity, and very low food security within the U.S. population as a whole and in selected population subgroups; conducting research on causes of food insecurity and the role of Federal food and nutrition programs in ameliorating food insecurity; and continuing development and improvement of methods for measuring these conditions. Information will be collected on food spending, use of Federal and community food and nutrition assistance programs, difficulties in obtaining adequate food during the previous 12 months and 30 days due to constrained resources, and conditions that result from inadequate access to food.

Description of Respondents: Individuals or Households.

Number of Respondents: 51,937.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 6,559.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–30417 Filed 12–19–24; 8:45 am]

BILLING CODE 3410–18–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by January 21, 2025 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

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Food Safety and Inspection Service

Title: Petitions for Rulemaking.

OMB Control Number: 0583–0136.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as

provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), and the Egg Product Inspection Act (EPIA) (21 U.S.C. 1031 *et seq.*). These statutes mandate that FSIS protect the public by ensuring that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and packaged. The Administrative Procedures Act requires that Federal agencies give interested persons the right to petition for issuance, amendment, or repeal of a rule (5 U.S.C. 553 (e)). FSIS has regulations (9 CFR 392) governing petitions to the Agency to issue, amend, or repeal its regulations.

Need and Use of the Information: FSIS will use the information associated with petitions to assess the merits of the petition and to determine whether to issue, amend, or repeal its regulations. If the information is not collected or collected less frequently, it would reduce the effectiveness of the meat, poultry, and egg products inspection program.

Description of Respondents: Business or other for-profit.

Number of Respondents: 10.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 400.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–30347 Filed 12–19–24; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological

collection techniques or other forms of information technology.

Comments regarding this information collection received by January 21, 2025 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function

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Rural Housing Service

Title: RUS Form 87, Request for Mail List Data.

OMB Control Number: 0572–0051.

Summary of Collection: The Rural Utilities Service (RUS) is a credit agency of the U.S. Department of Agriculture. The agency makes loans (direct and guaranteed) to finance electric and telecommunications facilities in rural areas in accordance with the Rural Electrification Act of 1936, 7 U.S.C. 901 as amended, (ReAct). RUS Electric Program provides support to the vast rural American electric infrastructure. RUS' Telecommunications Program makes loans to furnish and improve telephone services and other telecommunications purposes in rural areas.

Need and Use of the Information: RUS will collect information using RUS Form 87, Request for Mail List Data. The information is used for the RUS Electric and Telephone programs to obtain the name and addresses of the borrowers' officers/board of directors and corporate officials, who are authorized to sign official documents and/or to make official representations concerning borrower operations and management. RUS uses the information to assure that (1) accurate, current, and verifiable information is available; (2) correspondence with borrowers is properly directed; and (3) the appropriate officials have signed the official documents submitted. Failure to collect information from borrowers could result in failure to protect the government's security interest when

determining eligibility and administering loan programs.

Description of Respondents: Not-for-profit institutions; Business or other for-profit.

Number of Respondents: 869.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 217.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–30341 Filed 12–19–24; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2023–0050]

Addition of Black Stem Rust-Resistant Barberry Plant Varieties to Regulated Articles List

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are adding 33 varieties to the list of black stem rust-resistant barberry species and varieties. This change will allow for the interstate movement of these newly developed varieties without unnecessary restrictions.

DATES: Varieties were added to the list of black stem rust-resistant barberry species on December 20, 2024.

FOR FURTHER INFORMATION CONTACT: Mr. Allen Proxmire, National Policy Manager, Black Stem Rust, Specialty Crops and Cotton Pests, Emergency and Domestic Programs, PPQ, APHIS, USDA, 4700 River Road Unit 133, Riverdale, MD 20737–1231; phone: (480) 392–8754; email: allen.proxmire@usda.gov.

SUPPLEMENTARY INFORMATION: Black stem rust is a destructive plant disease caused by a fungus (*Puccinia graminis*) that reduces the quality and yield of infected wheat, oat, barley, and rye crops. In addition to infecting small grains, the fungus lives on a variety of alternate host plants that are species of the genera *Berberis*, *Mahoeberberis*, and *Mahonia*, known as barberry plants.

The regulations in “Subpart D—Black Stem Rust” (7 CFR 301.38 through 301.38–8, referred to below as the regulations), quarantine the conterminous 48 States and the District of Columbia for black stem rust, and govern the interstate movement of plants of the genera *Berberis*,

Mahoberberis, and *Mahonia*, known as barberry plants.

Species and varieties of these plants are categorized as either rust-resistant or rust-susceptible. Rust-susceptible plants pose a risk of spreading black stem rust or of contributing to the development of new races of the rust, and therefore are prohibited from moving interstate into or through any protected area listed in accordance with § 301.38–3. Rust-resistant plants do not pose such risks, and therefore may be moved into or through protected areas subject to the requirements in the regulations.

In accordance with § 301.38–2(a), the Animal and Plant Health Inspection Service (APHIS) maintains a list of *Berberis* species and varieties it has found to be rust-resistant at www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/barberry/ct_barberry.

Paragraph (c)(1) of § 301.38–2 provides that if the Administrator determines that an article not already listed is resistant to black stem rust, APHIS will publish a notice in the **Federal Register** proposing to add the article to the list of rust-resistant articles for black stem rust and request public comment. Following the close of the comment period, APHIS will review all comments received and will make a final determination regarding the designation that will be published in a second notice in the **Federal Register**.

In accordance with that process, on March 20, 2024, we published in the **Federal Register** (89 FR 19796–19797, Docket No. APHIS–2023–0050), a notice¹ proposing to add 32 varieties of *Berberis thunbergii* (Japanese barberry) to the list of black stem rust-resistant barberry species and varieties. The proposed additions were found, through testing by the Agricultural Research Service (ARS) of the United States Department of Agriculture, to be resistant to the fungus (*Puccinia graminis*) that causes black stem rust.

We solicited comments concerning our proposal for 60 days ending May 20, 2024. We received two comments, both from members of the industry involved in breeding the varieties addressed in this action.

One commenter asked us to remove from the cultivar names all language after the nomenclatures that begin with ‘NCBT’ and ‘SMNBT’.

We will remove this nomenclature from our list of *Berberis* species and

varieties we have found to be rust-resistant.

The other commenter stated that *Berberis thunbergii* x *B. calliantha* ‘NCBX5’, which was confirmed resistant in 2017, was missing from the listing in the notice.

The commenter is correct that we mistakenly excluded *Berberis thunbergii* x *B. calliantha* ‘NCBX5’ from the notice. This article was found to be resistant to the fungus (*Puccinia graminis*) that causes black stem rust through testing by ARS in 2017 and should have been included in the notice. We will include *Berberis thunbergii* x *B. calliantha* ‘NCBX5’ in our list of *Berberis* species and varieties we have found to be rust-resistant. This article will bring the number of additions to 33, rather than 32.

The commenter also stated that, in our current list of rust-resistant *Berberis* species and varieties on the APHIS web page, the parentage listed for ‘NCBX3’ was incorrect. The variety is listed as *B. thunbergii* x *media* ‘NCBX3’, but should be listed as *Berberis thunbergii* x *media* ‘NCBX3’.

The commenter is correct. We will fix this error by correctly listing *Berberis thunbergii* x *media* ‘NCBX3’ when we update our list of rust-resistant *Berberis* species and varieties.

Therefore, in accordance with the regulations in § 301.38–2(c)(1), we are announcing our decision to designate the following articles as rust-resistant:

- *Berberis thunbergii* ‘Cital’
- *Berberis thunbergii* ‘Coral Spice’
- *Berberis thunbergii* ‘Crimson Cutie’
- *Berberis thunbergii* ‘James Blonde’
- *Berberis thunbergii* ‘Lemon Cutie®’
- *Berberis thunbergii* ‘Lemon Glow®’
- *Berberis thunbergii* ‘Mr. Green Genes TM’
- *Berberis thunbergii* ‘Purple Plume’
- *Berberis thunbergii* ‘NCBT3’
- *Berberis thunbergii* ‘NCBT4’
- *Berberis thunbergii* ‘NCBT8’
- *Berberis thunbergii* ‘NCBT9’
- *Berberis thunbergii* ‘NCBT10’
- *Berberis thunbergii* ‘NCBT11’
- *Berberis thunbergii* ‘NCBT12’
- *Berberis thunbergii* ‘NCBT13’
- *Berberis thunbergii* ‘NCBT14’
- *Berberis thunbergii* ‘Schu20022’
- *Berberis thunbergii* ‘SMNBTA’
- *Berberis thunbergii* ‘SMNBTAB’
- *Berberis thunbergii* ‘SMNBTA’
- *Berberis thunbergii* ‘SMNBTAJ’
- *Berberis thunbergii* ‘SMNBTA’
- *Berberis thunbergii* ‘SMNBTA’
- *Berberis thunbergii* ‘SMNBTA’
- *Berberis thunbergii* x *media* ‘NCBX9’
- *Berberis thunbergii* x *B. sieboldii* ‘NCBX10’
- *Berberis thunbergii* x *B. sieboldii* ‘NCBX11’

- *Berberis thunbergii* x *B. sieboldii* ‘NCBX12’
- *Berberis thunbergii* x *B. sieboldii* ‘NCBX13’
- *Berberis thunbergii* x *B. sieboldii* ‘NCBX14’
- *Berberis thunbergii* x *B. sieboldii* ‘NCBX15’
- *Berberis thunbergii* x *B. sieboldii* ‘NCBX16’
- *Berberis thunbergii* x *B. calliantha* ‘NCBX5’

These articles will be added to the list of rust-resistant regulated articles for black stem rust at <https://www.aphis.usda.gov/plant-pests-diseases/black-stem-rust-barberry>.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3. Section 301.75–15 issued under section 204, title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under section 203, title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

Done in Washington, DC, this 16th day of December 2024.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024–30339 Filed 12–19–24; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2023–0040]

Notice of Decision To Authorize the Importation of Rosemary and Tarragon From Ethiopia Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to authorize the importation of fresh leaves and stems of rosemary and fresh leaves and stems of tarragon from Ethiopia into the continental United States. Based on findings of pest risk analyses, which we made available to the public for review and comment through a previous notice, we have determined that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of rosemary and tarragon from Ethiopia.

DATES: Imports may be authorized beginning December 20, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Gina Stiltner, Senior Regulatory Policy

¹ To view the notice, go to <https://www.regulations.gov/document/APHIS-2023-0050-0001>.

Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (518) 760–2468; Gina.L.Stiltner@USDA.gov.

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in “Subpart L—Fruits and Vegetables” (7 CFR 319.56–1 through 319.56–12, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into or disseminated within the United States.

Section 319.56–4 contains a performance-based process for approving the importation of fruits and vegetables that, based on the findings of a pest risk analysis, can be safely imported subject to one or more of the five designated phytosanitary measures listed in paragraph (b) of that section. Under that process, APHIS proposes to authorize the importation of a fruit or vegetable into the United States if, based on findings of a pest risk analysis, we determine that the measures can mitigate the plant pest risk associated with the importation of that fruit or vegetable. APHIS then publishes a notice in the **Federal Register** announcing the availability of the pest risk analysis that evaluates the risks associated with the importation of a particular fruit or vegetable. Following the close of the 60-day comment period, APHIS will issue a subsequent **Federal Register** notice announcing whether or not we will authorize the importation of the fruit or vegetable subject to the phytosanitary measures specified in the notice.

In accordance with that process, we published a notice¹ in the **Federal Register** on April 4, 2024 (89 FR 23537, Docket No. APHIS–2023–0040) in which we announced the availability, for review and comment, of pest risk analyses that evaluated the risks associated with the importation of fresh leaves and stems of rosemary (*Rosmarinus officinalis*) and fresh leaves and stems of tarragon (*Artemisia dracuncululus*) from Ethiopia into the continental United States. The pest risk analyses consisted of risk assessments identifying pests of quarantine significance that could follow the pathway of the importation of fresh leaves and stems of rosemary and

tarragon into the continental United States from Ethiopia and risk management documents (RMDs) identifying phytosanitary measures to be applied to these commodities to mitigate the pest risk.

We solicited comments on the notice for 60 days, ending on June 3, 2024. We received no comments by that date.

Therefore, in accordance with § 319.56–4(c)(3)(iii), we are announcing our decision to authorize the importation into the continental United States of fresh leaves and stems of rosemary and fresh leaves and stems of tarragon from Ethiopia subject to the phytosanitary measures identified in the RMDs that accompanied the initial notice.

These conditions will be listed in the U.S. Department of Agriculture, APHIS Agricultural Commodity Import Requirements (ACIR) database (<https://acir.aphis.usda.gov/s/>).² In addition to these specific measures, each shipment must be subject to the general requirements listed in § 319.56–3 that are applicable to the importation of all fruits and vegetables.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the recordkeeping and burden requirements associated with this action are included under the Office of Management and Budget control number 0579–0049.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this notice, please contact Mr. Joseph Moxey, APHIS’ Paperwork Reduction Act Coordinator, at (301) 851–2533.

Authority: 7 U.S.C. 1633, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 16th day of December 2024.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024–30453 Filed 12–19–24; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2024–0024]

National Advisory Committee on Microbiological Criteria for Foods; Membership Nominations

AGENCY: Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA).

ACTION: Notice; soliciting nominations.

SUMMARY: Pursuant to the provisions of the rules and regulations of the USDA and the Federal Advisory Committee Act (FACA), the USDA is soliciting nominations for membership on the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) and announcing potential charges for the 2025–2027 term. USDA seeks to appoint 30 members. Advisory Committee members serve a two-year term beginning September 2025 through September 2027. Members may be reappointed for one additional consecutive term at the discretion of the Secretary of Agriculture.

DATES: All nomination packages must be received by February 18, 2025.

ADDRESSES: Nomination packages should be sent by email to NACMCF@usda.gov, or mailed to: The Honorable Thomas Vilsack, Secretary, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 1128 South Building, Attn: Kristal Southern, Designated Federal Officer, FSIS\OPHS\National Advisory Committee on Microbiological Criteria for Foods, Washington, DC 20250.

Docket: For access to documents, call (202) 205–5046 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Kristal Southern, Designated Federal Officer, by email to NACMCF@usda.gov or by telephone at 202–937–4162.

SUPPLEMENTARY INFORMATION: USDA is soliciting nominations for membership to the NACMCF. USDA seeks to appoint 30 members.

To obtain a scientific perspective that considers all stakeholders, USDA is seeking NACMCF nominees with scientific expertise in microbiology, risk assessment, public health, food science, and other relevant disciplines. USDA is seeking nominations for NACMCF from persons in academia, industry, and State governments, as well as all other interested persons with the required expertise.

All nominees will undergo a USDA background check. Advisory committee

¹ To view the notice and the supporting documents, go to www.regulations.gov. Enter APHIS–2023–0040 in the Search field.

² On September 30, 2022, the APHIS Fruits and Vegetables Import Requirements (FAVIR) database was replaced by the ACIR database.

members who are not Federal government employees will be appointed to serve as non-compensated special government employees (SGE). SGEs will be subject to appropriate conflict of interest statutes and standards of ethical conduct. Members can serve on only one USDA Advisory Committee at a time. Applicants that are federally registered lobbyists will not be considered for USDA's NACMCF.

Committee members serve 2-year terms that can be reappointed for one additional term. Former members are eligible for repeat service after one term of non-service.

Nominations for membership on the NACMCF must be addressed to the Secretary of Agriculture and a complete nomination package must include: a cover letter addressing the nomination, a resume or curriculum vitae, and a completed USDA Advisory Committee Membership Background Information form AD-755 (available online at: <https://www.usda.gov/sites/default/files/documents/ad-755.pdf>).

The resume or curriculum vitae must be limited to five one-sided pages and should include educational background, expertise, and a list of select publications, if available. Any submissions with more than the prescribed five one-sided pages in length will have only the first five pages reviewed. A person may self-nominate, or a nomination can be made on behalf of someone else.

Background

The NACMCF provides impartial scientific advice and recommendations to the USDA and other government agencies on microbiological and public health issues relative to the safety of the U.S. food supply.

The NACMCF is a discretionary advisory committee that was established in 1988, by the Secretary of Agriculture, and after consulting with the Secretary of the U.S. Department of Health and Human Services, in response to the recommendations of two external organizations. The National Academy of Sciences recommended an interagency approach to microbiological criteria, since various federal, State, and local agencies are responsible for food safety. Also, the U.S. House of Representatives Committee on Appropriations made a similar recommendation in the Rural Development, Agriculture, and Related Agencies Appropriation Bill for fiscal year 1988. The charter for the NACMCF is available for viewing at <https://www.fsis.usda.gov/policy/advisory-committees/national-advisory-committee-microbiological-criteria-foods-nacmcf>. The food safety programs

of the USDA FSIS and the Food and Drug Administration (FDA) are strengthened through NACMCF recommendations. The programs of other Federal agencies concerned with food safety, including the Centers for Disease Control and Prevention, the Department of Commerce, National Marine Fisheries Service, and the Department of Defense, Veterinary Services also benefit from NACMCF work. FSIS anticipates that the 2025–2027 term Committee will work on charges related to one or more of the following topics: *Listeria monocytogenes* in ready-to-eat meat and poultry products from FSIS, and food safety strategies for aged raw milk cheeses, from FDA.

The Committee reports to the Secretary of Agriculture through the Under Secretary for Food Safety, the Committee's Chair, and to the Secretary of Health and Human Services through the Assistant Secretary for Health or their representative, the Committee's Vice-Chair. Currently, Dr. José Emilio Esteban, Under Secretary for Food Safety, USDA, is the Committee Chair; Dr. Donald Prater, Principal Associate Commissioner for Human Foods, FDA, is the Vice-Chair; and Dr. Kristal Southern, FSIS, is the Director of the NACMCF Secretariat and Designated Federal Officer.

Appointments to the Committee will be made by the Secretary of Agriculture and take into account the needs of the diverse groups served by the USDA.

The full Committee expects to meet at least once a year, virtually or in person, and the meetings will be announced in advance in the **Federal Register**. NACMCF holds subcommittee meetings in order to accomplish the work of the Committee; all subcommittee work is reviewed and approved during a public meeting of the full Committee, as announced in the **Federal Register**. Subcommittees may invite technical experts to present information for consideration by the subcommittee. All data and records available to the full Committee are expected to be available to the public after the full Committee has reviewed and approved the work of the subcommittee.

Advisory committee members are expected to attend all scheduled meetings during their 2-year term to ensure the smooth functioning of the advisory committee. Members must be prepared to work outside of scheduled Committee and subcommittee meetings and may be required to assist in document preparation. Committee members serve on a voluntary basis; however, travel expenses and per diem

reimbursements are available when in person meetings occur.

Regarding Nominees Who Are Selected

All SGE and Federal government employee nominees who are selected must complete the Office of Government Ethics (OGE) 450 Confidential Financial Disclosure Report before rendering any advice or before their first meeting. All Committee members will be reviewed pursuant to 18 U.S.C. 208 for conflicts of interest relating to specific NACMCF work charges, and financial disclosure updates will be required annually. Members subject to financial disclosure must report any changes in financial holdings requiring additional disclosure. OGE 450 forms are available online at: https://www.oge.gov/web/oge/nsf/ethicsofficials_financial-disc.

Documents and Comments

NACMCF documents and comments posted on the FSIS website are electronic conversions from a variety of source formats. In some cases, document conversion may result in character translation or formatting errors. The original document is the official, legal copy. To meet the electronic and information technology accessibility standards in Section 508 of the Rehabilitation Act, NACMCF may add alternate text descriptors for non-text elements (graphs, charts, tables, multimedia, etc.). These modifications only affect the internet copies of the documents. Copyrighted documents will not be posted on FSIS' website but will be available for inspection in the FSIS Docket Room.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: <http://www.fsis.usda.gov/federal-register>.

FSIS will also announce and provide a link to it through the FSIS *Constituent Update*, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at:

<http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

In accordance with Federal civil rights law and USDA civil rights regulations and policies, 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, audiotope, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720-2600 (voice and TTY); or the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete Form AD-3027, *USDA Program Discrimination Complaint Form*, which can be obtained online at <https://www.usda.gov/forms/electronic-forms>, 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.

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

Dated: December 13, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024-30484 Filed 12-19-24; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Forest Service

Ottawa National Forest Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

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

DATES: An in-person meeting will be held on January 22, 2025, 8:30 a.m. to 4 p.m., Central Standard Time.

Written and Oral Comments: Anyone wishing to provide in-person oral comments must pre-register by 11:59 p.m. Central Standard Time on January 15, 2025. Written public comments will be accepted by 11:59 p.m. Central Standard Time on January 15, 2025. Comments submitted after this date will be provided by the Forest Service to the committee, but the committee may not have adequate time to consider those comments prior to the meeting.

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

ADDRESSES: This meeting will be held in person at the Watersmeet District Office, located at E23979 US 2 East, Watersmeet, Michigan 49969. Committee information and meeting details can be found at the following website: <https://www.fs.usda.gov/main/ottawa/workingtogether/advisorycommittees> or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to paul.holeva@usda.gov or via mail (postmarked) to Paul Holeva, Ottawa National Forest RAC Coordinator, E23979 US 2 East, Watersmeet, Michigan 49969. The Forest Service strongly prefers comments be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. Central Standard Time on January 15, 2025, and speakers can only register for one speaking slot. Oral comments must be sent by email to paul.holeva@usda.gov or via mail (postmarked) to Paul Holeva, Ottawa National Forest RAC Coordinator, E23979 US 2 East, Watersmeet, Michigan 49969.

FOR FURTHER INFORMATION CONTACT: Darla Lenz, Designated Federal Officer, by phone at (218) 556-5564 or email at darla.lenz@usda.gov; or Paul Holeva, RAC Coordinator, at (906) 280-8924 or email at paul.holeva@usda.gov.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to make funding recommendations on Title II projects.

The agenda will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing at least three days prior to the meeting date to be scheduled on the agenda. Written comments may be submitted to the Forest Service up to 14 days after the meeting date listed under **DATES**.

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

Meeting Accommodations: The meeting location is compliant with the Americans with Disabilities Act, and the USDA provides reasonable

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

USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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

Dated: December 16, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024-30431 Filed 12-19-24; 8:45 am]

BILLING CODE 3411-15-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Ohio Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of virtual business 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 Ohio Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom. The purpose of this meeting is to discuss civil rights topics for future study.

DATES: Tuesday, January 28, 2024, from 11 a.m. to 12 p.m. eastern time.

ADDRESSES: This meeting will be held via Zoom.

Registration Link (Audio/Visual):

<https://tinyurl.com/336etc2w>

Join by Phone (Audio Only): 1-833-435-1820 USA Toll Free; Webinar ID: 160 514 4821 #

FOR FURTHER INFORMATION CONTACT:

Melissa Wojnaroski, Designated Federal Officer, at *mwojnaroski@usccr.gov* or 1-202-618-4158.

SUPPLEMENTARY INFORMATION: This Committee meeting is available to the public through the registration link above. Any interested members of the public may attend this meeting. An open comment period will be provided to allow members of the public to make oral statements as time allows. Pursuant to 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 is available by selecting "CC" in the meeting platform. To request additional accommodations, please email *svillanueva@usccr.gov* at least 10 business days prior to each 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 scheduled meeting. Written comments may be emailed to Sarah Villanueva at *svillanueva@usccr.gov*. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1-202-618-4158.

Records generated from these meetings may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after each meeting. Records of the meetings will be available via the file sharing website, *<https://bit.ly/4g3IB4K>*. 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 *svillanueva@usccr.gov*.

Agenda

- I. Welcome and Roll Call
- II. Approval of Minutes
- III. Announcements and Updates
- IV. Project Concepts
- V. Next Steps
- VI. Public Comment
- VII. Adjournment

Dated: December 16, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024-30328 Filed 12-19-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-831]

Stainless Steel Sheet and Strip in Coils From Taiwan: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2022-2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that the producers/exporters subject to this administrative review made sales of subject merchandise at prices less than normal value during the period of review (POR), July 1, 2022, through June 30, 2023. Additionally, Commerce determines that two companies for which we initiated a review had no shipments during the POR.

DATES: Applicable December 20, 2024.

FOR FURTHER INFORMATION CONTACT:

Genevieve Coen, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3251.

SUPPLEMENTARY INFORMATION:

Background

On August 16, 2024, Commerce published in the **Federal Register** the preliminary results of the 2022-2023 administrative review¹ of the antidumping duty order on stainless

¹ See *Stainless Steel Sheet and Strip in Coils from Taiwan: Preliminary Results, Preliminary Determination of No Shipments, and Rescission, in Part, of Antidumping Administrative Review; 2022-2023*, 89 FR 66683 (August 16, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

steel sheet and strip in coils from Taiwan.² We invited interested parties to comment on the *Preliminary Results*.³ On September 16, 2024, domestic interested parties⁴ submitted a case brief.⁵ On December 9, 2024, Commerce tolled the deadline to issue the final results in this administrative review by 90 days.⁶ Accordingly, the deadline for these final results is now March 14, 2025.

Seven producers and/or exporters of the subject merchandise remain subject to this review. Commerce selected two companies, Tung Mung Development Co Ltd. (Tung Mung) and Yieh Trading Corporation (Yieh Corporation) for individual examination.⁷ Two companies reported having no shipments during the POR, *see* “Determination of No Shipments” section below.⁸ The remaining producers and/or exporters not selected for individual examination are listed in the “Final Results of the Review” section of this notice.

The domestic interested parties did not argue for any changes from the *Preliminary Results*. Because Commerce received no comments requiring changes to the *Preliminary Results*, we have not modified our analysis and no decision memorandum accompanies this **Federal Register** notice. Accordingly, the final results are unchanged from the *Preliminary Results*, and we are adopting the *Preliminary Results* as the final results of this review. Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the *Order* is certain stainless steel sheet and strip in coils. For a complete description of

the scope, *see* the appendix to this notice.

Determination of No Shipments

As noted in the *Preliminary Results*, we received no-shipment claims from YUSCO and Tung Mung. In the *Preliminary Results*, we preliminarily determined that YUSCO and Tung Mung made no shipments of subject merchandise to the United States during the POR. We received no comments from interested parties with respect to this claim. Therefore, because the record indicates that these companies did not export subject merchandise to the United States during the POR, we continue to find that they had no reviewable transactions during the POR. Accordingly, consistent with Commerce’s practice, we intend to instruct U.S. Customs and Border Protection (CBP) to liquidate any existing entries of merchandise produced or exported by YUSCO and Tung Mung at the rate for the intermediate reseller, if available, or at the all-others rate.⁹

Rate for Non-Selected Companies

The Act and Commerce’s regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a less-than-fair-value (LTFV) investigation, for guidance when calculating the weighted-average dumping margin for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding rates that are zero, *de minimis* (*i.e.*, less than 0.5 percent), or determined entirely on the basis of facts available.

For the final results, Commerce based the weighted-average dumping margin for Yieh Corporation, a mandatory respondent in this review, entirely on facts otherwise available with adverse inferences (AFA). Further, we found that the mandatory respondent’s total

AFA dumping margin of 21.10 percent is reasonably reflective of the non-selected companies’ potential dumping margins during the POR.¹⁰ Therefore, we are assigning the margin of 21.10 percent to the four companies not individually examined.

Final Results of Review

We assigned the following weighted-average dumping margins for the companies listed below for the period July 1, 2022, through June 30, 2023:

Exporter or producer	Weighted-average dumping margin (percent)
Yieh Trading Corporation	21.10
Review-Specific Average Rate Applicable to the Following Companies:	
Chia Far Industrial Factory Co., Ltd	21.10
Ta Chen Stainless Pipe Company Ltd	21.10
Tang Eng Iron Works Company, Ltd	21.10
Yu Ting Industries Co., Ltd	21.10

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the final results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of the final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we have made no changes from the *Preliminary Results*, there are no new calculations to disclose in accordance with 19 CFR 351.224(b) for these final results.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.

For the final results, we will instruct CBP to apply an *ad valorem* assessment rate equal to the dumping margins shown above to all entries of subject merchandise during the POR which were produced and/or exported by Yieh Corporation. For the companies that were not selected for individual examination, we will instruct CBP to assess antidumping duties at the assessment rate assigned to the companies, based on the methodology described in the “Rate for Non-Selected Companies” section, above.

¹⁰ See *Preliminary Results* PDM.

² See *Notice of Antidumping Duty Order; Stainless Steel Sheet and Strip in Coils from United Kingdom, Taiwan, and South Korea*, 64 FR 40555 (July 27, 1999) (*Order*).

³ See *Preliminary Results*, 89 FR 66683.

⁴ The domestic interested parties are North American Stainless and Outokumpu Stainless USA LLC (collectively, Domestic Interested Parties).

⁵ See Domestic Interested Parties’ Letter, “Case Brief Submitted on Behalf of Domestic Interested Parties,” dated September 16, 2024 (Domestic Interested Parties’ Case Brief).

⁶ See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated December 9, 2024.

⁷ See Memorandum, “Respondent Selection,” dated March 4, 2024.

⁸ See Yieh United Steel Corporation’s (YUSCO) Letter, “No Shipment Certification,” dated October 11, 2023 (YUSCO No Shipment Certification); *see also* Tung Mung’s Letters, “Aluminum Extrusions from China {sic},” dated April 1, 2024; “Stainless Steel Sheet and Strip in Coils (SSSSC) from Taiwan,” dated April 17, 2024.

⁹ See, e.g., *Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review*, 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal from the Russian Federation: Final Results of Antidumping Duty Administrative Review*, 75 FR 56989 (September 17, 2010).

As indicated above, for YUSCO and Tung Mung, we will instruct CBP to liquidate any existing entries of merchandise produced by these companies, but exported by other parties, at the rate for the intermediate reseller, if available, or at the all-others rate.

Commerce intends to issue appropriate 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).¹¹

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for each company listed above will be that established in the final results of this review; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which the company was reviewed; (3) if the exporter is not a firm covered in this review, or a previous segment, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 12.61 percent, the all-others rate established in the less-than-fair-value investigation.¹² These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could

result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

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

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5)

Dated: December 13, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

The merchandise subject to the *Order* are certain stainless steel sheet and strip in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject sheet and strip is a flat-rolled product in coils that is greater than 9.5 mm in width and less than 4.75 mm in thickness, and that is annealed or otherwise heat treated and pickled or otherwise descaled. The subject sheet and strip may also be further processed (*e.g.*, cold-rolled, polished, aluminized, coated, etc.) provided that it maintains the specific dimensions of sheet and strip following such processing.

The products subject to the *Order* are classified in the Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting numbers 7219.13.00.31, 7219.13.00.51, 7219.13.00.71, 7219.13.00.81, 7219.14.00.30, 7219.14.00.65, 7219.14.00.90, 7219.32.00.05, 7219.32.00.20, 7219.32.00.25, 7219.32.00.35, 7219.32.00.36, 7219.32.00.38, 7219.32.00.42, 7219.32.00.44, 7219.33.00.05, 7219.33.00.20, 7219.33.00.25, 7219.33.00.35, 7219.33.00.36, 7219.33.00.38, 7219.33.00.42, 7219.33.00.44, 7219.34.00.05, 7219.34.00.20, 7219.34.00.25, 7219.34.00.30, 7219.34.00.35, 7219.35.00.05, 7219.35.00.15, 7219.35.00.30, 7219.35.00.35, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.12.10.00, 7220.12.50.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.20.70.05, 7220.20.70.10, 7220.20.70.15, 7220.20.70.60, 7220.20.70.80, 7220.20.80.00, 7220.20.90.30,

7220.20.90.60, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTS subheadings are provided for convenience and Customs purposes, Commerce's written description of the merchandise is dispositive.

Excluded from the scope of the *Order* are the following: (1) sheet and strip that is not annealed or otherwise heat treated and pickled or otherwise descaled, (2) sheet and strip that is cut to length, (3) plate (*i.e.*, flat-rolled stainless steel products of a thickness of 4.75 mm or more), (4) flat wire (*i.e.*, cold-rolled sections, with a prepared edge, rectangular in shape, of a width of not more than 9.5 mm), and (5) razor blade steel. Razor blade steel is a flat-rolled product of stainless steel, not further worked than cold-rolled (cold-reduced), in coils, of a width of not more than 23 mm and a thickness of 0.266 mm or less, containing, by weight, 12.5 to 14.5 percent chromium, and certified at the time of entry to be used in the manufacture of razor blades. *See* Chapter 72 of the HTSUS, "Additional U.S. Note" 1(d).

Also excluded from the scope of the *Order* are certain specialty stainless steel products described below. Flapper valve steel is defined as stainless steel strip in coils containing, by weight, between 0.37 and 0.43 percent carbon, between 1.15 and 1.35 percent molybdenum, and between 0.20 and 0.80 percent manganese. This steel also contains, by weight, phosphorus of 0.025 percent or less, silicon of between 0.20 and 0.50 percent, and sulfur of 0.020 percent or less. The product is manufactured by means of vacuum arc remelting, with inclusion controls for sulphide of no more than 0.04 percent and for oxide of no more than 0.05 percent. Flapper valve steel has a tensile strength of between 210 and 300 ksi, yield strength of between 170 and 270 ksi, plus or minus 8 ksi, and a hardness (Hv) of between 460 and 590. Flapper valve steel is most commonly used to produce specialty flapper valves in compressors.

Also excluded is a product referred to as suspension foil, a specialty steel product used in the manufacture of suspension assemblies for computer disk drives. Suspension foil is described as 302/304 grade or 202 grade stainless steel of a thickness between 14 and 127 microns, with a thickness tolerance of plus-or-minus 2.01 microns, and surface glossiness of 200 to 700 percent Gs. Suspension foil must be supplied in coil widths of not more than 407 mm, and with a mass of 225 kg or less. Roll marks may only be visible on one side, with no scratches of measurable depth. The material must exhibit residual stresses of 2 mm maximum deflection, and flatness of 1.6 mm over 685 mm length.

Certain stainless steel foil for automotive catalytic converters is also excluded from the scope of the *Order*. This stainless steel strip in coils is a specialty foil with a thickness of between 20 and 110 microns used to produce a metallic substrate with a honeycomb structure for use in automotive catalytic converters. The steel contains, by weight, carbon of no more than 0.030 percent, silicon of no more than 1.0 percent, manganese of no more than 1.0 percent, chromium of between 19 and 22 percent, aluminum of no less than

¹¹ See Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings, 86 FR 3995 (January 15, 2021).

¹² See *Order*.

5.0 percent, phosphorus of no more than 0.045 percent, sulfur of no more than 0.03 percent, lanthanum of less than 0.002 or greater than 0.05 percent, and total rare earth elements of more than 0.06 percent, with the balance iron.

Permanent magnet iron-chromium-cobalt alloy stainless strip is also excluded from the scope of the *Order*. This ductile stainless steel strip contains, by weight, 26 to 30 percent chromium, and 7 to 10 percent cobalt, with the remainder of iron, in widths 228.6 mm or less, and a thickness between 0.127 and 1.270 mm. It exhibits magnetic remanence between 9,000 and 12,000 gauss, and a coercivity of between 50 and 300 oersteds. This product is most commonly used in electronic sensors and is currently available under proprietary trade names such as “Arnokrome III.”¹³

Certain electrical resistance alloy steel is also excluded from the scope of the *Order*. This product is defined as a non-magnetic stainless steel manufactured to American Society of Testing and Materials (ASTM) specification B344 and containing, by weight, 36 percent nickel, 18 percent chromium, and 46 percent iron, and is most notable for its resistance to high temperature corrosion. It has a melting point of 1390 degrees Celsius and displays a creep rupture limit of 4 kilograms per square millimeter at 1000 degrees Celsius. This steel is most commonly used in the production of heating ribbons for circuit breakers and industrial furnaces, and in rheostats for railway locomotives. The product is currently available under proprietary trade names such as “Gilphy 36.”¹⁴

Certain martensitic precipitation-hardenable stainless steel is also excluded from the scope of the *Order*. This high-strength, ductile stainless steel product is designated under the Unified Numbering System (UNS) as S45500-grade steel, and contains, by weight, 11 to 13 percent chromium, and 7 to 10 percent nickel. Carbon, manganese, silicon and molybdenum each comprise, by weight, 0.05 percent or less, with phosphorus and sulfur each comprising, by weight, 0.03 percent or less. This steel has copper, niobium, and titanium added to achieve aging, and will exhibit yield strengths as high as 1700 Mpa and ultimate tensile strengths as high as 1750 Mpa after aging, with elongation percentages of 3 percent or less in 50 mm. It is generally provided in thicknesses between 0.635 and 0.787 mm, and in widths of 25.4 mm. This product is most commonly used in the manufacture of television tubes and is currently available under proprietary trade names such as “Durphynox 17.”¹⁵

Finally, three specialty stainless steels typically used in certain industrial blades and surgical and medical instruments are also excluded from the scope of the *Order*. These include stainless steel strip in coils used in the production of textile cutting tools (e.g., carpet knives).¹⁶ This steel is similar to

AISI grade 420 but containing, by weight, 0.5 to 0.7 percent of molybdenum. The steel also contains, by weight, carbon of between 1.0 and 1.1 percent, sulfur of 0.020 percent or less, and includes between 0.20 and 0.30 percent copper and between 0.20 and 0.50 percent cobalt. This steel is sold under proprietary names such as “GIN4 Mo.” The second excluded stainless steel strip in coils is similar to AISI 420–J2 and contains, by weight, carbon of between 0.62 and 0.70 percent, silicon of between 0.20 and 0.50 percent, manganese of between 0.45 and 0.80 percent, phosphorus of no more than 0.025 percent and sulfur of no more than 0.020 percent. This steel has a carbide density on average of 100 carbide particles per 100 square microns. An example of this product is “GIN5” steel. The third specialty steel has a chemical composition similar to AISI 420 F, with carbon of between 0.37 and 0.43 percent, molybdenum of between 1.15 and 1.35 percent, but lower manganese of between 0.20 and 0.80 percent, phosphorus of no more than 0.025 percent, silicon of between 0.20 and 0.50 percent, and sulfur of no more than 0.020 percent. This product is supplied with a hardness of more than Hv 500 guaranteed after customer processing, and is supplied as, for example, “GIN6.”¹⁷

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–179]

Certain Tungsten Shot From the People’s Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain tungsten shot (tungsten shot) from the People’s Republic of China (China). The period of investigation is January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable December 20, 2024.

FOR FURTHER INFORMATION CONTACT: Samuel Evans, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2420.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is issued in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on August 13, 2024.¹ On September 26, 2024, Commerce postponed the preliminary determination of this investigation until December 16, 2024.²

For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.³ A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II 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 Investigation

The product covered by this investigation is tungsten shot from China. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce’s regulations,⁴ the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (i.e., scope).⁵ No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice*.

Methodology

Commerce is conducting this investigation in accordance with section

¹ See *Certain Tungsten Shot from the People’s Republic of China: Initiation of Countervailing Duty Investigation*, 89 FR 65852 (August 13, 2024) (*Initiation Notice*).

² See *Certain Tungsten Shot from the People’s Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation*, 89 FR 78848 (September 26, 2024).

³ See Memorandum, “Decision Memorandum for the Preliminary Affirmative Determination of the Countervailing Duty Investigation of Certain Tungsten Shot from the People’s Republic of China,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁴ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

⁵ See *Initiation Notice*, 89 FR at 65852.

¹³ “Arnokrome III” is a trademark of the Arnold Engineering Company.

¹⁴ “Gilphy 36” is a trademark of Imphy, S.A.

¹⁵ “Durphynox 17” is a trademark of Imphy, S.A.

¹⁶ This list of uses is illustrative and provided for descriptive purposes only.

¹⁷ “GIN4 Mo,” “GIN5” and “GIN6” are the proprietary grades of Hitachi Metals America, Ltd.

701 of 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.⁶ For a full description of the methodology underlying our preliminary determination, *see* the Preliminary Decision Memorandum.

Commerce notes that, in making these findings, it relied, in part, on facts available and, because it finds that one or more respondents did not act to the best of their ability to respond to Commerce’s requests for information, it drew an adverse inference where appropriate in selecting from among the facts otherwise available.⁷ For further information, *see* the Preliminary Decision Memorandum at “Use of Facts Otherwise Available and Adverse Inferences.”

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final countervailing duty (CVD) determination in this investigation with the final determination in the companion antidumping duty (AD) investigation of tungsten shot from China based on a request made by the petitioner.⁸ Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than April 28, 2025, unless postponed.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

Commerce calculated an individual estimated countervailable subsidy rate for Zhuzhou KJ Super Materials Co., Ltd. (KJ Super), the only individually examined exporter/producer in this investigation. Because the only

individually calculated rate is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average rate calculated for KJ Super is the rate assigned to all other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent <i>ad valorem</i>)
Luoyang Combat Tungsten & Molybdenum Materials Co., Ltd	* 352.20
Luoyang Hypersolid Metal Tech Co., Ltd	* 352.20
Mudanjiang North Alloy Tools Co., Ltd	* 352.20
Shaanxi Xinheng Rare Metal Co., Ltd	* 352.20
Xi'an Refractory & Precise Metals Co., Ltd	* 352.20
Zhuzhou KJ Super Materials Co., Ltd	73.75
Zhuzhou Ostons Carbide Co., Ltd	* 352.20
Zhuzhou Tungsten Man Materials Co., Ltd	* 352.20
All Others	73.75

* Rate is based on facts available with adverse inferences.

Suspension of Liquidation

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will

not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. 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.⁹ 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.¹⁰

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 brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹¹ 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 determination in this investigation. 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).¹²

⁹ See 19 CFR 351.309(d); *see also* *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

¹⁰ See 19 CFR 351.309(c)(2) and (d)(2).

¹¹ We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹² See *APO and Service Final Rule*.

⁶ 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.

⁷ See sections 776(a) and (b) of the Act.

⁸ See Petitioner’s Letter, “Request to Align Final Determinations,” dated November 20, 2024.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce via ACCESS 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 whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

U.S. International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, Commerce will notify the ITC of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of tungsten shot from China are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 703(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: December 16, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by the investigation is certain tungsten spheres or balls, also known as shot, that are 92.6 percent or greater tungsten by weight, not including the weight of any additional coating. In scope shot have a diameter ranging from 1.5 millimeters (mm) to 10.0 mm. Subject shot can be referred to as "Tungsten Super Shot." Merchandise is covered regardless of the combination of compounds that comprise the non-tungsten material and whether or not the tungsten shot is additionally coated with another material, including but not limited to copper, nickel, iron, or metallic alloys. Tungsten shot subject to the investigation may be classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheading: 9306.29.0000. Merchandise may also be entered under HTSUS subheading 8101.99.8000. The HTSUS subheadings are provided for convenience and customs

purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Injury Test
- IV. Analysis of China's Financial System
- V. Diversification of China's Economy
- VI. Use of Facts Otherwise Available and Adverse Inferences
- VII. Subsidies Valuation
- VIII. Benchmarks To Determine the Adequacy of Remuneration
- IX. Analysis of Programs
- X. Recommendation

[FR Doc. 2024–30478 Filed 12–19–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–095, C–570–096]

Aluminum Wire and Cable From the People's Republic of China: Final Negative Scope Ruling With Respect to the Kingdom of Cambodia; Final Negative Determination of Circumvention With Respect to the Kingdom of Cambodia

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that imports of aluminum wire and cable (AWC) completed in the Kingdom of Cambodia (Cambodia) using certain AWC inputs manufactured in the People's Republic of China (China) are not covered by the scope of the antidumping duty (AD) and countervailing duty (CVD) orders on AWC from China. In addition, Commerce determines that AWC completed in Cambodia using certain AWC inputs manufactured in China are not circumventing the AD and CVD orders on AWC from China.

DATES: Applicable December 20, 2024.

FOR FURTHER INFORMATION CONTACT:

Gene H. Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3586.

SUPPLEMENTARY INFORMATION:

Background

On August 7, 2024, Commerce published in the **Federal Register** its *Preliminary Determinations* that imports of AWC completed in Cambodia using

certain AWC inputs manufactured in China are not covered by the scope of the AD and CVD orders on AWC from China and that imports of AWC completed in Cambodia using certain AWC inputs are not circumventing *Orders*.¹ Pursuant to section 781(e) of the Tariff Act of 1930, as amended (the Act), on August 13, 2024, Commerce notified the U.S. International Trade Commission (ITC) of its preliminary negative determination of circumvention with respect to Cambodia.² The ITC did not request consultations with Commerce.

Between September 20 and September 27, 2024, Commerce conducted verification of the questionnaire responses submitted by the Cambodian respondents, Ruito Wire and Cable Co., Ltd. (Ruito Wire) and Xiantong Wire and Cable Co., Ltd. (Xiantong Wire).³

On November 18, 2024, Ruito Wire and Xiantong Wire each submitted a letter in lieu of a case brief for Commerce to consider for these final determinations.⁴ In their letters, Ruito Wire and Xiantong Wire each stated that the facts underlying Commerce's negative preliminary scope and circumvention determinations have been verified as accurate and, as a result, that Commerce should issue final negative scope and circumvention determinations with respect to Cambodia.⁵ No other party submitted comments for Commerce to consider for these final determinations.

Scope of the Orders

The product covered by the scope of the *Orders* is AWC from China. For a full description of the scope of the *Orders*, see Appendix I of this notice.

¹ See *Aluminum Wire and Cable from the People's Republic of China: Preliminary Negative Scope Determinations with Respect to Cambodia, Korea, and Vietnam; Preliminary Affirmative Determinations of Circumvention with Respect to Korea and Vietnam; Preliminary Negative Determination of Circumvention with Respect to Cambodia*, 89 FR 64406 (August 7, 2024) (*Preliminary Determinations*), and accompanying Preliminary Decision Memorandum (PDM); see also *Aluminum Wire and Cable from the People's Republic of China: Antidumping and Countervailing Duty Orders*, 84 FR 70496 (December 23, 2019) (*Orders*).

² See Commerce's Letter, "Notification of Affirmative and Negative Preliminary Determinations of Circumvention," dated August 13, 2024.

³ See Memoranda, "Verification of the Responses Submitted by Ruito Wire and Cable Co., Ltd.," and "Verification of the Responses Submitted by Xiantong Wire and Cable Co., Ltd.," both dated November 8, 2024.

⁴ See Ruito Wire's Letter, "Letter in Lieu of Case Brief," dated November 18, 2024; see also Xiantong Wire's Letter, "Letter in Lieu of Case Brief," dated November 18, 2024.

⁵ *Id.*

Merchandise Subject to the Scope and Circumvention Inquiries

These inquiries cover AWC assembled or completed in Cambodia using Chinese-origin AWC inputs (e.g., stranded wire and cables or unfinished AWC) that is subsequently exported from Cambodia to the United States (inquiry merchandise). These inquiries cover exports of AWC from Cambodia that are assembled or completed using inputs of Chinese origin which undergo further processing in Cambodia. For a full description of the merchandise subject to these scope and circumvention inquiries, see Appendix II of this notice.

Analysis of Comments Received

Commerce received no comments objecting to its findings in the *Preliminary Determinations* with regard to its scope analysis conducted under 19 CFR 351.225(k)(1), nor did Commerce receive any comments objecting to its findings in the *Preliminary Determinations* regarding its analysis under the circumvention factors of section 781(b) of the Act. Accordingly, Commerce made no changes to its *Preliminary Determinations*, and no decision memoranda accompany this **Federal Register** notice. For a complete description of the Commerce's analysis, see the *Preliminary Determinations*.

Methodology and Final Scope Ruling

Commerce conducted this scope inquiry in accordance with 19 CFR 351.225(k)(1), and it made no changes to its methodology for this final scope ruling. Specifically, as discussed in the *Preliminary Determinations*, Commerce finds that AWC produced in Cambodia using Chinese-origin inputs that do not satisfy the physical description of the scope of the *Orders* is not subject to the *Orders*.⁶

Methodology and Final Circumvention Determination

Commerce conducted this circumvention inquiry in accordance with section 781(b) of the Act and 19 CFR 351.226. Commerce made no changes to its methodology for this final circumvention determination. Specifically, as discussed in the *Preliminary Determinations*, Commerce determines that U.S. imports of inquiry merchandise from Cambodia are not circumventing the *Orders*.⁷ As a result, in accordance with section 781(b) of the Act, Commerce determines that the inquiry merchandise exported from Cambodia should not be included

within the scope of the *Orders*. Commerce is making this negative determination of circumvention of the *Orders* on a country-wide basis.

Termination of Suspension of Liquidation and Refund of Cash Deposits

Pursuant to 19 CFR 351.225(l)(1) and 19 CFR 351.226(l)(1), Commerce notified U.S. Customs and Border Protection (CBP) of the initiation of these scope and circumvention inquiries and directed CBP to continue the suspension of liquidation of entries of products subject to these scope and circumvention inquiries that were already subject to the suspension of liquidation under the *Orders* and to apply the cash deposit rate that would be applicable if the products were determined to be covered by the scope of the *Orders*.⁸

In accordance with 19 CFR 351.225(l)(4) and 19 CFR 351.226(l)(4), Commerce will order CBP to terminate the suspension of liquidation and refund cash deposits for any entries of inquiry merchandise that are suspended under the case numbers applicable to this inquiry (i.e., A-570-095 and C-570-096).

Administrative Protective Order (APO)

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

Notification to Interested Parties

Commerce is issuing and publishing this notice in accordance with sections 781(b) and 777(i) of the Act, 19 CFR 351.225(h), and 19 CFR 351.226(g)(2).

⁶ See CBP Message No. 3299401, "Initiation of Circumvention Inquiry—Antidumping/Countervailing Orders on Aluminum Wire Cable from the People's Republic of China (China) (A-570-095; C-570-096)," dated October 26, 2023; see also CBP Message No. 3299402, "Initiation of Scope Inquiry—Antidumping/Countervailing Duty Orders on Aluminum Wire Cable from the People's Republic of China (China) (A-570-095; C-570-096)," dated October 26, 2023. These CBP messages are publicly available on CBP's AD/CVD website at <https://trade.cbp.dhs.gov/ace/adcvd/adcvd-public/#>.

Dated: December 13, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Orders

The merchandise subject to the *Orders* is aluminum wire and cable, which is defined as an assembly of one or more electrical conductors made from 8000 Series Aluminum Alloys (defined in accordance with ASTM B800), Aluminum Alloy 1350 (defined in accordance with ASTM B230/B230M or B609/B609M), and/or Aluminum Alloy 6201 (defined in accordance with ASTM B398/B398M), provided that: (1) at least one of the electrical conductors is insulated; (2) each insulated electrical conductor has a voltage rating greater than 80 volts and not exceeding 1000 volts; and (3) at least one electrical conductor is stranded and has a size not less than 16.5 thousand circular mil (kcmil) and not greater than 1000 kcmil. The assembly may: (1) include a grounding or neutral conductor; (2) be clad with aluminum, steel, or other base metal; or (3) include a steel support center wire, one or more connectors, a tape shield, a jacket or other covering, and/or filler materials.

Most aluminum wire and cable products conform to National Electrical Code (NEC) types THHN, THWN, THWN-2, XHHW-2, USE, USE-2, RHH, RHW, or RHW-2, and also conform to Underwriters Laboratories (UL) standards UL-44, UL-83, UL-758, UL-854, UL-1063, UL-1277, UL-1569, UL-1581, or UL-4703, but such conformity is not required for the merchandise to be included within the scope.

The scope of the *Orders* specifically excludes aluminum wire and cable products in lengths less than six feet, whether or not included in equipment already assembled at the time of importation.

The merchandise covered by the *Orders* is currently classifiable under subheading 8544.49.9000 of the Harmonized Tariff Schedule of the United States (HTSUS). Products subject to the scope may also enter under HTSUS subheading 8544.42.9090. The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the *Orders* is dispositive.

Appendix II—Merchandise Subject to the Scope and Circumvention Inquiries

The scope and circumvention inquiries cover AWC completed in Cambodia using AWC inputs (e.g., stranded wire and cables or unfinished AWC) of Chinese-origin that is subsequently exported from Vietnam to the United States.

Available evidence shows that AWC inputs from China are processed in Cambodia and subsequently exported to the United States. These inquiries cover exports of AWC made using inputs of Chinese-origin that undergo further processing in Cambodia.

These final determinations apply to all shipments of inquiry merchandise on or after the date of the initiation of these circumvention and scope inquiries (i.e., October 19, 2023). Importers and exporters of AWC from Cambodia, even where

⁶ See *Preliminary Determinations* PDM at 5-8.

⁷ *Id.*

determined to be out of scope, must still certify that merchandise is not subject to our country-wide finding of circumvention.⁹ Otherwise, their merchandise may be subject to antidumping and countervailing duties.

[FR Doc. 2024–30388 Filed 12–19–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Rulings

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

DATES: Applicable December 20, 2024.

SUMMARY: The U.S. Department of Commerce (Commerce) hereby publishes a list of scope rulings and circumvention determinations made during the period July 1, 2024, through September 30, 2024. We intend to publish future lists after the close of the next calendar quarter.

FOR FURTHER INFORMATION CONTACT:

Marcia E. Short, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1560.

SUPPLEMENTARY INFORMATION:

Background

Commerce regulations provide that it will publish in the **Federal Register** a list of scope rulings on a quarterly basis.¹ Our most recent notification of scope rulings was published on November 15, 2024.² This current notice covers all scope rulings made by Enforcement and Compliance between July 1, 2024, and September 30, 2024.

Final Scope Rulings Made July 1, 2024, Through September 30, 2024

Mexico

A–201–857: Certain Freight Rail Couplers and Parts Thereof From Mexico

Requestor: Amsted Rail Company, Inc. and its affiliated company ASF–K de Mexico, S. de R.L. de C.V. Certain steel freight rail couplers (*i.e.*, E type

yokes and F type yokes) as defined in the AAR specification of M–211 “Foundry and Product Approval Requirements for the Manufacture of Couplers, Coupler Yokes, Knuckles, Follower Blocks, and Coupler Parts” are not covered by the antidumping duty (AD) order on certain freight rail couplers from Mexico because of the plain language of the scope of the order. July 2, 2024.

People’s Republic of China (China)

A–570–979 and C–570–980: Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, From China

Requestor: GameChange Solar Corp. The off-grid solar charging module with part numbers GC4291F, GC4291FE, GC3291F, or GC3291FE is covered by the scope of the AD and countervailing duty (CVD) orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from China because the solar cells in the charging module do not differ physically from the crystalline silicon photovoltaic cells covered by the scope of the orders and the charging module does not meet any of the exclusions in the scope of the orders. August 13, 2024.

A–570–090 and C–570–091: Certain Steel Wheels 12 to 16.5 Inches in Diameter From China

Requestor: Allied Wheel Components, Inc. (Allied Wheel). Certain models of passenger vehicle and light truck discs and rims imported by Allied Wheel are outside the scope of the AD and CVD orders on certain steel wheels 12 to 16.5 inches in diameter from China because the requested products are distinguishable from in-scope trailer wheels on the basis of hub bore size, offset, load rating, and/or bolt pattern that make them unsuitable for use on trailer or towable equipment. August 21, 2024.

Taiwan

A–583–869: Passenger Vehicle and Light Truck Tires From Taiwan

Requestor: Cheng Shin Rubber Ind. Co. Ltd. (Chen Shin Rubber) Certain light-truck spare tires models, identified under part code TP10657100, produced by Cheng Shin Rubber and imported by its U.S. affiliate, Cheng Shin Rubber USA Inc., are not covered by the scope of the AD order on passenger vehicle and light truck tires from Taiwan because the product’s technical specs and prefix designations meet the exclusionary language of the order as they are not at this time included within the TRA Yearbook. However, we

acknowledge that a future version of the TRA Yearbook could bring previously excluded tires into the scope. August 5, 2024.

Notification to Interested Parties

Interested parties are invited to comment on the completeness of this list of completed scope inquiries and scope/circumvention inquiry combinations made during the period July 1, 2024, through September 30, 2024. Any comments should be submitted to the Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, via email to CommerceCLU@trade.gov.

This notice is published in accordance with 19 CFR 351.225(o).

Dated: December 13, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2024–30477 Filed 12–19–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of National Estuarine Research Reserve; Notice of Public Meeting; Request for Comments

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of public meeting and opportunity to comment.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management, will hold a virtual public meeting to solicit input on the performance evaluation of the Jacques Cousteau National Estuarine Research Reserve (JCNER). NOAA also invites the public to submit written comments.

DATES: NOAA will hold a virtual public meeting at 12 p.m. noon Eastern Standard Time (EST) on Monday, February 24, 2025. NOAA may close the meeting 10 minutes after the conclusion of public testimony and after responding to any clarifying questions from hearing participants. NOAA will consider all relevant written comments received by Friday, March 7, 2025.

ADDRESSES: Comments may be submitted by one of the following methods:

⁹In such instances, see Appendix II of the *Preliminary Determinations* for certification requirements. Although the importer certification requirements in the *Preliminary Determinations* at Appendix II reference the Republic of Korea and the Socialist Republic of Vietnam, U.S. importers may modify these certification requirements to reference Cambodia.

¹ See 19 CFR 351.225(o).

² See *Notice of Scope Rulings*, 89 FR 90266 (November 15, 2024).

- **Virtual Public Meeting:** Provide oral comments during the virtual public meeting on Monday, February 24, 2025, from 12 p.m. to 1 p.m. EST, by registering as a speaker at <https://forms.gle/rE9QDjpfcMxoezP49>. Please register by Monday, February 24, 2025, at 8 a.m. EST. Upon registration, NOAA will send a confirmation email. The speaker lineup is based on the date and time of this registration. One hour prior to the start of the Monday, February 24, 2025 virtual meeting, NOAA will send an email to all registered speakers with the public meeting link and information about participating. While advance registration is requested, registration will remain open until the meeting closes, and any participant may provide oral comment after the registered speakers conclude. Meeting registrants may remain anonymous by typing "Anonymous" into the "First Name" and "Last Name" fields on the registration form.

- **Email:** Send written comments to Carrie Hall, Evaluator, NOAA Office for Coastal Management, at czma.evaluations@noaa.gov. Include "Comments on Performance Evaluation of Jacques Cousteau National Estuarine Research Reserve" in the subject line. NOAA will accept anonymous comments; however, the written comments NOAA receives are considered part of the public record, and the entirety of the comment, including the name of the commenter, email address, attachments, and other supporting materials, will be publicly accessible. Sensitive personally identifiable information, such as account numbers and Social Security numbers, should not be included with the comments. Comments that are not related to the performance evaluation of JCNERR or that contain profanity, vulgarity, threats, or other inappropriate language will not be considered.

FOR FURTHER INFORMATION CONTACT: Carrie Hall, Evaluator, NOAA Office for Coastal Management, by email at Carrie.Hall@noaa.gov or by phone at (240) 410-3422. Copies of the previous evaluation findings, reserve management plan, and reserve site profile may be viewed and downloaded at <https://coast.noaa.gov/czm/evaluations/>. A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting Carrie Hall.

SUPPLEMENTARY INFORMATION: Section 315(f) of the Coastal Zone Management Act (CZMA) requires NOAA to conduct periodic evaluations of federally approved national estuarine research reserves. The evaluation process

includes holding one or more public meetings, considering public comments, and consulting with interested federal, state, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the State of New Jersey has met the national objectives and has adhered to the management plan approved by the Secretary of Commerce, the requirements of Section 315(b)(2) of the CZMA, and the terms of financial assistance under the CZMA. When the evaluation is complete, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the final evaluation findings.

Authority: 16 U.S.C. 1461

Keelin Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2024-30481 Filed 12-19-24; 8:45 am]

BILLING CODE 3510-08-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Bay Watershed Education and Training Program National Evaluation System

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites 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. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before February 18, 2025.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at NOAA.PRA@noaa.gov. Please reference OMB Control Number 0648-

0658 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Bronwen Rice, B-WET Program Manager, NOAA Office of Education, 1305 E West Hwy., SSMC3 Silver Spring, Maryland 20910, 202-604-1388, and Bronwen.Rice@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for an extension of an existing information collection.

The National Oceanic and Atmospheric Administration's (NOAA) Office of Education is sponsoring data collection efforts on its Bay Watershed Education and Training (B-WET) program. The NOAA B-WET program is authorized under 33 U.S.C. 893a(a), the America COMPETES Act. The Administrator of the National Oceanic and Atmospheric Administration is authorized to conduct, develop, support, promote, and coordinate formal and informal educational activities at all levels to enhance public awareness and understanding of ocean, coastal, Great Lakes, and atmospheric science and stewardship by the general public and other coastal stakeholders, including underrepresented groups in ocean and atmospheric science and policy careers. B-WET advances NOAA's mission by awarding education grants that foster an environmentally literate citizenry who have the knowledge, attitudes, and skills needed to protect watersheds and related ocean, coastal, and Great Lakes ecosystems. B-WET currently funds projects in seven regions (California, Chesapeake Bay, Great Lakes, Gulf of Mexico, Hawaii, New England, and the Pacific Northwest).

To ensure that educational activities funded by B-WET are of the highest quality, and efficiently utilize federal resources, B-WET has created an across-region, internal evaluation system to provide ongoing monitoring of program implementation and to identify opportunities for improved program outcomes. The evaluation system is maintained by B-WET staff with assistance from an outside contractor. The evaluation system collects information from B-WET program-funded project participants, both grant recipients and those they serve.

B-WET awardees of grants or cooperative agreements, and the awardees' teachers who attend professional development programs

provided by the awardees, are asked to voluntarily complete online survey forms to provide data for the evaluation system. Information collected from awardees includes program elements such as program duration, format, audience, location, support and/or materials offered, and topics covered. Information collected from teacher professional development participants includes teaching methodologies, program satisfaction, program coverage, suggestions for improvement, and teaching confidence. Information collected from teachers at the end of the school year following their participation in a professional development program includes program elements such as time spent teaching topics covered in the professional development program, types of activities used with their students, teachers' perceptions of student learning, and teaching practices utilized. One individual from each awardee organization is asked to complete a survey once per year of the award, and the teacher participants are asked to complete one survey at the end of their professional development program and another survey at the end of the following school year. Responses to the survey questions are aggregated and analyzed as part of ongoing evaluation efforts.

Based on a review of evaluation system results, B-WET has made program improvements by adjusting its Federal Notice of Funding Opportunities and program guidelines. On-going data collection enables NOAA to monitor program implementation and outcomes on a regular basis and supports adaptive management of the program.

II. Method of Collection

Respondents submit their information electronically using a survey collection platform.

III. Data

OMB Control Number: 0648–0658.

Form Number(s): None.

Type of Review: Regular submission, extension of a current information collection.

Affected Public: Business and other for-profit organizations; not-for-profit institutions; state, local or tribal government; individuals.

Estimated Number of Respondents: Given historical funding levels, NOAA B-WET estimates that approximately 165 awardees and 3,374 teachers will be invited to respond each year.

Estimated Time per Response: Awardee-respondents will complete an online survey in 60 minutes and

teacher-respondents will complete two online surveys in 30 minutes each.

Estimated Total Annual Burden Hours: 3,539.

Estimated Total Annual Cost to Public: \$0 in recordkeeping/reporting costs.

Respondent's Obligation: Voluntary.

Legal Authority: 33 U.S.C. 893a(a), the America COMPETES Act.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. 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 may 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.

Sheleen Dumas,

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

[FR Doc. 2024–30475 Filed 12–19–24; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE523]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public online meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Ad-Hoc Klamath River Fall Chinook Workgroup (KRWG) will hold a two-day online meeting.

DATES: The online meeting will be held Monday, January 13, 2025, from 10 a.m. until 4 p.m., Pacific Daylight Time and Tuesday, January 14, 2025, from 9 a.m. until 4 p.m., Pacific Time, or until business for the day concludes.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join and system requirements will be provided in the meeting announcement on the Pacific Council's website (see www.pcouncil.org). You may send an email to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov) or contact him at (503) 820–2280, extension 412 for technical assistance.

Council Address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Angela Forristall, Staff Officer, Pacific Council; telephone: (503) 820–2419.

SUPPLEMENTARY INFORMATION: The primary purpose of the meeting is to address guidance received from the Pacific Council at their November 2024 meeting. The KRWG may discuss and further develop interim management measures, or a management framework, intended to address the response of Klamath River fall Chinook to the dynamic nature of the Klamath River environment and the available habitat immediately following dam removal, and post-dam removal until the natural environment is stabilized and the salmon population is more predictable. Additional discussions may include, but are not limited to, future meetings, workload planning, and upcoming items on the upcoming Pacific Council meeting agenda.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids

should be directed to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov; (503) 820-2412) at least 10 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 17, 2024.

Key Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024-30476 Filed 12-19-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE184]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to U.S. Coast Guard Fast Response Cutter Homeporting in Seward and Sitka, Alaska

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

ACTION: Notice; issuance of incidental harassment authorizations.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued two incidental harassment authorizations (IHAs) to the United States Coast Guard (USCG) to incidentally harass marine mammals during construction activities associated with fast response cutter (FRC) homeporting in Seward and Sitka, Alaska.

DATES: These authorizations are effective from September 1, 2026, through August 31, 2027, and from March 1, 2027, through February 29, 2028.

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Alyssa Clevestine, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On January 19, 2024, NMFS received a request from the USCG for two IHAs to take marine mammals incidental to pile driving (installation and removal) associated with construction of two FRC homeporting docks in Seward and Sitka, Alaska. Following NMFS’ review of the application, the USCG submitted revised versions on April 3, 2024, June 6, 2024, and June 11, 2024. The application was deemed adequate and complete on June 11, 2024. The USCG’s request is for take of 11 species (18 stocks) of marine mammals by Level B harassment and, for a subset of 5 of these species, Level A harassment. Neither the USCG nor NMFS expect serious injury or mortality to result from this activity and, therefore, IHAs are appropriate.

Description of the Specified Activity

Overview

The USCG plans to construct shore-side facilities and associated

infrastructure at Moorings Seward to homeport one FRC located in the Seward Marine Industrial Center (SMIC) boat basin, and demolishing and constructing shore-side facilities at Moorings Sitka in Sitka Harbor to support a second FRC. The shore-side facilities and associated infrastructure for Moorings Seward will be constructed parallel to the existing SMIC dock. Construction of a new floating dock at Moorings Sitka will be attached to the existing pier. The projects are needed to provide adequate vessel berthing capability to support modern USCG cutters and ultimately, readiness as part of the USCG’s overall mission. The USCG plans to use a variety of methods, including impact, down-the-hole (DTH), and vibratory pile driving, to install and remove piles, including concrete, steel, plastic, and timber piles. These methods of pile driving will introduce underwater sounds that may result in take, by Level A and Level B harassment, of marine mammals. Pile removal may occur by vibratory, cutting, or clipping methods. Cutting and clipping are not anticipated to have the potential to result in incidental take of marine mammals because they are either above water, do not last for sufficient duration to present the reasonable potential for disruption of behavioral patterns, do not produce sound levels with likely potential to result in marine mammal harassment, or some combination of the above.

Each IHA will be effective for 1 year from the date of issuance. Pile extraction and installation activities at Moorings Seward will occur for a total of 22 non-consecutive days, of which pile removal is anticipated to take 2 days and pile installation is anticipated to take a maximum of 20 days (15 days to complete installation plus 5 additional days to account for potential weather-related delays). Pile removal and installation activities at Moorings Sitka will occur for a total of 117 non-consecutive days, of which pile removal is anticipated to take 3 days and pile installation is anticipated to take a maximum of 114 days (89 days to complete installation plus 25 additional days to account for potential weather-related delays).

A detailed description of the planned construction project is provided in the **Federal Register** notice for the proposed IHA (89 FR 60359, July 25, 2024). Since that time, no changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Planned mitigation, monitoring, and reporting measures are described in detail later in this document (please see Mitigation and Monitoring and Reporting sections).

Comments and Responses

A notice of NMFS' proposal to issue two IHAs to the USCG was published in the **Federal Register** on July 25, 2024 (89 FR 60359). That notice described, in detail, the USCG's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorizations described therein, our analyses, the proposed authorizations, and any other aspect of the notice of proposed IHAs, and requested that interested persons submit relevant information, suggestions, and comments.

During the 30-day public comment period, NMFS did not receive any substantive comments on the proposed IHAs.

Changes From the Proposed IHA to Final IHA

There were two changes from the proposed IHAs: the dates for planned work at both locations and the estimated take at both locations (four species (four stocks) at Moorings Seward, four species (five stocks) at Moorings Sitka). The former was made upon the applicant's request and resulted in changes to the dates planned for in-water work at Moorings Seward to occur from March 1, 2027, through February 29, 2028, and at Moorings Sitka to occur from September 1, 2026, through August 31, 2027.

Changes to estimated take were made as a result of NMFS' incorporation of the 2024 Updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Updated Technical Guidance; NMFS, 2024). On May 3, 2024, NMFS published and solicited public comment on its draft Updated Technical Guidance (89 FR 36762), which included updated thresholds and weighting functions to inform auditory injury (AUD INJ) estimates. The 2024 Updated Technical Guidance was finalized on October 24, 2024 (89 FR 84872) and represents the best available science, replacing the 2018 Technical Guidance (NMFS, 2018). To best ensure

we have considered an appropriate estimate of take by Level A harassment, in consideration of the best available science, we conducted basic comparative calculations using the 2024 Updated Technical Guidance for the purposes of understanding the number of takes by Level A harassment (AUD INJ) that would be predicted. The relevant updated thresholds and weighting functions may be found in the executive summary of the 2024 Updated Technical Guidance, on pages 3 through 6. We also considered whether modifications to mitigation zones would be appropriate in light of the 2024 Updated Technical Guidance. Based on the outcome of these comparisons using the 2024 Updated Technical Guidance, updated take numbers are presented in tables 11 and 12 of this notice (see Estimated Take of Marine Mammals section). For the purposes of the negligible impact analyses for a given species or stock, the higher of any two Level A harassment estimates is considered. No updates were made to planned mitigation zones in consideration of the 2024 Updated Technical Guidance (see Mitigation section).

The use of the 2024 Updated Technical Guidance resulted in an increase in the size of the Level A harassment isopleth(s) for certain species groups, which therefore increased take by Level A harassment for the following species, for which we relied on density data and the estimated ensonified areas: harbor porpoise at Moorings Seward and Dall's porpoise at Moorings Sitka. It also resulted in an increase in the size of the Level A harassment isopleth and resulting take by Level A harassment of Steller sea lions at both locations, for which we relied on occurrence data. Take by Level A harassment of low-frequency cetaceans was not expected under the 2018 Technical Guidance and is not expected under the 2024 Updated Technical Guidance; the Level A harassment isopleth during DTH activities for this group decreased.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior

and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and more general information about these species (e.g., physical and behavioral descriptions) may be found on NMFS' website (<https://www.fisheries.noaa.gov/find-species>).

Table 1 lists all species or stocks for which take is expected and authorized for the specified activities at Seward and Sitka, and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA), and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in either NMFS' U.S. Alaska SARs or U.S. Pacific SARs. All values presented in table 1 are the most recent available at the time of publication (including from the draft 2023 SARs) and are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>.

TABLE 1—MARINE MAMMAL SPECIES¹ LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance survey) ³	PBR	Annual M/SI ⁴
Family Eschrichtiidae						
Gray Whale	<i>Eschrichtius robustus</i>	Eastern North Pacific	- , - , N	26,960 (0.05, 25,849, 2016) ..	801	131
Family Balaenopteridae (rorquals)						
Fin Whale	<i>Balaenoptera physalus</i>	Northeast Pacific	E, D, Y	UND (UND, UND, 2013)	UND	0.6
Humpback Whale	<i>Megaptera novaeangliae</i>	Hawai'i	- , - , N	11,278 (0.56, 7,265, 2020) ...	127	27.09
Humpback Whale	<i>Megaptera novaeangliae</i>	Mexico-North Pacific	T, D, Y	N/A (N/A, N/A, 2006)	UND	0.57
Minke Whale ⁵	<i>Balaenoptera acutorostrata</i>	Alaska	- , - , N	N/A (N/A, N/A, N/A)	UND	0
Family Delphinidae						
Killer Whale	<i>Orcinus orca</i>	Eastern North Pacific Alaska Resident.	- , - , N	1,920 (N/A, 1,920, 2019)	19	1.3
Killer Whale	<i>Orcinus orca</i>	Eastern North Pacific Gulf of Alaska, Aleutian Islands and Bering Sea Transient.	- , - , N	587 (N/A, 587, 2012)	5.9	0.8
Killer Whale	<i>Orcinus orca</i>	Eastern Northern Pacific Northern Resident.	- , - , N	302 (N/A, 302, 2018)	2.2	0.2
Killer Whale	<i>Orcinus orca</i>	West Coast Transient	- , - , N	349 (N/A, 349, 2018)	3.5	0.4
Pacific White-Sided Dolphin ...	<i>Lagenorhynchus obliquidens</i>	North Pacific	- , - , N	26,880 (N/A, N/A, 1990)	UND	0
Family Phocoenidae (porpoises)						
Dall's Porpoise ⁶	<i>Phocoenoides dalli</i>	Alaska	- , - , N	UND (UND, UND, 2015)	UND	37
Harbor Porpoise	<i>Phocoena phocoena</i>	Gulf of Alaska	- , - , Y	31,046 (0.21, N/A, 1998)	UND	72
Harbor Porpoise ⁷	<i>Phocoena phocoena</i>	Yakutat/Southeast Alaska Off-shore Waters.	- , - , N	N/A (N/A, N/A, 1997)	UND	22.2
Family Otariidae (eared seals and sea lions)						
Northern Fur Seal	<i>Callorhinus ursinus</i>	Eastern Pacific	- , D, Y	626,618 (0.2, 530, 376, 2019)	11,403	373
Steller Sea Lion	<i>Eumetopias jubatus</i>	Western	E, D, Y	49,837 (N/A, 49,837, 2022) ...	299	267
Steller Sea Lion	<i>Eumetopias jubatus</i>	Eastern	- , - , N	36,308 (N/A, 36,308, 2022) ...	2,178	93.2
Family Phocidae (earless seals)						
Harbor Seal	<i>Phoca vitulina</i>	Prince William Sound	- , - , N	44,756 (N/A, 41,776, 2015) ...	1,253	413
Harbor Seal	<i>Phoca vitulina</i>	Sitka/Chatham Strait	- , - , N	13,289 (N/A, 11,883, 2015) ...	356	77

¹ Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (<https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/>).

² ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

³ NMFS marine mammal SARs online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

⁴ These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, vessel strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

⁵ No population estimates have been made for the number of minke whales in the entire North Pacific. Some information is available on the numbers of minke whales in some areas of Alaska, but in the 2009, 2013, and 2015 offshore surveys, so few minke whales were seen during the surveys that a population estimate for the species in this area could not be determined (Rone *et al.*, 2017). Therefore, this information is N/A (not available).

⁶ Previous abundance estimates covering the entire stock's range are no longer considered reliable and the current estimates presented in the SARs and reported here only cover a portion of the stock's range. Therefore, the calculated N_{min} and PBR is based on the 2015 survey of only a small portion of the stock's range. PBR is considered to be biased low since it is based on the whole stock whereas the estimate of mortality and serious injury is for the entire stock's range.

⁷ Abundance estimates assumed that detection probability on the trackline was perfect; work is underway on a corrected estimate. Additionally, preliminary data results based on environmental DNA analysis show genetic differentiation between harbor porpoise in the northern and southern regions on the inland waters of south-east Alaska. Geographic delineation is not yet known. Data to evaluate population structure for harbor porpoise in Southeast Alaska have been collected and are currently being analyzed. Should the analysis identify different population structure than is currently reflected in the Alaska SARs, NMFS will consider how to best revise stock designations in the future.

As indicated above, all 11 species (with 18 managed stocks) in table 1 temporally and spatially co-occur with the activities to the degree that take is reasonably likely to occur at either location. All species that could potentially occur in the project areas are included in section 4 and tables 3–1 and 3–2 of the USCG's IHA application.

A detailed description of the species likely to be affected by the USCG project, including brief introductions to

the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (89 FR 60359, July 25, 2024); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these

descriptions. Please also refer to NMFS' website (<https://www.fisheries.noaa.gov/find-species>) for generalized species accounts.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure

to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (e.g., Richardson *et al.*, 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral auditory or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups and, in 2024, updated the hearing group terminology (NMFS, 2024). Generalized hearing ranges were chosen based on the approximately 65-decibel (dB) threshold from the composite audiograms, previous analysis in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). Marine mammal hearing groups and their associated hearing ranges based on the Updated Technical Guidance are provided in table 2.

TABLE 2—MARINE MAMMAL HEARING GROUPS
[NMFS, 2024]

Hearing group ^	Generalized hearing range*
Low-frequency (LF) cetaceans (baleen whales).	7 Hz to 36** kHz.
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales).	150 Hz to 160 kHz.
Very High-frequency (VHF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>).	200 Hz to 165 kHz.
Phocid pinnipeds (PW) (underwater) (true seals).	40 Hz to 90 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals).	60 Hz to 68 kHz.

^Southall *et al.* (2019) indicates that as more data become available there may be separate hearing group designations for Very Low-Frequency cetaceans (blue, fin, right, and bowhead whales) and Mid-Frequency cetaceans (sperm, killer, and beaked whales). However, at this point, all baleen whales are part of the LF cetacean hearing group, and sperm, killer, and beaked whales are part of the HF cetacean hearing group. Additionally, recent data indicates that as more data become available for Monachinae seals, separate hearing group designations may be appropriate for the two phocid subfamilies (Ruscher *et al.*, 2021; Sills *et al.*, 2021).

*Represents the generalized hearing range for the entire group as a composite (*i.e.*, all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on the ~65-dB threshold from composite audiogram, previous analysis in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). Additionally, animals are able to detect very loud sounds above and below that "generalized" hearing range.

**NMFS is aware that the National Marine Mammal Foundation successfully collected preliminary hearing data on two minke whales during their third field season (2023) in Norway. These data have implications for not only the generalized hearing range for low-frequency cetaceans but also on their weighting function. However, at this time, no official results have been published. Furthermore, a fourth field season (2024) has concluded, where more data were collected. Thus, it is premature for us to propose any changes to our current Updated Technical Guidance. However, mysticete hearing data is identified as a special circumstance that could merit re-evaluating the acoustic criteria in this document. Therefore, we anticipate that once the data from both field seasons are published, it will likely necessitate updating this document (*i.e.*, likely after the data gathered in the summer 2024 field season and associated analysis are published).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2024) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from the USCG's construction activities have the potential to result in harassment of marine mammals in the vicinity of the project areas. The notice of proposed IHA (89 FR 60359, July 25, 2024) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from the USCG's construction activities on marine mammals and their habitat. That information and analysis is referenced in this final IHA determination and is not repeated here; please refer to the notice of proposed IHA (89 FR 60359, July 25, 2024).

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes authorized through the IHAs, which informed NMFS' consideration of "small numbers," the negligible impact determinations, and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal

stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as use of the acoustic sources (*i.e.*, vibratory and impact pile driving, DTH) has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for AUD INJ (Level A harassment) to result, primarily for high-frequency species and phocids, because predicted AUD INJ zones are large and these species could enter the Level A harassment zones and remain undetected for a sufficient duration to incur AUD INJ due to their small size and inconspicuous nature. Although AUD INJ could occur for low-frequency species due to large predicted AUD INJ zones associated with DTH, due to their large size, conspicuous nature, and planned mitigation (*i.e.*, large shutdown zones, boat-based protected species observers (PSOs)), it is assumed that all low-frequency species would be visually detected and, therefore, taking by Level A harassment would be eliminated. The planned mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated or authorized for this activity. Below we describe how the authorized take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.*, previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the authorized take estimates.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur AUD INJ (which includes, but is not limited to, permanent threshold shift (PTS)) of some degree (equated to Level A harassment).

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (e.g., frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (e.g., bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (e.g., Southall *et al.*, 2007; Southall *et al.*, 2021; Ellison *et al.*, 2012). Based on what the available science indicates and the practical need to use a threshold

based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 microPascal (re 1 μ Pa)) for continuous (e.g., vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 μ Pa for non-explosive impulsive (e.g., seismic airguns) or intermittent (e.g., scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by temporary threshold shift (TTS) as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific

communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

The USCG's planned activity includes the use of continuous (vibratory and DTH) and impulsive (impact driving and DTH) sources, and therefore the 120 and 160 dB re 1 μ Pa (RMS) thresholds, respectively, are applicable.

Level A harassment—NMFS' 2024 Updated Technical Guidance (NMFS, 2024) identifies dual criteria to assess AUD INJ (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). The USCG's planned activity includes the use of impulsive (impact driving and DTH) and non-impulsive (vibratory and DTH) sources.

These criteria are provided in table 3 below. The references, analysis, and methodology used in the development of the thresholds are described in the 2024 Updated Technical Guidance, which may be accessed at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools>.

TABLE 3—SUMMARY OF MARINE MAMMAL AUD INJ ONSET CRITERIA
[NMFS, 2024]

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

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

Note: Peak sound pressure level ($L_{p,0-pk}$) has a reference value of 1 μ Pa (underwater) and 20 μ Pa (in air), and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μ Pa²s (underwater) and 20 μ Pa²s (in air). In this table, criteria are abbreviated to be more reflective of International Organization for Standardization standards (ISO, 2017; ISO, 2020). The subscript "flat" is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals underwater (i.e., 7 Hz to 165 kHz) or in air (i.e., 42 Hz to 52 kHz). The subscript associated with cumulative sound exposure level criteria indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level criteria could be exceeded in a multitude of ways (i.e., varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss (TL) coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the project. Marine mammals are expected

to be affected via sound generated by the primary components of the project (i.e., impact pile driving, vibratory pile driving, vibratory pile removal, and DTH).

In order to calculate distances to the Level A harassment and Level B harassment thresholds for the methods and piles planned for this project, NMFS used acoustic monitoring data from other locations to develop source

levels for the various pile types, sizes, and methods (tables 4–7).

NMFS recommends treating DTH systems as both impulsive and continuous, non-impulsive sound source types simultaneously. Thus, impulsive thresholds are used to evaluate Level A harassment, and continuous thresholds are used to evaluate Level B harassment. With regards to DTH mono-hammers, NMFS

recommends proxy levels for Level A harassment based on available data regarding DTH systems of similar sized

piles and holes (Denes *et al.*, 2019; Guan 2021; Reyff, 2020; Reyff and Heyvaert, and Miner, 2020; Heyvaert and Reyff, 2019).

TABLE 4—OBSERVED NON-IMPULSIVE SOUND LEVELS AND DURATIONS FOR IN-WATER ACTIVITIES LIKELY TO OCCUR AT MOORINGS SEWARD

In-water activity	Pile size and type	RMS SPL (dB re 1 μ Pa) at 10 m	Average duration per pile (seconds)	Piles per day
Vibratory Pile Extraction ^a	14-inch steel guide pile	160	1,800	5
Vibratory Pile Settling ^a	30-inch concrete guide pile	163	600	2
Rock socket drill ^b (non-impulsive component)	30-inch concrete guide pile	174	^c 10,800	2

Note: Abbreviations: dB re 1 μ Pa = decibels referenced to a pressure of 1 microPascal, m = meters.

^a NMFS, 2024.

^b NMFS, 2022.

^c Rock socket drilling is a DTH activity with multiple strikes per second. DTH activities produce sounds that simultaneously contain both non-impulsive and impulsive components.

TABLE 5—OBSERVED IMPULSIVE SOUND LEVELS AND DURATIONS FOR PILE INSTALLATION ACTIVITIES LIKELY TO OCCUR AT MOORINGS SEWARD

Installation method	Pile size and type	Peak (dB re 1 μ Pa) at 10 m	RMS (dB re 1 μ Pa) at 10 m	SEL-single-strike (dB re 1 μ Pa ² s) at 10 m	Strikes per day	Maximum strikes per pile	Piles per day
Rock socket drill ^a	30-inch concrete guide pile	194	174	164	^c 216,000	108,000	2
Impact hammer proofing ^b	30-inch concrete guide pile	198	186	173	10	5	2

Note: Abbreviations: dB re 1 μ Pa = decibels referenced to a pressure of 1 microPascal, m = meters.

^a NMFS, 2022.

^b NMFS, 2024.

^c Rock socket drilling is a DTH activity with multiple strikes per second. DTH activities produce sounds that simultaneously contain both non-impulsive and impulsive components.

TABLE 6—OBSERVED NON-IMPULSIVE SOUND LEVELS AND DURATIONS FOR IN-WATER ACTIVITIES LIKELY TO OCCUR AT MOORINGS SITKA

In-water activity	Pile size and type	RMS SPL (dB re 1 μ Pa) at 10 m	Average duration per pile (seconds)	Piles per day
Vibratory Pile Extraction ^a	12-inch timber piles	162	1,800	5
Vibratory Pile Settling ^b	30-inch concrete guide and structure pile	163	600	2
Rock socket drill ^c (non-impulsive component)	30-inch concrete guide and structure pile	174	10,800	2

Note: Abbreviations: dB re 1 μ Pa = decibels referenced to a pressure of 1 microPascal, m = meters.

^a NMFS, 2024.

^b NMFS, 2022.

^c Rock socket drilling is a DTH activity with multiple strikes per second. DTH activities produce sounds that simultaneously contain both non-impulsive and impulsive components.

TABLE 7—OBSERVED IMPULSIVE SOUND LEVELS AND DURATIONS FOR PILE INSTALLATION ACTIVITIES LIKELY TO OCCUR AT MOORINGS SITKA

Installation method	Pile size and type	Peak (re 1 μ Pa) at 10 m	RMS (dB re 1 μ Pa) at 10 m	SEL-single-strike (dB re 1 μ Pa ² s) at 10 m	Strikes per day	Maximum strikes per pile	Piles per day
Impact drive ^a	13-inch plastic fender pile	177	153	NA	200	100	2
Impact drive ^a	14-inch timber guide pile	180	170	160	320	160	2
Rock socket drill ^b	30-inch concrete guide pile	194	174	164	^d 216,000	108,000	2
Impact hammer proofing ^c	30-inch concrete guide pile	198	186	173	10	5	2

Note: Abbreviations: dB re 1 μ Pa = decibels referenced to a pressure of 1 microPascal, m = meters.

^a Caltrans, 2020.

^b NMFS, 2022.

^c NMFS, 2024.

^d Rock socket drilling is a DTH activity with multiple strikes per second. DTH activities produce sounds that simultaneously contain both non-impulsive and impulsive components.

Level B Harassment Zones—*TL* is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. *TL* parameters vary with

frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography.

The general formula for underwater *TL* is:

$$TL = B \times \log_{10} (R_1/R_2),$$

Where:

TL = transmission loss in dB

B = transmission loss coefficient; for practical spreading equals 15

*R*₁ = the distance of the modeled SPL from the driven pile, and

*R*₂ = the distance from the driven pile of the initial measurement.

The recommended *TL* coefficient for most nearshore environments is the practical spreading value of 15 (-4.5 dB per doubling of distance). This value results in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions, which is the most appropriate assumption for the USCG's planned activities. This analysis uses practical spreading loss, a standard assumption regarding sound propagation for similar environments, to estimate transmission of sound through water. The Level B harassment zones and approximate amount of area

ensonified for the planned underwater activities are shown in tables 8 and 9.

Level A Harassment Zones—The ensonified area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the Updated Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. A weighting adjustment factor of 2.5 or 2, a standard default value for vibratory pile driving and removal or impact driving and DTH respectively, was used to calculate Level A harassment areas. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting

isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such as pile driving and DTH, the optional Updated User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur AUD INJ. Inputs used in the optional Updated User Spreadsheet tool (*e.g.*, number of piles per day, duration and/or strikes per pile) are presented in tables 4–7, and the resulting estimated isopleths and total ensonified areas are reported below in tables 8 and 9.

TABLE 8—PROJECTED DISTANCES TO LEVEL A HARASSMENT ISOPLETHS USING 2018 AND 2024 TECHNICAL GUIDANCE AND LEVEL B HARASSMENT ISOPLETHS BY MARINE MAMMAL HEARING GROUP AT MOORINGS SEWARD

Activity	Distance to level A for LF	Distance to level A for HF	Distance to level A for VHF	Distance to level A for PW	Distance to level A for OW	Level B Distance (m)	Total ensonified area (km ²)
Vibratory pile extraction	10.8 m (14.6 m)	1 m (5.6 m)	16 m (11.9 m)	6.6 m (18.8 m)	0.5 m (6.3 m)	4,641.6	1.94
DTH (Impulsive component) concrete.	1,945.5 (1,938.5 m)	69.2 (247.3 m)	2,317.4 (2,999.8 m)	1,041.2 (1,722.1 m)	75.8 (641.9 m)	39,810.7	* 2.26
Vibratory settling concrete	4.5 m (6 m)	0.4 m (2.3 m)	6.6 m (4.9 m)	2.7 m (7.8 m)	0.2 m (2.6 m)	7,356.4	* 2.26
Impact driver proofing concrete ...	10 m	0.4 m (1.3 m)	11.9 m (15.4 m)	5.3 m (8.8 m)	0.4 m (3.3 m)	541.2	0.11

Note 1: Abbreviations: LF = low-frequency cetaceans, HF = high-frequency cetaceans, VHF = very high-frequency cetaceans, PW = phocid pinnipeds in water, OW = otariid pinnipeds in water.

Note 2: Isopleths based on NMFS (2018) are shown above updated isopleths from NMFS (2024), which are italicized in parentheses below the original isopleths. * Total harassment areas are the same despite having varying radii because the maximum distance intersects with the other side of Resurrection Bay near Seward resulting in the same areal extent.

TABLE 9—PROJECTED DISTANCES TO LEVEL A HARASSMENT ISOPLETHS USING 2018 AND 2024 TECHNICAL GUIDANCE AND LEVEL B HARASSMENT ISOPLETHS BY MARINE MAMMAL HEARING GROUP AT MOORINGS SITKA

Activity	Distance to level A for LF	Distance to level A for HF	Distance to level A for VHF	Distance to level A for PW	Distance to level A for OW	Level B distance (m)	Total ensonified area (km ²)
Vibratory pile extraction.	14.7 m (19.8 m)	1.3 m (7.6 m)	21.7 m (16.2 m)	6.9 m (25.5 m)	0.6 m (8.6 m)	6,309.6 m	4.17
Impact drive plastic.	13.6 m (13.5 m)	0.5 m (1.7 m)	16.2 m (21 m)	7.3 m (12 m)	0.5 m (4.5 m)	3.4 m	0
Impact drive timber.	13.7 m (13.6 m)	0.5 m (1.7 m)	16.3 m (21.1 m)	7.3 m (12.1 m)	0.5 m (4.5 m)	46.4 m	0.01
DTH (Impulsive component).	1,945.5 m (1,938.5 m)	69.2 m (247.3 m)	2,317.4 m (2,999.8 m)	1,041.2 m (1,722.1 m)	75.8 m (641.9 m)	39,810.7 m	6.31
Vibratory settling concrete.	4.5 m (6 m)	0.4 m (2.3 m)	6.6 m (4.9 m)	2.7 m (7.8 m)	0.2 m (2.6 m)	7,356.4 m	4.89
Impact driver proofing concrete.	10 m	0.4 m (1.3 m)	11.9 m (15.4 m)	5.3 m (8.8 m)	0.4 m (3.3 m)	541.2 m	0.33

Note 1: Abbreviations: LF = low-frequency cetaceans, HF = high-frequency cetaceans, VHF = very high-frequency cetaceans, PW = phocid pinnipeds in water, OW = otariid pinnipeds in water.

Note 2: Isopleths based on NMFS (2018) are shown with updated isopleths from NMFS (2024) are italicized in parentheses.

Marine Mammal Occurrence

In this section we provide information about the occurrence of marine

mammals, including density or other relevant information which informed the take calculations. Available

information regarding marine mammal occurrence and density in the project areas includes monitoring data, prior

incidental take authorizations, and ESA consultations on previous projects. When local density information was not available, data aggregated in the Navy's Marine Mammal Species Density Database (Navy, 2019; Navy, 2020) for the Northwest or Gulf of Alaska Testing and Training areas or nearby proxies

from the monitoring data were used. Daily occurrence probability of each marine mammal species is based on consultation with previous monitoring reports, local researchers and marine professionals. Occurrence probability estimates at Moorings Sitka are based on conservative density approximations for

each species and factor in historic data of occurrence, seasonality, and group size in Sitka Sound and Sitka Channel. A summary of occurrence is shown in table 10. Group size is based on the best available published research for these species and their presence in the project areas.

TABLE 10—ESTIMATED SPECIES OCCURRENCE OR DENSITY VALUES

Species	Stock	Moorings Seward	Moorings Sitka
Steller sea lion ^{a b}	Western	2 individuals/day	2 groups of 2 individuals/day of either stock
Steller sea lion ^{a b}	Eastern	0	2 groups of 2 individuals/day of either stock
Northern fur seal	Eastern Pacific	0	1 individual/month
Harbor seal	Prince William Sound	48.95 individuals/day	0
Harbor seal ^a	Sitka/Chatham Strait	0	2 groups of 2.1 individuals/day
Killer whale	Alaska Resident	1 group of 7 individuals/week of either stock.	1 group of 6.6 individuals/week of any stock
Killer whale	Gulf of Alaska, Aleutian Islands, and Bering Sea Transient.	1 group of 7 individuals/week of either stock.	1 group of 6.6 individuals/week of any stock
Killer whale	Northern Resident	0	1 group of 6.6 individuals/week of any stock
Killer whale	West Coast Transient	0	1 group of 6.6 individuals/week of any stock
Pacific white-sided dolphin	North Pacific	3 individuals/day	0
Harbor porpoise	Gulf of Alaska	0.4547 individuals/km ²	0
Harbor porpoise	Yakutat/Southeast Alaska Off-shore Waters.	0	1 group of 5 individuals/week
Dall's porpoise	Alaska	0.25 individuals/day	0.121 individuals/km ²
Sperm whale	North Pacific	0	0.002 individuals/km ²
Humpback whale ^c	Hawai'i	1 individual/day of either stock	1 group of 3.4 individuals/week of either stock
Humpback whale ^c	Mexico-North Pacific	1 individual/day of either stock	1 group of 3.4 individuals/week of either stock
Gray whale	Eastern North Pacific	0.0155 individuals/km ²	1 group of 3.5 individuals/2 weeks
Fin whale	Northeast Pacific	0.068 individuals/km ²	0.0001 individuals/km ²
Minke whale	Alaska	0.006 individuals/km ²	1 group of 3.5 individuals/2 weeks

Note: Occurrence value presented as individuals per unit time; density value presented as individuals per square kilometer.

^a Likelihood of one group per day in the Level A harassment zone and likelihood of two groups per day in the Level B harassment zone.

^b Steller sea lion stock attribution is 100 percent Western DPS at Moorings Seward; 97.8 percent Eastern DPS and 2.2 percent Western DPS at Moorings Sitka.

^c Humpback whale stock attribution is 89 percent Hawai'i and 11 percent Mexico-North Pacific at Moorings Seward; 98 percent Hawai'i and 2 percent Mexico-North Pacific at Moorings Sitka.

Gray whale—Members of the ENP stock have a small chance to occur at the northern end of Resurrection Bay near Moorings Seward, with an estimated density of 0.0155 individuals/km².

During 190 hours of observation from 1994 to 2002 from Sitka's Whale Park, only three gray whales were observed (Straley *et al.*, 2017). However, Straley and Wild (unpublished data) note that since 2014, the number of gray whale sightings in Sitka Sound has increased to an estimated 150–200 individuals in 2021 and 2022. Based on this and recent monitoring data collected near Sitka, the estimated occurrence of gray whales at Moorings Sitka is one group of 3.5 individuals every 2 weeks.

Fin whale—Fin whales have the potential to occur at both Moorings Seward and Moorings Sitka. Based on survey data, fin whales in the vicinity

of Moorings Seward are anticipated to occur at a density of 0.068/km² and fin whales in the vicinity of Moorings Sitka are anticipated to occur at a density of 0.0001/km².

Humpback whale—Humpback whales found in the project areas are predominantly members of the Hawai'i DPS (89 percent at Moorings Seward, 98 percent probability at Moorings Sitka), which is not listed under the ESA. However, based on a comprehensive photo-identification study, members of the Mexico DPS, which is listed as threatened, have a small potential to occur in all project locations (11 percent at Moorings Seward, 2 percent at Moorings Sitka) (Wade, 2016), and it is estimated that one individual per day of either stock may occur at Moorings Seward while one group of 3.5 individuals per 2 weeks of either stock may occur at Moorings Sitka.

Minke whale—Minke whales are generally found in shallow, coastal waters within 200 m (656 ft) of shore (Zerbini *et al.*, 2006). Dedicated surveys for cetaceans in southeast Alaska found that minke whales were scattered throughout inland waters from Glacier Bay and Icy Strait to Clarence Strait, with small concentrations near the entrance of Glacier Bay. Surveys took place in spring, summer, and fall, and minke whales were present in low numbers in all seasons and years (Dahlheim *et al.*, 2009). Additionally, minke whales were observed during the Biorka Island Dock Replacement Project at the mouth of Sitka Sound (Turnagain Marine Construction, 2018). Minke whale density at Moorings Seward is estimated as 0.006 individuals/km² while estimated occurrence at Moorings Sitka is one group of 3.5 individuals every 2 weeks.

Killer whale—Killer whales occur along the entire coast of Alaska (Braham and Dahlheim, 1982) and four stocks may be present in the project areas as follows: (1) Alaska Resident stock—both locations; (2) Gulf of Alaska, Aleutian Islands, and Bering Sea Transient stock—both locations; (3) Northern Resident—Sitka only; and (4) West Coast Transient stock—Sitka only.

The Alaska Resident stock occurs from southeast Alaska to the Aleutian Islands and Bering Sea. The Gulf of Alaska, Aleutian Islands, and Bering Sea Transient stock occurs from the northern British Columbia coast to the Aleutian Islands and Bering Sea. The Northern Resident stock occurs from Washington north through part of southeast Alaska. The West Coast Transient stock occurs from California north through southeast Alaska (Muto *et al.*, 2020). One group of seven individuals per week from either the Alaska Resident stock or the Gulf of Alaska, Aleutian Islands, and Bering Sea Transient stock are estimated to occur at Moorings Seward. One group of 6.6 individuals per week from any of the four stocks are estimated to occur at Moorings Sitka.

Pacific white-sided dolphin—Pacific white-sided dolphins are anticipated to occur in the vicinity of Moorings Seward only. Previous construction monitoring reported by NOAA as an appropriate proxy for Moorings Seward is three individuals per day. During 8 years of surveys near Sitka, Straley *et al.* (2017) only documented seven Pacific white-sided dolphins, therefore, we do not reasonably expect the species to occur in the vicinity of Moorings Sitka.

Dall's porpoise—Dall's porpoise are anticipated to occur in the vicinity of both locations. At Moorings Seward, the expected occurrence rate is approximately 0.25 animals per day, and the average group size throughout Alaskan waters is estimated to be between 2 and 12 individuals. We therefore estimate that approximately one group of up to six individuals could occur over 22 non-consecutive days of in-water work. At Moorings Sitka, the estimated density of Dall's porpoise is 0.121 individuals/km².

Harbor porpoise—Only the Yakutat/Southeast Alaska Offshore Waters stock and the Gulf of Alaska stock are

expected to be encountered in the project areas. The Gulf of Alaska stock range includes Moorings Seward while the Yakutat/Southeast Alaska Offshore Waters stock's range includes Moorings Sitka. The estimated density of harbor porpoises at Moorings Seward is 0.4547/km² and the estimated occurrence at Moorings Sitka is one group of five individuals every week.

Northern fur seal—Northern fur seals are not expected near Moorings Seward and one individual per month is estimated to occur at Moorings Sitka.

Steller sea lion—Only the Western stock of Steller sea lion is expected to occur at Moorings Seward with an estimated occurrence of two individuals per day. Both the Western and Eastern stocks may occur at Moorings Sitka, which is located in the Central Outer Coast population mixing zone delineated by Hastings *et al.* (2020). Based on these data, 2.2 percent of Steller sea lions near Sitka are expected to be from the Western stock while 97.8 percent are expected to be from the Eastern stock (Hastings *et al.*, 2020), and it is estimated that two groups of two individuals per day may occur at Moorings Sitka in the Level A harassment zone.

Harbor seal—There are 12 stocks of harbor seals in Alaska, 2 of which occur in the project areas: (1) the Prince William Sound stock ranges from Elizabeth Island off the southwest tip of the Kenai Peninsula to Cape Fairweather, including Moorings Seward; and (2) the Sitka/Chatham Strait stock ranges from Cape Bingham south to Cape Ommaney, extending inland to Table Bay on the west side of Kuiu Island and north through Chatham Strait to Cube Point off the west coast of Admiralty Island, and as far east as Cape Bendel on the northeast tip of Kupreanof Island, which includes Moorings Sitka. Daily occurrence of harbor seals at Moorings Sitka is estimated as 48.95 individuals/day and at Moorings Sitka 2 groups of 2.1 individuals/day are estimated based on previous monitoring in the vicinity, with a likelihood of 2 groups per day in the Level A harassment zone.

Take Estimation

Here we describe how the information provided above was synthesized to

produce a quantitative estimate of the take that is reasonably likely to occur and is authorized.

Neither the applicant nor NMFS have fine-scale data to quantitatively assess the number of animals in the relatively small predicted Level A harassment zones at either location. Therefore, we assumed that, for cryptic species (*e.g.*, Steller sea lion, Pacific white-sided dolphin (Moorings Seward only), harbor seal, harbor porpoise), up to 25 percent of the animals that entered the Level B harassment zone could enter the Level A harassment zone undetected, potentially accumulating sound exposure that rises to the level of Level A harassment.

For species with observational data, the following equation was used to estimate take by Level B harassment, where daily occurrence is measured as individuals per day:

$$\text{Estimated take} = (\text{daily occurrence} \times \text{number of days}) - \text{Level A harassment takes}$$

For species with observational data, the following equation was used to estimate take by Level A harassment, where daily occurrence is multiplied by the number of days of work, which is then multiplied by 25 percent:

$$\text{Estimated take} = (\text{daily occurrence} \times \text{number of days}) \times 25 \text{ percent}$$

For species with density data, the following equation was used to estimate take by Level B harassment, where ensonified area is measured as km²:

$$\text{Estimated take} = (\text{species density} \times \text{daily ensonified Level B harassment area} \times \text{number of days}) - \text{Level A harassment takes}$$

For species with density data, the following equation was used to estimate take by Level A harassment, where species density is multiplied by the daily ensonified Level A harassment area multiplied by the number of days of work:

$$\text{Estimated take} = \text{species density} \times \text{daily ensonified Level A harassment area} \times \text{number of days}$$

Table 11 summarizes the amount of take authorized by both Level A and Level B harassment, as well as the percentage of each stock expected to be taken, at Moorings Seward.

TABLE 11—AUTHORIZED TAKE OF MARINE MAMMALS BY LEVEL A AND LEVEL B HARASSMENT AT MOORINGS SEWARD

Species	Stock	Level A	Level B	Total	SAR abundance	Percentage of population
Steller sea lion	Western	10	34	44	49,837	0.09
Harbor seal	Prince William Sound	245	833	1078	44,756	2.41
Killer whale *	Alaska Resident	0	21	21	1,920	1.09

TABLE 11—AUTHORIZED TAKE OF MARINE MAMMALS BY LEVEL A AND LEVEL B HARASSMENT AT MOORINGS SEWARD—Continued

Species	Stock	Level A	Level B	Total	SAR abundance	Percentage of population
Killer whale *	Eastern North Pacific Gulf of Alaska, Aleutian Islands and Bering Sea Transient.	0	7	7	587	1.19
Pacific white-sided dolphin	North Pacific	15	51	66	26,880	0.25
Harbor porpoise	Gulf of Alaska	8	15	23	31,046	0.07
Dall's porpoise	Alaska	1	5	6	UND	UND
Humpback whale	Hawai'i	0	20	20	11,278	0.18
Humpback whale	Mexico-North Pacific	0	2	2	N/A	N/A
Gray whale	Eastern North Pacific	0	1	1	26,960	0
Fin whale	Northeast Pacific	0	3	3	UND	UND

Note: Humpback whale stock attribution: 89 percent Hawai'i and 11 percent Mexico-North Pacific.

* Percent of stock impacted for killer whales was estimated assuming each stock is taken in proportion to its population size at each location from the total take. At Moorings Seward, the Alaska Resident and Gulf of Alaska stocks are the only stocks present. Of these, the Alaska Resident stock represents approximately 76 percent of the available animals, while the Gulf of Alaska stock represents approximately 23 percent. Takes were then calculated for each site based on the proportional representation of available stocks, so for Moorings Seward, this results in 21 Level B harassment takes of the Alaska Resident stock of killer whale and 7 Level B harassment takes of the Gulf of Alaska stock of killer whale. Total takes for each stock are shown as a percentage of the stock size.

Table 12 summarizes amount of take each stock expected to be taken, at authorized by both Level A and Level B harassment, as well as the percentage of Moorings Sitka.

TABLE 12—AUTHORIZED TAKE OF MARINE MAMMALS BY LEVEL A AND LEVEL B HARASSMENT AT MOORINGS SITKA

Species	Stock	Level A	Level B	Total	SAR abundance	Percentage of population
Steller sea lion	Western	2	6	8	49,837	0.02
Steller sea lion	Eastern	82	270	352	36,308	0.97
Northern fur seal	Eastern Pacific	0	3	3	626,618	0
Harbor seal	Sitka/Chatham Strait	88	272	360	13,289	2.71
Killer whale *	Alaska Resident	0	55	55	1,920	2.86
Killer whale *	Eastern North Pacific Gulf of Alaska, Aleutian Islands and Bering Sea Transient.	0	17	17	587	2.90
Killer whale *	Northern Resident	0	8	8	302	2.65
Killer whale *	West Coast Transient	0	10	10	349	2.87
Harbor porpoise	Yakutat/Southeast Alaska Offshore Waters.	15	20	35	N/A	N/A
Dall's porpoise	Alaska	24	42	66	UND	UND
Humpback whale	Hawai'i	0	43	43	11,278	0.38
Humpback whale	Mexico-North Pacific	0	1	1	N/A	N/A
Gray whale	Eastern North Pacific	0	22	22	26,960	0.08
Minke whale	Alaska	0	22	22	N/A	N/A

Note: Steller sea lion stock attribution: 97.8 percent Eastern DPS and 2.2 percent Western DPS at Moorings Sitka. Humpback whale stock attribution: 98 percent Hawai'i and 2 percent Mexico-North Pacific.

* Percent of stock impacted for killer whales was estimated assuming each stock is taken in proportion to its population size at each location from the total take. At Moorings Sitka, the Alaska Resident, Gulf of Alaska, Northern Resident, and West Coast Transient stocks are expected, and the Alaska Resident stock represents approximately 60 percent of the available animals, the Gulf of Alaska stock represents approximately 19 percent, the Northern Resident stock represents approximately 10 percent, and the West Coast Transient represents approximately 11 percent. Takes were then calculated based on the proportional representation of available stocks, which results in 55 Level B harassment takes of the Alaska Resident stock, 17 Level B harassment takes of the Gulf of Alaska stock, 8 Level B harassment takes of the Northern Resident stock, and 10 Level B harassment takes of the West Coast Transient stock. Total takes for each stock are shown as a percentage of the stock size.

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock

for taking for certain subsistence uses. NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine

mammals, marine mammal species or stocks, and their habitat, as well as subsistence uses. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, and impact on operations.

For each IHA, the USCG must:

- Ensure that construction supervisors and crews, the monitoring team, and relevant USCG staff are trained prior to the start of all pile driving and DTH activity, so that responsibilities, communication procedures, monitoring protocols, and operational procedures are clearly understood. New personnel joining during the project must be trained prior to commencing work;

- Employ one to five PSOs and establish monitoring locations as described in the application and the IHA. The USCG must monitor the project area to the maximum extent possible based on the required number of PSOs, required monitoring locations, and environmental conditions. For all pile driving and removal at least one PSO must be used. The PSO will be stationed as close to the activity as possible;

- The placement of the PSOs during all pile driving and removal and DTH activities will ensure that the entire shutdown zone is visible during pile installation;

- Monitoring must take place from 30 minutes prior to initiation of pile driving or DTH activity (*i.e.*, pre-activity monitoring) through 30 minutes post-activity of pile driving or DTH activity;

- Pre-activity monitoring must be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones indicated in table 13 are clear of marine mammals. Pile driving and DTH may commence following 30 minutes of observation when the determination is made that the shutdown zones are clear of marine mammals;

- The USCG must use soft start techniques when impact pile driving. Soft start requires contractors to provide an initial set of three strikes at reduced energy, followed by a 30-second waiting period, then two subsequent reduced-energy strike sets. A soft start must be implemented at the start of each day's

impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer; and

- If a marine mammal is observed entering or within the shutdown zones indicated in table 13, pile driving and DTH must be delayed or halted. If pile driving is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zone (table 13) or 15 minutes have passed without re-detection of the animal.

As proposed by the applicant, in-water activities will take place only between civil dawn and civil dusk (generally 30 minutes after sunrise and up to 45 minutes before sunset), and work may not begin without sufficient daylight to conduct pre-activity monitoring, and may extend up to 3 hours past sunset, as needed to either completely remove an in-process pile or to embed a new pile far enough to safely leave piles in place until work can resume the next day; during conditions with a Beaufort Sea State of four or less; and when the entire shutdown zones are visible.

Protected Species Observers

The placement of PSOs during all pile driving activities (described in Monitoring and Reporting) will ensure that the entire shutdown zone is visible. Should environmental conditions deteriorate such that the entire shutdown zone will not be visible (*e.g.*, fog, heavy rain), pile driving will be delayed until the PSO is confident marine mammals within the shutdown zone could be detected.

PSOs will monitor the full shutdown zones and the Level B harassment zones to the extent practicable. Monitoring zones provide utility for observing by establishing monitoring protocols for areas adjacent to the shutdown zones. Monitoring zones enable observers to be aware of and communicate the presence of marine mammals in the project areas outside the shutdown zones and thus prepare for a potential cessation of activity should the animal enter the shutdown zone.

Pre- and Post-Activity Monitoring

Monitoring must take place from 30 minutes prior to initiation of pile driving activities (*i.e.*, pre-clearance monitoring) through 30 minutes post-completion of pile driving. Prior to the start of daily in-water construction activity, or whenever a break in pile driving of 30 minutes or longer occurs, PSOs will observe the shutdown and

monitoring zones for a period of 30 minutes. The shutdown zone will be considered cleared when a marine mammal has not been observed within the zone for a 30-minute period. If a marine mammal is observed within the shutdown zones listed in table 9, pile driving activity will be delayed or halted. If work ceases for more than 30 minutes, the pre-activity monitoring of the shutdown zones will commence. A determination that the shutdown zone is clear must be made during a period of good visibility (*i.e.*, the entire shutdown zone and surrounding waters must be visible to the naked eye).

Soft-Start Procedures for Impact Driving

Soft-start procedures provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. If impact pile driving is necessary to achieve required tip elevation, the USCG is required to provide an initial set of three strikes from the hammer at reduced energy, followed by a 30-second waiting period, then two subsequent reduced-energy strike sets. Soft-start must be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer.

Shutdown Zones

The USCG must establish shutdown zones for all pile driving activities. The purpose of a shutdown zone is generally to define an area within which shutdown of the activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Shutdown zones are based upon the Level A harassment thresholds for each pile size/type and driving method where applicable, as shown in table 13. During all in-water piling activities, the USCG plans to implement a minimum 30-m shutdown zone, larger than NMFS' typical requirement of a minimum 10-m shutdown zone, with the addition of larger zones during DTH. These distances exceed the estimated Level A harassment isopleths described in tables 8 and 9. Adherence to this expanded shutdown zone will reduce the potential for the take of marine mammals by Level A harassment but, due to the large zone sizes and small, inconspicuous nature of five species (Steller sea lion, Pacific white-sided dolphin (Moorings Seward only), harbor seal, harbor porpoise, Dall's porpoise), the potential for Level A harassment cannot be completely avoided. If a marine

mammal is observed entering, or detected within, a shutdown zone during pile driving activity, the activity must be stopped until there is visual confirmation that the animal has left the zone or the animal is not sighted for a

period of 15 minutes. Shutdown zones for each activity type are shown in table 13.

All marine mammals would be monitored in the Level B harassment zones and throughout the area as far as

visual monitoring can take place. If a marine mammal enters the Level B harassment zone, in-water activities will continue and PSOs will document the animal's presence within the estimated harassment zone.

TABLE 13—SHUTDOWN ZONES AND HARASSMENT ZONES

Activity	Shutdown zone (m) for LF	Shutdown zone (m) for HF	Shutdown zone (m) for VHF	Shutdown zone (m) for PW	Shutdown zone (m) for OW	Level B harassment zone (m) at Seward	Level B harassment zone (m) at Sitka
Vibratory pile extraction	30	30	30	30	30	4,645	6,310
Impact drive plastic pile	30	30	30	30	30	N/A	5
Impact drive timber pile	30	30	30	30	30	N/A	50
DTH (Impulsive component) concrete pile	1,955	85	2,325	1,050	85	39,815	39,815
Vibratory concrete pile settling	30	30	30	30	30	7,360	7,360
Impact drive concrete pile proofing	30	30	30	30	30	545	545

Note: Level A (AUD INJ onset) harassment will only potentially result from DTH rock socket drilling activities that will generate underwater noise in exceedance of Level A harassment thresholds for all marine mammal hearing groups beyond the 30-m shutdown zone that will be implemented for all in-water activities. Therefore, larger shutdown zones will be implemented during DTH activities and at least two additional PSOs will be assigned to a captained vessel at one or more monitoring locations that provide full views of the shutdown zones and as much of the monitoring zones as possible.

Based on our evaluation of the applicant's planned measures, NMFS has determined that the planned mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.*, presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.*, source characterization, propagation, ambient

noise); (2) affected species (*e.g.*, life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.*, age, calving or feeding areas);

- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.*, marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

Visual Monitoring

Marine mammal monitoring must be conducted in accordance with the conditions in this section and this IHA. Marine mammal monitoring during pile driving activities would be conducted by up to five PSOs meeting NMFS' standards and in a manner consistent with the following:

- PSOs must be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods;
- At least one PSO would have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;
- Other PSOs may substitute other relevant experience, education (degree in biological science or related field), or

training for prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;

- A team of three PSOs (up to five PSOs) at up to three locations (including two PSOs on a captained vessel in the case of a five-member team) will conduct the marine protected species monitoring depending on the activity and size of the relevant shutdown and monitoring zones;
- Where a team of three or more PSOs is required, a lead observer or monitoring coordinator must be designated. The lead observer must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;
- For activities with monitoring zones beyond the visual range of a single PSO (*i.e.*, DTH), additional monitoring locations or the use of a vessel with captain and up to three other PSOs (depending on size of the monitoring zones) will conduct monitoring; and
- PSOs must be approved by NMFS prior to beginning any activity subject to the IHA.

PSOs should have the following additional qualifications:

- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and

times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and

- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

For all pile driving activities, at least one PSO must be stationed at the best possible vantage point to monitor the shutdown zones and as much of the Level B harassment zones as possible. A team of three or five PSOs at up to three locations (including two PSOs on a captained vessel in the case of a five-member team) would conduct marine mammal monitoring depending on the activity and size of monitoring zones. PSOs would be equipped with high quality binoculars for monitoring and radios or cell phones for maintaining contact with work crews. Monitoring would be conducted 30 minutes before, during, and 30 minutes after all in-water construction activities. In addition, PSOs would record all incidents of marine mammal occurrence, regardless of distance from activity, and would document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

Reporting

A draft marine mammal monitoring report will be submitted to NMFS within 90 days after the completion of pile driving and removal activities for each IHA, or 60 days prior to a requested date of issuance from any future IHAs for projects at the same location, whichever comes first. The report will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. The USCG must submit all PSO data electronically in a format that can be queried such as a spreadsheet or database (*i.e.*, digital images of data sheets are not sufficient). Specifically, the report must include:

- Dates and times (begin and end) of all marine mammal monitoring;
- Construction activities occurring during each daily observation period, including the number and type of piles driven or removed and by what method (*i.e.*, impact, vibratory, DTH) and the total equipment duration for vibratory

removal for each pile or total number of strikes for each pile (impact driving);

- PSO locations during marine mammal monitoring;
- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort Sea State and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance;
- Upon observation of a marine mammal, the following information:
 - Name of PSO who sighted the animal(s) and PSO location and activity at the time of sighting;
 - Time of sighting;
 - Identification of the animal(s) (*e.g.*, genus/species, lowest possible taxonomic level, or unidentifiable), PSO confidence in identification, and the composition of the group if there is a mix of species;
 - Distance and bearing of each marine mammal observed relative to the pile being driven for each sighting (if pile driving was occurring at time of sighting);
 - Estimated number of animals (min/max/best estimate);
 - Estimated number of animals by cohort (adults, juveniles, neonates, group composition, sex class, *etc.*);
 - Animal's closest point of approach and estimated time spent within the harassment zone; and
 - Description of any marine mammal behavioral observations (*e.g.*, observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.*, no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);
 - Number of marine mammals detected within the harassment zones and shutdown zones; by species; and
 - Detailed information about any implementation of any mitigation triggered (*e.g.*, shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

If no comments are received from NMFS within 30 days, the draft reports will constitute the final reports. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

Reporting Injured or Dead Marine Mammals

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the

USCG must immediately cease the specified activities and report the incident to the Office of Protected Resources (*PR.ITP.MonitoringReports@noaa.gov* and *ITP.clevenstine@noaa.gov*), NMFS, and to the Alaska Regional Stranding Coordinator as soon as feasible. If the death or injury was clearly caused by the specified activity, the USCG must immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHA. The IHA-holder must not resume their activities until notified by NMFS. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be "taken" through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.*, intensity, duration), the context of any impacts or responses (*e.g.*, critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29,

1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analysis applies to all the species listed in table 1 at both project locations, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar in Seward and Sitka. There is little information about the nature or severity of the impacts, or the size, status, or structure of any of these species or stocks that would lead to a different analysis for this activity.

Pile driving and DTH activities associated with the specified activities, as described previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take in the form of Level B harassment only for all species other than the Steller sea lion, harbor seal, Pacific white-sided dolphin, harbor porpoise, and Dall's porpoise from underwater sounds generated from pile driving and DTH. Potential takes could occur if individual marine mammals are present in the ensonified areas when pile driving or DTH is occurring.

No serious injury or mortality would be expected, even in the absence of required mitigation measures, given the nature of the activities. For all species other than Steller sea lion, harbor seal, Pacific white-sided dolphin, harbor porpoise, and Dall's porpoise, no Level A harassment is anticipated due to the confined nature of the facilities, ability to position PSOs at stations from which they can observe the entire shutdown zones, and the high visibility of the species expected to be present at each site. The potential for injury is small for mid- and low-frequency cetaceans and sea lions, and is expected to be essentially eliminated through implementation of the planned mitigation measures—soft start (for impact driving), and shutdown zones. Further, no take by Level A harassment is anticipated for killer whales, humpback whales, gray whales, fin whales, or minke whales due to the application of planned mitigation measures and the small Level A harassment zones (for killer whales only). The potential for harassment will be minimized through the construction method and the implementation of the planned mitigation measures (see Mitigation section).

Take by Level A harassment is authorized for Steller sea lion, harbor seal, Pacific white-sided dolphin, harbor porpoise, and Dall's porpoise. Due to their inconspicuous nature, it is possible individuals of these species could enter the Level A harassment zone undetected and remain within that zone for a duration long enough to incur AUD INJ. Any take by Level A harassment is expected to arise from, at most, a small degree of AUD INJ (*i.e.*, minor degradation of hearing capabilities within regions of hearing that align most completely with the energy produced by impact pile driving such as the low-frequency region below 2 kHz), not severe hearing impairment or impairment within the ranges of greatest hearing sensitivity. Animals would need to be exposed to higher levels and/or longer duration than are expected to occur here in order to incur any more than a small degree of AUD INJ.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- Level A harassment would be very small amounts and of low degree;
- Level B harassment would be primarily in the form of behavioral disturbance, resulting in avoidance of the project areas around where piling is occurring, with some low-level TTS that may limit the detection of acoustic cues for relatively brief amounts of time in relatively confined footprints of the activities;
- The ensonified areas are very small relative to the overall habitat ranges of all species and stocks, and would not adversely affect ESA-designated critical habitat for any species or any areas of known biological importance;
- The amount of take authorized accounts for no more than, at most, 3 percent of any stock that may occur in the project areas;
- The lack of anticipated significant or long-term negative effects to marine mammal habitat; and
- The implementation of mitigation measures to minimize the number of marine mammals exposed to injurious levels of sound and ensure take by Level A harassment is, at most, a small degree of AUD INJ.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the

planned monitoring and mitigation measures, NMFS finds that the total marine mammal take from the activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The amount of take NMFS has authorized is below one-third of the estimated stock abundance of all species and stocks (take of individuals is less than 3 percent of the abundance of the affected stocks at Moorings Seward and Moorings Sitka; see tables 11 and 12). This is likely a conservative estimate because it assumes all takes are of different individual animals, which is likely not the case. Some individuals may return multiple times in a day but PSOs would count them as separate takes if they cannot be individually identified.

There are no valid abundance estimates available for humpback whales (Mexico-North Pacific stock), fin whales (Northeast Pacific stock), minke whales (Alaska stock), Dall's porpoises (Alaska stock), and harbor porpoises (Yakutat/Southeast Alaska Offshore Waters stock). There is no recent stock abundance estimate for the Mexico-North Pacific stock of humpback whale and the minimum population is considered unknown (Young *et al.*, 2023). There are 2 minimum population estimates for this stock that are over 15 years old: 2,241 (Martínez-Aguilar, 2011) and 766 (Wade, 2021). Using either of these estimates, the three takes by Level B harassment authorized (two at Moorings Seward, one at Moorings Sitka) represent small numbers of the stock. Muto *et al.* (2021) estimate the minimum stock size for the Northeast Pacific stock of fin whale for the areas

surveyed is 2,554 individuals. Therefore, the three takes by Level B harassment of this stock at Moorings Seward represent small numbers of this stock. There is also no current abundance estimate of the Alaska stock of minke whale but over 2,000 individuals were documented in areas recently surveyed (Muto *et al.*, 2021). Therefore, the 22 takes by Level B harassment at Moorings Sitka represent small numbers of this stock, even if each take occurred to a new individual.

The most recent stock abundance estimate of the Alaska stock of Dall's porpoise was 83,400 animals and, although the estimate is more than 8 years old, it is unlikely this stock has drastically declined since that time. Therefore, the 72 takes authorized, 15 by Level A and 57 by Level B harassment (6 total at Moorings Seward, 66 total at Moorings Sitka), represent small numbers of this stock. A current stock-wide abundance estimate for the Yakutat/Southeast Alaska Offshore Waters stock of harbor porpoises in offshore waters (which includes Moorings Sitka) is not available (Young *et al.*, 2023). However, Muto *et al.* (2021) estimate the minimum stock size for the areas surveyed is 1,057 individuals. Therefore, the 35 takes authorized at Moorings Sitka (3 by Level A harassment, 32 by Level B harassment) represent small numbers of this stock.

Based on the analysis contained herein of the activity (including the planned mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

In order to issue an IHA, NMFS must find that the specified activity will not have an "unmitigable adverse impact" on the subsistence uses of the affected marine mammal species or stocks by Alaskan Natives. NMFS has defined "unmitigable adverse impact" in 50 CFR 216.103 as an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase

the availability of marine mammals to allow subsistence needs to be met.

There are two species of marine mammals analyzed herein that have been taken as part of subsistence harvests in Resurrection Bay and southeast Alaska: Steller sea lion and harbor seal. The most recent data on subsistence-harvested marine mammals near Seward is of harbor seals in 2002, and the most recent data near Sitka is of both harbor seals and Steller sea lions in 2013 (ADFG, 2013). The most recent subsistence hunt survey data available indicated approximately 11 percent of Sitka households used subsistence-caught marine mammals (Sill and Koster, 2013) and no data is available since that time.

The project is not likely to adversely impact the availability of any marine mammal species or stocks that are commonly used for subsistence purposes or impact subsistence harvest of marine mammals in the region. Although the activities are located in regions where subsistence harvests have occurred historically, subsistence harvest of marine mammals is rare in the project areas and local subsistence users have not expressed concern about this project. Both locations are adjacent to heavily traveled industrialized waterways and all project activities will take place within closed and secured waterfronts where subsistence activities do not generally occur. The project also will not have an adverse impact on the availability of marine mammals for subsistence use at locations farther away, where the construction activities are not expected to take place. Some minor, short-term harassment of Steller sea lions and harbor seals could occur, but any effects on subsistence harvest activities in the project areas will be minimal, and not have an adverse impact.

Based on the description of the specified activity and the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the planned mitigation and monitoring measures, NMFS has determined that there will not be an unmitigable adverse impact on subsistence uses from the USCG's activities.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure

ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species, in this case with the Alaska Regional Office.

There are three marine mammal species (Western DPS Steller sea lion, Mexico-North Pacific stock of humpback whale, and the Northeast Pacific stock of fin whale) with confirmed occurrence in the project areas that are listed as endangered under the ESA. The NMFS Alaska Regional Office Protected Resources Division issued a Biological Opinion on December 3, 2024, under section 7 of the ESA, on the issuance of an IHA to the USCG under section 101(a)(5)(D) of the MMPA by the NMFS Permits and Conservation Division. The Biological Opinion concluded that the proposed action is not likely to jeopardize the continued existence of Western DPS Steller sea lion, Mexico DPS of humpback whale, the Western North Pacific DPS of humpback whale, or the Northeast Pacific stock of fin whale, and is not likely to destroy or adversely modify critical habitat for Western DPS Steller sea lion, Mexico DPS of humpback whale, the Western North Pacific DPS of humpback whale, or the Northeast Pacific stock of fin whale.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of these IHAs qualify to be categorically excluded from further NEPA review.

Authorization

NMFS has issued 2 IHAs to the USCG for the potential harassment of small numbers of 11 marine mammal species incidental to construction of FRC homeporting docks in Seward and Sitka, Alaska, that includes the previously explained mitigation, monitoring, and reporting requirements.

Dated: December 17, 2024.

Kimberly Damon-Randall,

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

[FR Doc. 2024–30455 Filed 12–19–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE514]

Endangered Species; File No. 21516

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

ACTION: Notice; receipt of application for permit modification and request for public comments.

SUMMARY: NMFS received a request from Virginia Electric and Power Company, doing business as (d.b.a), Dominion Virginia Power (Dominion) for modification of an incidental take permit, pursuant to the Endangered Species Act (ESA) for activities associated with the otherwise lawful continued operation and maintenance of the Dominion Chesterfield Power Station in Chesterfield, VA. We are publishing this notice to inform the public that we are considering re-issuing the permit, with modifications, to authorize additional take of Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) from the Chesapeake Bay Distinct Population Segment.

DATES: To allow for timely processing of the permit application, we must receive your comments no later than January 21, 2025.

ADDRESSES: The application is available for download and review at <https://www.fisheries.noaa.gov/national/endangered-species-conservation/incidental-take-permits> and at <https://www.regulations.gov>. The application is also available upon request (see **FOR FURTHER INFORMATION CONTACT**).

You may submit comments, identified by NOAA–NMFS–2024–0125, by either of the following methods.

- **Electronic Submissions:** Submit all electronic public comments via the Federal e-Rulemaking Portal <https://www.regulations.gov> and type NOAA–NMFS–2024–0125 in the Search box. Click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- **Email:** Submit information to Lynn.Lankshear@noaa.gov.

Instructions: Comments sent by any other method, to any other address or

individual, or received after the end of the specified 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 or protected information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Lynn Lankshear, Lynn.Lankshear@noaa.gov or (978) 282–8473.

SUPPLEMENTARY INFORMATION: Dominion is requesting modification of their Incidental Take Permit (ITP) (No. 21516–01) to include the annual incidental capture of up to 18,363 Atlantic sturgeon eggs for the duration of the permit (i.e., through December 30, 2025). All of the eggs would belong to the Chesapeake Bay Distinct Population Segment (DPS) of Atlantic sturgeon that is listed as endangered.

Atlantic sturgeon spawn in well-oxygenated, flowing freshwater over hard substrate with interstitial spaces (e.g., gravel, cobble) of tidally-affected rivers. Male and female Atlantic sturgeon must spawn (i.e., release milt and eggs, respectively) in close proximity to each other and at the same time for fertilization of some eggs to occur. The eggs become sticky within minutes of being fertilized and adhere to the substrate for the relatively short and temperature-dependent period of development prior to hatching (Ryder 1888; Dees 1961; Murawski and Pacheco 1977; Hilton *et al.* 2016; Siddique *et al.* 2016).

Unfertilized eggs that float away from the spawning site are not expected to be fertilized at a later time because milt released elsewhere by a male sturgeon would be quickly dispersed and diluted by the flowing river water making a chance encounter between an unfertilized egg and an Atlantic sturgeon sperm cell highly unlikely. Male Atlantic sturgeon move to the spawning grounds before females and then search for or follow females as each female moves onto the spawning grounds (Hilton *et al.* 2016; NOAA 2017; Breece *et al.* 2021). The scrapes and abrasions observed on male Atlantic sturgeon captured during the spawning season support that, similar to Gulf sturgeon (*Acipenser oxyrinchus desotoi*) and other sturgeon species, male Atlantic sturgeon rub against the female during spawning which induces the

female to release her eggs at the same time as the male is releasing milt (Ryder 1888; Bruch and Binkowski 2002; Sulak and Randall 2009; Sulak 2014; Balazik and Musick 2015). The simultaneous release of eggs and milt in the same location maximizes the number of eggs that are fertilized before river currents disperse the eggs and dilute the milt.

Fertilized eggs that do not adhere to the substrate or that become dislodged from the substrate before hatching are not expected to survive because the environmental conditions at the spawning site are necessary for egg and early life stage survival. The hatched-out embryos and the subsequent larvae need well-oxygenated freshwater, and the substrate used for spawning provides interstitial spaces where the early life stages shelter from predators (Bain *et al.* 2000; Kynard and Horgan 2002; Niklitschek and Secor 2009). A number of fish species have been identified as likely feeding on the early Atlantic sturgeon life stages in the James River and in the other Chesapeake Bay tributaries (Hilton *et al.* 2016; Bunch *et al.* 2021; Secor *et al.* 2022).

As described above, the best available information supports that free-floating sturgeon eggs are non-viable. However, the take of eggs from Atlantic sturgeon listed under the ESA is prohibited unless authorized in a permit in accordance with 50 CFR 222.307 or 222.308 or exempted in accordance with 50 CFR 402.

NMFS published notice in the **Federal Register** on January 11, 2021 (86 FR 1945), that we had issued an ITP (No. 21516) to Dominion pursuant to the ESA of 1973, as amended, for the incidental take of Atlantic sturgeon larvae (*Acipenser oxyrinchus oxyrinchus*) associated with the otherwise lawful operation of the Dominion Chesterfield Power Station (CPS) in Chesterfield, VA. All of the larvae would belong to the Chesapeake Bay DPS of Atlantic sturgeon based on where CPS is located. The permit was issued for a duration of five years.

In September 2021, Dominion captured three Atlantic sturgeon eggs belonging to the Chesapeake Bay DPS while it was carrying out required entrainment monitoring at CPS during a high river flow event. Take of Atlantic sturgeon eggs was not anticipated or authorized in the 2021 permit. Dominion presumed that the eggs were in the vicinity of CPS because of the high river flow event. Therefore, Dominion requested modification of their permit to authorize the incidental take of up to 36,985 Atlantic sturgeon eggs belonging to the Chesapeake Bay DPS during anticipated high river flow

events that could occur during the duration of the permit (*i.e.*, through December 30, 2025). Dominion also requested several changes to the permit conditions based on anticipated operational changes at CPS (87 FR 47190; August 2, 2022).

NMFS re-issued Permit No. 21516 with the modified permit conditions for operational changes only, because Atlantic sturgeon eggs were taken at CPS under normal river flow conditions after the close of the public comment period (88 FR 82324; November 24, 2023). Therefore, Dominion needed to reconsider its presumption that the entrainment of sturgeon eggs could only occur during high river flow conditions and revisit its estimated take of sturgeon eggs at CPS before NMFS could proceed with Dominion's permit modification request to include take of eggs.

Background

Section 9 of the ESA and Federal regulations prohibit the "take" of Atlantic sturgeon belonging to the Chesapeake Bay DPS. The ESA defines "take" to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. However, under section 10(a)(1)(B) of the ESA, we may issue permits to authorize incidental take. "Incidental take" is defined by the ESA as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing ITPs for threatened and endangered species are found at 50 CFR 222.307.

Dominion is requesting authorization to allow for the incidental take of up to 36,726 Atlantic sturgeon eggs for the duration of the permit (*i.e.*, through December 30, 2025), based on an average annual take of up to 18,363 Atlantic sturgeon eggs (95 percent CI = 4,567 – 47,617). All eggs are expected to belong to the Chesapeake Bay DPS of Atlantic sturgeon, fall spawning population, based on the fidelity of adults to the spawning river and the spawning season.

Conservation Plan

Dominion is proposing to mitigate for the take of Atlantic sturgeon eggs with the same studies that serve as the mitigation for the take of Atlantic sturgeon larvae, "Sturgeon Research Movement" and "Digital Holography," with revisions to the studies as needed.

National Environmental Policy Act

In compliance with the National Environmental Policy Act (NEPA), we analyzed the impacts of the proposed modifications of the ITP and the habitat conservation permit. We prepared a

draft Supplemental Information Report (SIR) that describes why there is no need to supplement the 2020 environmental assessment and finding of no significant impacts. We have made the draft SIR available for public inspection online (see **ADDRESSES**).

We will also evaluate whether modification of the permit would comply with section 7 of the ESA by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis. If the requirements are met, we will issue the modified permit to the applicant.

We will publish a record of our final action in the **Federal Register**.

Authority: This notice is provided pursuant to section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: December 16, 2024.

Lisa Manning,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024-30434 Filed 12-19-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Public Meeting of the Ocean Exploration Advisory Board

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Ocean Exploration Advisory Board (OEAB). OEAB members will discuss and provide advice on the Federal ocean exploration program, with a particular emphasis on the topics identified in the section on Matters to Be Considered.

DATES: The announced meeting is scheduled for Friday, January 10, 2025 from 12:30 p.m.–1 p.m. (ET).

ADDRESSES: This meeting will be held virtually. Information about how the public can observe virtually will be posted to the OEAB website at <https://oeab.noaa.gov/>.

FOR FURTHER INFORMATION CONTACT: Mr. David Turner, Designated Federal Officer, Ocean Exploration Advisory Board, National Oceanic and Atmospheric Administration,

David.Turner@NOAA.gov or (859) 327-9661.

SUPPLEMENTARY INFORMATION: NOAA established the OEAB under the Federal Advisory Committee Act (FACA) and legislation that gives the agency statutory authority to operate an ocean exploration program and to coordinate a national program of ocean exploration. The OEAB advises NOAA leadership on strategic planning, exploration priorities, competitive ocean exploration grant programs, and other matters as the NOAA Administrator requests.

OEAB members represent government agencies, the private sector, academic institutions, and not-for-profit institutions involved in all facets of ocean exploration—from advanced technology to public engagement.

In addition to advising NOAA leadership, NOAA expects the OEAB to help to define and develop a national program of ocean exploration—a network of stakeholders and partnerships advancing national priorities for ocean exploration.

Matters To Be Considered: NOAA laboratory and program science reviews are conducted every five years to evaluate the quality, relevance, and performance of research conducted in NOAA OAR laboratories and programs. On October 9–10, 2024, the Ocean Exploration Advisory Board conducted a five-year program review of the NOAA Ocean Exploration program. Three focus areas were identified for the review: Ensuring a National Program of Ocean Exploration; Technological Innovation and Application; and, Public Engagement and Education. The Board will formally convene on January 10, 2025 to validate and vote on their findings, and upon approval, their Report of Findings and Recommendations will be transmitted to the NOAA Administrator and Under Secretary of Commerce for Oceans and Atmosphere.

The agenda and other meeting materials will be made available on the OEAB website at <https://oeab.noaa.gov/>.

Status: The meeting will be held virtually and be open to the public via remote access. Information on how to access the meeting, the agenda, and the public comment period schedule will be viewable on the OEAB website.

The OEAB expects that public statements 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 three minutes. The Designated Federal

Officer must receive written comments by Jan. 3, 2025, to provide sufficient time for OEAB review. Written comments received after Jan. 3, 2025, will be distributed to the OEAB but may not be reviewed prior to the meeting date. Comments should be submitted to Designated Federal Officer David.Turner@NOAA.gov.

Special Accommodations: Requests for sign language interpretation or other auxiliary aids should be directed to the Designated Federal Officer by Jan. 3, 2025.

David Holst,

Chief Financial and Administrative Officer,
Office of Oceanic and Atmospheric Research,
National Oceanic and Atmospheric
Administration.

[FR Doc. 2024–30398 Filed 12–19–24; 8:45 am]

BILLING CODE 3510-KA-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE505]

Marine Mammals; File No. 28233

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 Clearwater Marine Aquarium, 249 Windward Passage, Clearwater, FL 33767 (Responsible Party: James Powell, Ph.D.), has applied in due form for a permit to import up to five adult male bottlenose dolphins (*Tursiops truncatus*) from Attica Zoological Park in Athina, Greece, to the Clearwater Marine Aquarium for public display. **DATES:** Written comments must be received on or before February 3, 2025. **ADDRESSES:** The application and related documents are available online at <https://www.fisheries.noaa.gov/action/permit-application-import-5-bottlenose-dolphins-file-no-28233-clearwater-marine-aquarium>.

You may submit comments, identified by NOAA–NMFS–2024–0140, by any of the following methods:

- **Electronic Submission:** Submit electronic public comments via the Federal e-Rulemaking Portal www.regulations.gov. To submit comments via the e-Rulemaking Portal, enter NOAA–NMFS–2024–0140 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the “Comment Now” icon on the right of that line.

- **Mail:** Comments on the application should be addressed to: Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; ATTN: Jolie Harrison, Chief, Permits and Conservation Division.

Instructions: Comments must be submitted by one of the above methods. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division via one of the methods listed above. The request should set forth the specific reasons why a hearing on this amendment 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 applicant is proposing to import up to five adult male bottlenose dolphins from the Attica Zoological Park in Athina, Greece, to the Clearwater Marine Aquarium for public display purposes. The subject dolphins are between the ages of 11 and 24 years and were all captive-born to individuals with multiple origins, including the southeastern United States, Cuba, the Russian Federation, and the Black Sea. The applicant has identified three of the animals as common bottlenose dolphins (*Tursiops truncatus*) and two as Black Sea bottlenose dolphins (*Tursiops truncatus ponticus*). The requested duration of the permit is 5 years.

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. 2024–30378 Filed 12–19–24; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action deletes product(s) and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Date added to and deleted from the Procurement List: January 19, 2025.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION:

Deletions

On November 15, 2024 (89 FR 90270), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities.

The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s): 8415–01–584–1635—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XSS
8415–01–584–1637—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XSR8415–01–584–1639—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XSL
8415–01–584–1640—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, SS
8415–01–584–1641—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, SR
8415–01–584–1642—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, SL
8415–01–584–1643—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, MS
8415–01–584–1644—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, MR
8415–01–584–1645—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, ML
8415–01–584–1648—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, LS
8415–01–584–1649—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, LR
8415–01–584–1654—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, LL
8415–01–584–1655—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XLS
8415–01–584–1656—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XLR
8415–01–584–1663—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XLL

8415–01–584–1665—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XXLS

8415–01–584–1672—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XXLR

8415–01–584–1674—Trousers, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XXLL

Authorized Source of Supply: San Antonio Lighthouse for the Blind, San Antonio, TX

Contracting Activity: W6QK ACC–APG NATICK, NATICK, MA.

NSN(s)—Product Name(s): 8415–01–583–9445—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, ML

8415–01–583–9447—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, LS

8415–01–583–9449—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, LR

8415–01–583–9450—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, LL

8415–01–583–9451—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XLS

8415–01–583–9453—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XLR

8415–01–583–9454—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XLL

8415–01–583–9455—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XXLS

8415–01–583–9456—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XXLR

8415–01–583–9458—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XXLL

8415–01–583–9470—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XSS

8415–01–583–9471—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XSR

8415–01–583–9474—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, XSL

8415–01–583–9479—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, SS

8415–01–583–9480—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, SR

8415–01–583–9483—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, SL

8415–01–583–9485—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, MS

8415–01–583–9488—Jacket, Intermediate Weather Outer Layer (IWOL) Layer 6 FREE, Army, OEFCEP, MR

Authorized Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC

Contracting Activity: W6QK ACC–APG

NATICK, NATICK, MA.

NSN(s)—Product Name(s): 6645–01–698–6558—Clock, Wall, Quartz, “Think Safety”, 12-3/4” Diameter, Black Frame
Authorized Source of Supply: Chicago Lighthouse Industries, Chicago, IL
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN(s)—Product Name(s): 8540–01–378–6218—Tissue, Toilet, Jumbo, 1-Ply, 3.5” x 4000”, White, 6 Rolls

Authorized Source of Supply: Outlook Nebraska, Inc., Omaha, NE

Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

Service(s)

Service Type: Grounds Maintenance
Mandatory for: U.S. Army Reserve Center: 1850 Baltimore Road, Maus-Warfield, Rockville, MD

Contracting Activity: DEPT OF THE ARMY, W6QM MICC CTR–FT DIX (RC)

Service Type: Grounds Maintenance and Snow Removal

Mandatory for: US Army Corps of Engineers, Walla Walla District Headquarters, Walla Walla, WA

Designated Source of Supply: Lillie Rice Center, Inc., Walla Walla, WA

Contracting Activity: DEPT OF THE ARMY, W071 ENDIST WALLA WALLA

Ramon Barreto,

Business Management Specialist, Business Operations.

[FR Doc. 2024–30423 Filed 12–19–24; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes product(s) and service(s) previously furnished by such agencies.

DATES: Comments must be received on or before: January 19, 2025.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, telephone: (703) 489–1322, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

In accordance with 41 CFR 51–5.3(b), the Committee intends to add this services requirement to the Procurement List as a mandatory purchase only for the contracting activity listed at the location listed with the proposed qualified nonprofit agency as the authorized source of supply. Prior to adding the service to the Procurement List, the Committee will consider other pertinent information, including information from Government personnel and relevant comments from interested parties regarding the Committee's intent to geographically limit this services requirement.

The following service(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Service(s)

Service Type: Custodial, Janitorial

Mandatory for: US Army, Walter Reed Army Institute of Research, Buildings 503 and 164, Silver Springs, MD

Authorized Source of Supply: MVLE, Inc., Springfield, VA

Contracting Activity: DEPT OF THE ARMY, W4PZ USA MED RSCH ACQUIS ACT

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s):

4330–01–121–6350—Parts Kit, Automatic Transmission Filter

Contracting Activity: DLA LAND AND MARITIME, COLUMBUS, OH

Service(s)

Service Type: Switchboard Operation

Mandatory for: Department of Veterans Affairs, VA Central Iowa Health Care System, 3600 30th Street, Des Moines, IA

Contracting Activity: Veterans Affairs, Department Of, 438-Sioux Falls Va Medical Center

Ramon Barreto,

Business Management Specialist, Business Operations.

[FR Doc. 2024–30421 Filed 12–19–24; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Record of Decision for the Environmental Impact Statement T–7A Recapitalization at Laughlin AFB, TX

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of availability of Record of Decision.

SUMMARY: On December 6, 2024, the Department of the Air Force (DAF) signed the Record of Decision (ROD) for the T–7A Recapitalization at Laughlin AFB, TX, Environmental Impact Statement.

ADDRESSES: Ms. Chinling Chen (AFCEC/CIE), Headquarters AETC Public Affairs; 100 H East Street, Suite 4; Randolph AFB, TX 78150. (210) 395–0979; chinling.chen@us.af.mil.

SUPPLEMENTARY INFORMATION: The DAF has decided to replace all T–38C aircraft at Laughlin AFB with up to 79 T–7A aircraft, and continue flying training programs at Laughlin AFB, TX. Initial delivery will be limited to 51 aircraft per the Secretary of the Air Force Strategic Basing Decision.

The DAF decision documented in the ROD was based on matters discussed in the Final Environmental Impact Statement, inputs from the public and regulatory agencies, and other relevant factors. The Final Environmental Impact Statement was made available to the public on June 21, 2024, through a Notice of Availability in the **Federal Register** (Volume 89, Number 120, Page 52040) with a waiting period that ended on July 22, 2024.

Authority: This Notice of Availability is published pursuant to the regulations (40 CFR part 1506.6) implementing the provisions of the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) and the Air Force's Environmental Impact Analysis Process (32 CFR parts 989.21(b) and 989.24(b)(7)).

Tommy W. Lee,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2024–30356 Filed 12–19–24; 8:45 am]

BILLING CODE 3911–44–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent To Prepare an Environmental Impact Statement for Disposal and Reuse of Parcel 20 at Savanna Army Depot Activity, Illinois

AGENCY: Department of the Army, DoD.

ACTION: Notice of intent.

SUMMARY: The Department of the Army (Army) is issuing this Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) to assess the potential environmental and socioeconomic effects associated with the disposal and reuse of an approximately 132-acre land parcel at the Savanna Army Depot Activity (SVADA), Illinois. Under the proposed action, the Army would dispose of the parcel, known as Local Redevelopment Authority (LRA) Parcel 20, and transfer it to the Jo-Carroll Depot LRA or other recipients for their reuse. The EIS will analyze the potential direct effects of the Army conveying LRA Parcel 20 and the potential indirect effects of reuse of the parcel.

DATES: A 30-day public scoping period will start on the date of this NOI's publication in the **Federal Register**. Through the scoping process, the Army is inviting input regarding alternatives, effects, information, studies, and analyses with respect to the proposed action. The Army will be conducting analysis and consultation to comply with applicable laws and regulations and is soliciting comments and concerns regarding the effects of the proposed action. Comments will be accepted any time during the EIS process; however, to ensure the Army has sufficient time to consider public scoping comments during the preparation of the Draft EIS, please submit comments within the 30-day scoping period.

The Notice of Availability (NOA) of the Draft EIS is anticipated to be published in late 2025, and the NOA of the Final EIS is anticipated to be published in spring 2026. A decision can be announced no earlier than 30 days after publication of the NOA of the Final EIS. The Army invites the public, stakeholders, and other interested parties to attend a scoping meeting on Thursday, January 16, 2025, from 5:00 p.m. to 6:30 p.m. at West Carroll High School, 500 Cragmoor Street, Savanna, Illinois. The open-house style meeting will provide an opportunity for attendees to learn more about the proposed action and the scope of the EIS. Project team members will be

available to answer questions and exhibits will be on view throughout the meeting. Attendees also will have an opportunity to provide oral comments during the scoping meeting. Written comments are encouraged and can be submitted at any time.

ADDRESSES: Comments can be submitted by email to SVADAEIS@tetratech.com or by regular mail to SVADA EIS c/o Tetra Tech, 107 St. Francis Street, Suite 2370, Mobile, AL 36602. SVADA EIS documentation is available online at www.lrd.usace.army.mil/Submit-ArticleCS/Programs/Article/3901394/.

FOR FURTHER INFORMATION CONTACT: For other SVADA inquiries or for assistance under the Americans with Disabilities Act, please email Mr. Thomas Lineer, Public Affairs, at thomas.a.lineer.civ@army.mil. For other EIS inquiries, please contact Mr. Joe Hand by phone at 251-694-3881 or by email at joseph.h.hand@usace.army.mil.

SUPPLEMENTARY INFORMATION: The U.S. Department of Defense 1995 Base Realignment and Closure (BRAC) Commission made recommendations for realignment and closure of military installations in accordance with the Defense Base Closure and Realignment Act of 1990 (Pub. L. 101-510, as amended). The recommendations included closure of SVADA, located in northwestern Illinois along the Mississippi River in Jo Daviess and Carroll Counties. The Army officially closed SVADA in 2000. Following closure, the Army proposed disposal of SVADA's 13,061 acres because the property was excess to the Army's needs. Approximately 5,343.9 acres have been transferred as of the date of this notice. The proposed action is the transfer of LRA Parcel 20's 132 acres. The need for this action is to carry out the BRAC recommendation for the closure of SVADA, which became law, and to make the parcel available for reuse.

Through the BRAC process, as SVADA property parcels were certified as clean from environmental contaminants, the Army transferred the property to federal, state, or local agencies. The agencies that have taken ownership of SVADA parcels are the U.S. Fish and Wildlife Service (USFWS), the U.S. Army Corps of Engineers, the Illinois Department of Natural Resources, and the LRA.

In the original reuse plan, Parcel 20 was to go to the USFWS. In 2016, USFWS withdrew its interest in the parcel. The Army officially identified the parcel as surplus in January 2018. In 2023, the LRA submitted to the Army a Reuse Plan for Parcel 20. The EIS will

analyze the proposed action of disposal and transfer of Parcel 20, a no-action alternative, three LRA reuse alternatives, an alternative under which Parcel 20 would be available for recreation but would otherwise remain undeveloped, and an alternative under which Parcel 20 would be available for recreation and solar development. The no-action alternative is required by 40 CFR 1502.14(c) and serves as the baseline against which the proposed action and other alternatives are compared. The LRA presents in its 2023 Reuse Plan three conceptual reuse alternatives for developing LRA Parcel 20. The three alternatives focus on creating an inland commodity shipping facility, including commercial, industrial, recreational, and potentially solar development under each alternative. To facilitate implementation, the LRA designed the reuse alternatives as sequential phases. The initial phase would be implemented within a five-year target completion window, while the second and third phases would follow, with both having five-year-plus completion windows. The LRA's proposed reuse includes activities outside the boundary of LRA Parcel 20 in the Apple River, the Brickhouse Slough, the Mississippi River, and along Apple Island. All three of the LRA's reuse alternatives would require dredging. The recreation-only use alternative would implement recreational elements on Parcel 20 such as a walking trail, a canoe and kayak ramp on Commander's Pond, and a recreational area. The recreation and solar alternative would include a walking trail and canoe and kayak ramp on the pond, with solar photovoltaic arrays instead of a recreation area.

The EIS will analyze a wide range of environmental resource areas and effects, including—but not limited to—land use, aesthetics and visual resources, air quality, noise, geology and soils, water resources, biological resources, cultural resources, socioeconomic, transportation, utilities, hazardous and toxic materials, and cumulative environmental effects. Effects on water, biological resources, and cultural resources could be significant, and a Clean Water Act wetlands permit may be required. Additional resources and conditions may be identified as a result of the scoping process initiated by this NOI.

Interested local, state, and federal officials and agencies, federally recognized Tribes, and the public will be invited to participate in the 30-day scoping process, which includes a scoping meeting. The Army is seeking comments on alternatives and effects, as

well as relevant information, studies, or analyses with respect to the proposed action. Opportunities for public participation will be announced in the local news media and on the project website at www.lrd.usace.army.mil/Submit-ArticleCS/Programs/Article/3901394/. Comments from the public will be considered before completion of a Draft EIS. Following completion of a Draft EIS, the public will have an additional opportunity for review and comment. The Final EIS will make appropriate changes based on public comments and its release will start a 30-day waiting period. After that time, the Army will sign a Record of Decision (ROD) announcing the chosen alternative.

Scoping and Agency Coordination: Consultation will include, but not necessarily be limited to, consultation under Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act. This includes consultation with federally recognized Tribes. The Army will determine the scope of the analysis by soliciting comments from interested local, state, and federal officials and agencies, federally recognized Tribes, and members of the public.

CEQ Unique Identifier: EISX-007-21-000-1729699335.

James W. Satterwhite, Jr.,

U.S. Army Federal Register Liaison Officer.

[FR Doc. 2024-30383 Filed 12-19-24; 8:45 am]

BILLING CODE 3710-08-P

DEPARTMENT OF DEFENSE

Department of the Army

Draft Environmental Impact Statement for Real Property Master Plan Implementation at Military Ocean Terminal Sunny Point, North Carolina
AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: The Department of the Army (Army) announces the availability of the Draft Environmental Impact Statement (DEIS) for implementing proposed real property actions at Military Ocean Terminal Sunny Point (MOTSU), North Carolina. This DEIS evaluates the potential effects of the implementation of various projects needed for the safety and mission of the facility and provides an analysis of the effects of implementing real property maintenance, repair, upgrade, and development actions. The proposed action is needed to address improvements to real property related to

explosive safety, waterfront maintenance, security, and linear infrastructure. The projects and programs address compliance with federal, state, DoD, and Army standards vital to safety, security, and other mission needs. The document also makes available for public comment a Draft Finding of No Practicable Alternative (FONPA) prepared because portions of the proposed action occur in floodplains or involve construction in wetlands, or both.

DATES: Comments on the DEIS can be submitted during the 45-day public review period, through 4 February 2025.

ADDRESSES: Please send written comments to James A. Rupkalvis, Installation Manager, 6280 Sunny Point Road, Southport, NC 28461-7800, or via email to james.a.rupkalvis.civ@army.mil.

FOR FURTHER INFORMATION CONTACT: Michael Burkhalter, Legislative Affairs Officer, Public and Congressional Affairs Office, Military Surface Deployment and Distribution Command; telephone: (618) 220-6119; email: michael.d.burkhalter.civ@army.mil.

SUPPLEMENTARY INFORMATION: MOTSU is the Military Surface Deployment and Distribution Command's East Coast strategic ammunition port and is DoD's primary ammunition seaport supporting the European, African, and Middle Eastern areas of operation. The proposed action includes barricade safety, waterfront maintenance, Pleasure Island Explosive Safety Clear Zone security, linear infrastructure (e.g., roads, rail, utilities, firebreaks), stormwater mitigation, and cantonment area infill. The proposed action also includes modernizing operation areas and general repair and maintenance of infrastructure, to include facilities, wharves, roads, rail, utilities, and perimeter security. The proposed projects address critical mission requirements and are planned for fiscal years 2025 through 2031.

The DEIS evaluates the potential impacts associated with implementing the proposed RPMP activities, to include analyzing Full-Plan Implementation, a Partial Implementation Alternative, and a No-Action Alternative. The DEIS assesses the impacts of the alternatives on resources and identifies mitigation measures. Resource areas and potential impacts addressed include coastal zone management, air quality, noise, geology and soils, water resources, biological resources, and cultural resources. The DEIS has not identified any significant

impacts, but consultation is ongoing with regulatory agencies.

Executive Order (E.O.) 11988, Floodplain Management, requires that if an agency finds that the only practicable alternative for an action requires siting in a floodplain, the agency shall design or modify its action in order to minimize potential harm to or within the floodplain. Under E.O. 11990, Protection of Wetlands, an agency must avoid undertaking new construction in wetlands unless the agency finds that there is no practicable alternative to such construction. The Army determined that elements of the proposed action must be located within portions of the floodplain and wetlands at MOTSU. Accordingly, a Draft FONPA—i.e., a notice containing an explanation of why the action is proposed to be located in floodplains and wetlands—is also being circulated for public review and comment.

Native American Tribes, federal, state, and local agencies/officials, and other interested entities/individuals are encouraged to comment on the DEIS and Draft FONPA during the 45-day public comment period. The DEIS and Draft FONPA are available on the project website at: <https://www.sddc.army.mil/SitePages/Environmental%20Programs.aspx>. All comments postmarked or received by 4 February 2025 will be considered in the development of the Final EIS. Following the conclusion of the comment period, the Army will consider all comments and prepare responses that will appear in an appendix of the Final EIS. The Final EIS will be made available to the public, which will start a 30-day waiting period. No sooner than the conclusion of that waiting period, the Army will publish a Record of Decision.

James W. Satterwhite Jr.,
U.S. Army Federal Register Liaison Officer.
[FR Doc. 2024-30382 Filed 12-19-24; 8:45 am]
BILLING CODE 3711-CC-P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS-2024-0037; OMB Control Number 0704-0321]

Information Collection Requirement: DFARS Part 232, Contract Financing, and the Clause at 252.232-7002, Progress Payments for Foreign Military Sales Acquisition

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of DoD's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use under Control Number 0704-0321 through April 30, 2025. DoD proposes that OMB approve an extension of the information collection requirement, to expire three years after the approval date.

DATES: DoD will consider all comments received by February 18, 2025.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704-0321, using either of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* osd.dfars@mail.mil. Include OMB Control Number 0704-0321 in the subject line of the message.

Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Saleemah McMillan, at 202-308-5383.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 232, Contract Financing, and the Clause at 252.232-7002 Progress Payments for Foreign Military Sales Acquisition; OMB Control Number 0704-0321.

Affected Public: Businesses or other for-profit and not-for-profit institutions.
Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.
Number of Respondents: 107.
Responses per Respondent: 19.2.
Annual Responses: 2,056.
Average Burden per Response: 1.5 hours.

Annual Burden Hours: 3,084.

Needs and Uses: Section 22 of the Arms Export Control Act (22 U.S.C. 2762) requires the U.S. Government to use foreign funds, rather than U.S. appropriated funds, to purchase military equipment for foreign governments. To comply with this requirement, the Government needs to know how much of each progress payment to charge each country. DFARS 232.502–4–70(a) prescribes use of the contract clause at DFARS 252.232–7002, Progress Payments for Foreign Military Sales Acquisitions, in any contract that provides for progress payments and contains FMS requirements. The clause at 252.232–7002 requires each contractor whose contract includes foreign military sales (FMS) requirements to submit a separate progress payment request for each progress payment rate and to submit a supporting schedule that clearly distinguishes the contract's FMS requirements from U.S. requirements. The Government uses this information to determine how much of each country's funds to disburse to the contractor.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2024–30329 Filed 12–19–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0138]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense, Department of Defense (DoD).

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Office of the Secretary of Defense is modifying and reissuing a current system of records titled, “Defense Sexual Assault Incident Database,” DHRA 06. This system of records was originally established to centralize case-level sexual assault data involving a member of the Armed Forces, in a manner consistent with statute and DoD regulations for Unrestricted and Restricted reporting; and to facilitate reports to Congress on claims of retaliation in connection with an Unrestricted Report of sexual assault made by or against a member of the Armed Forces. Additional laws and policy changes require DSAID to

include information on the claims of retaliation connected with Unrestricted Reports of sexual assault made by or against a member of the Armed Forces and Unrestricted Reports of adult sexual assault cases under the Family Advocacy Program (FAP). This system of records notice (SORN) is being updated to comply with the National Defense Authorization Act (NDAA), provide the ability to collect sexual assault cases for the U.S. Space Force (USSF), and improve prevention. This SORN is also being updated to add three standard DoD routine uses (routine uses B, I, and J), and various other sections within the SORN to improve clarity or update information that has changed. Additionally, the DoD is issuing a Notice of Proposed Rulemaking, which proposes to exempt this system of records from certain provisions of the Privacy Act, elsewhere in today's issue of the **Federal Register**.

DATES: This system of records is effective upon publication; however, comments on the Routine Uses will be accepted on or before January 21, 2025. The Routine Uses are effective at the close of the comment period.

ADDRESSES: You may submit comments, identified by docket number and title, by either of the following methods:

* *Federal Rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <https://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Samuel M. Peterson, DHRA Component Privacy Officer, 400 Gigling Rd., Rm. DODC–MB 7028, Seaside, CA 93955, dodhra.mc-alex.dhra-hq.mbx.privacy@mail.mil or 831–220–7330.

SUPPLEMENTARY INFORMATION:

I. Background

The Defense Sexual Assault Incident Database (DSAID) system of records is used to collect and maintain information regarding sexual assaults,

and any associated retaliation allegations, involving a member of the Armed Forces. Section 563 of the Duncan Hunter NDAA for Fiscal Year (FY) 2009 (Pub. L. 110–417) requires the DSAID for the purpose of collecting and maintaining information regarding sexual assaults involving a member of the Armed Forces. Additional laws and policy changes require DSAID to include information on the claims of retaliation connected with Unrestricted Reports of sexual assault made by or against a member of the Armed Forces and Unrestricted Reports of adult sexual assault cases under the FAP. As mandated, this Department-wide database includes sexual assault-related data about the victim, the (alleged) offender, and the outcome of any investigation and legal proceedings connected with the assault, or associated retaliation allegation. This SORN is being updated to comply with section 538 of the FY18 NDAA (Pub. L. 115–191) and provide the ability to collect sexual assault cases for the USSF. This SORN is also being updated to add three additional standard DoD routine uses, and various other sections of the SORN.

Subject to public comment, the Office of the Secretary of Defense proposes to update this system of records to add DoD standard routine uses B, I, and J. Modifications are also being made to the following sections of the SORN: (1) to the System Location to add information about cloud storage; (2) to the Authority for Maintenance of the System section to add additional authorities; (3) to the Purpose of the System section to expand on the uses of the information; (4) to the Categories of Records in the System section to clarify the different record types; (5) to the Record Source Categories to add additional source information; (6) to the Policies and Practices for Storage of Records to update the records storage medium in which the records are maintained; (7) to the Policies and Practices for Retrieval of Records to expand on how records are retrieved; (8) to the Administrative, Technical, and Physical Safeguards to update the individual safeguards protecting the personal information; and (9) to the Record Access and Notification Procedures sections to reflect the need for individuals to identify the appropriate DoD office or component to which their request should be directed.

DoD SORNs have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Privacy and Civil Liberties Directorate website at <https://dpcl.dod.defense.gov>.

II. Privacy Act

Under the Privacy Act, a “system of records” is a group of records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or another identifier assigned to the individual. In the Privacy Act, an individual is defined as a U.S. citizen or lawful permanent resident.

In accordance with 5 U.S.C. 552a(r) and Office of Management and Budget (OMB) Circular No. A-108, the Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency has provided a report of this system of records to the OMB and to Congress.

Dated: December 12, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER:

Defense Sexual Assault Incident Database (DSOID), DHRA 06.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Washington Headquarters Services (WHS), 1155 Defense Pentagon, Washington, DC 20301-1155. Information may also be stored within a government-certified cloud, implemented, and overseen by the Department's Chief Information Officer (CIO), 6000 Defense Pentagon, Washington, DC 20301-6000.

SYSTEM MANAGER(S):

Defense Sexual Assault Incident Database Program Manager, 4800 Mark Center Drive, Alexandria, VA 22350-8000, telephone: (571) 372-2657, email: whs.mc-alex.wso.mbx.SAPRO@mail.mil.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 932, Art. 132 Retaliation; 10 U.S.C. 7013, Secretary of the Army; 10 U.S.C. 8013, Secretary of the Navy; 10 U.S.C. 9013, Secretary of the Air Force; 10 U.S.C. 9081, United States Space Force; 32 U.S.C. 102, National Guard; section 543 of Public Law 113-291; DoD Instruction (DoDI) 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense”; DoDI 6495.02 volume 1 “Sexual Assault Prevention and Response: Program Procedures; DoD Directive 6495.01, SAPR Program; DoDI 6495.02, SAPR Program Procedures; 32 CFR part 103, SAPR Program, Army Regulation 600-20, chapter 8, Army Command Policy

(Sexual Assault Prevention and Response Program); OPNAV Instruction 1752.1C, SAPR Program; Marine Corps Order 1752.5BC, SAPR Program; Air Force Instruction 90-6001, SAPR Program; and E.O. 9397 (SSN), as amended.

PURPOSE(S) OF THE SYSTEM:

A. To centralize case-level sexual assault data involving a member of the Armed Forces, in a manner consistent with statute and DoD regulations for Unrestricted and Restricted reporting.

B. To facilitate reports to Congress on claims of retaliation in connection with an Unrestricted Report of sexual assault made by or against a member of the Armed Forces.

C. To facilitate Unrestricted Reports to Congress on the adult sexual assault cases reported by the Family Advocacy Program (FAP).

D. To facilitate use of the “Catch a Serial Offender” (CATCH) program in accordance with section 543 of Public Law 113-291, DoDI 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense”, and DoDI 6495.02 volume 1 “Sexual Assault Prevention and Response: Program Procedures.”

E. To facilitate the documentation of disclosures of sexual assault and retaliation by covered individuals and questions by interested parties.

F. To facilitate capturing disclosures of and questions regarding sexual assault and retaliation resulting in SAPR-Related Inquiries.

G. To ensure appropriate monthly and quarterly case management and high-risk response team coordination and collaboration to support victim care and case management to include the disclosure of information for the purpose of improving the systemic processes and procedures provided to Service members, and the disclosure of sensitive information for the purpose of providing mental and medical care to Service members during a period of crisis, and/or addressing a high-risk situation, related to an unrestricted report of sexual assault and any associated retaliation reporting.

H. To maintain Victim Reporting Preference Statements, DoD Sexual Assault Forensic Examinations (SAFEs), Retaliation Reporting Statements, requests for the return of a victim's personal property in restricted reports collected during a SAFE, and CATCH Program Explanation and Notification Information for Sexual Assault Victims to ensure compliance with federal records retention requirements, and allow victims and reporters access to these forms for potential use in

Department of Veterans Affairs (DVA) benefits applications.

I. Records may also be used as a management tool for statistical analysis, tracking, reporting, evaluating program effectiveness, conducting research and surveys, and case and business management. De-identified data may also be used to respond to mandated reporting requirements.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Victims and/or alleged perpetrators in a sexual assault involving a member of the Armed Forces, including: Active duty Army, Navy, Marine Corps, Air Force, and Space Force members; active duty Reserve members and National Guard members covered by title 10 or title 32; service members who were victims of a sexual assault prior to enlistment or commissioning; military dependents age 18 and older; DoD civilian employees; DoD contractors; other Federal government employees; U.S. civilians; and foreign military members who may be lawfully admitted into the U.S. or who are not covered under the Privacy Act.

B. Sexual assault victims, family members, bystanders, witnesses, first responders, or other parties (e.g., co-workers and friends) who report (hereafter “retaliation reporters”), and/or are the alleged perpetrators of (hereafter “alleged retaliators”) retaliation related to reports of sexual assault involving a member of the Armed Forces, including: Active duty Army, Navy, Marine Corps, Air Force and Space Force members; active duty Reserve members and National Guard members covered by title 10 or title 32 (hereafter “service members”); DoD civilian employees; and other Federal Government employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Personal Information such as: Name, DoD ID number, Social Security Number (SSN), and other identification type and number (e.g., passport; U.S. Permanent Residence Card, foreign identification, DSAID control number (i.e., system generated unique control number); date of birth, place of birth, citizenship/immigration status, race/ethnicity, duty status, service, grade/rank, status, occupation, and affiliation (e.g., military, DoD civilian/contractor, other government employee, and military dependent).

B. Victim and alleged perpetrator information may also include: Age at the time of incident, location of incident, and relationship to alleged perpetrator, as applicable. Additional victim information maintained in

Unrestricted Reports only includes work or personal contact information (e.g., phone number, address, email address) and name of commander.

C. Restricted Reports (reports that do not initiate investigation) may contain personally identifiable information from the Victim Reporting Preference Statement or other sources for the victim and/or alleged perpetrator; no information on reports of retaliation is maintained.

D. Other sexual assault data collected to support case and business management includes: Date and type of report (e.g., Unrestricted or Restricted); tracking information on forensic examination performed, and referrals to appropriate resources, information online of duty determinations, victim safety assessment information, case management meeting information (Monthly and Quarterly meetings), High-Risk Response Team Meetings, and information on memoranda of understanding. For Unrestricted Reports, information on expedited transfers and civilian/military protective orders may also be collected.

E. Retaliation reporter and alleged retaliator information may also include: retaliation control number (i.e., system generated unique control number). Other retaliation data collected to support case and business management include: DSAID control number, tracking information on actions taken to support reporter of retaliation, nature and findings of the retaliation investigation, relationship between alleged retaliator and retaliation reporter, relationship between alleged retaliator and alleged perpetrator of sexual assault, and phone number.

F. Records maintained for the DSAID File Locker include: Victim Reporting Preference Statement, SAFE reports, year and month of report, Sexual Assault Response Coordinator's (SARC's) assigned location, installation name, DSAID control number, and/or SARC affiliation may be maintained as metadata.

RECORD SOURCE CATEGORIES:

Records and information stored in this system of records are obtained from: individuals, SARCs, Military Service Legal Officers (i.e., attorneys provided access to the system), Army Law Enforcement Reporting and Tracking System (Army), Consolidated Law Enforcement Operations Center (Navy), Investigative Information Management System (Air Force), and Office of Special Investigations (OSI) Records, Investigations & Operations Network (Air Force).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, all or a portion of the records or information contained herein may specifically be disclosed outside the DoD pursuant to 5 U.S.C. 552a(b)(3) and the routine uses listed below. (Due to the legal and policy limitations on dissemination of information in restricted reports, not all of the below routine uses may be available for each record or item of information maintained in this system.)

A. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure that apply to DoD officers and employees.

B. To the appropriate Federal, State, local, territorial, Tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

C. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.

D. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

E. To the National Archives and Records Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

F. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

G. To appropriate agencies, entities, and persons when (1) the DoD suspects or confirms a breach of the system of records; (2) the DoD determines as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

H. To another Federal agency or Federal entity, when the DoD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

I. To another Federal, State, or local agency for the purpose of comparing to the agency's system of records or to non-Federal records, in coordination with an Office of Inspector General in conducting an audit, investigation, inspection, evaluation, or some other review as authorized by the Inspector General Act of 1987, as amended.

J. To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

K. To permit the disclosure of records of closed cases of Unrestricted Reports to the Department of Veterans Affairs (DVA) for the purpose of providing mental health and medical care to former Service members and retirees, to determine the eligibility for or entitlement to benefits, and to facilitate collaborative research activities between the DoD and DVA.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records may be stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, or digital media; in agency-owned cloud environments; or in vendor Cloud Service Offerings certified under the Federal Risk and Authorization Management Program (FedRAMP).

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by:

A. For Unrestricted Reports: Victim and retaliation reporter records are retrieved by first name, last name, identification number and type of identification provided, DSAID control number, and/or retaliation control number assigned to the incident. Alleged perpetrator or retaliator records are retrieved by first name, last name, and/or identification number and type of identification provided.

B. For Restricted Reports: Victim Preference Reporting Statements and SAFE Reports are retrieved by year of report, SARC's assigned location, DSAID Control Number, and/or SARC affiliation, as well as victim answers to the encryption key questions.

C. For individuals inquiring into the availability of information on sexual assault and retaliation reporting processes and resources under the SAPR program: CATCH Program Explanation and Notification Information for Sexual Assault Victims are retrieved by DSAID Control Number as well as victim answers to the encryption key.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Temporary. Cutoff cases at the end of the fiscal year and destroy 50 years thereafter.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access rights and permission lists for SARCs are granted by Military Service Sexual Assault Prevention and Response program managers through the assignment of appropriate user roles. Access rights and permission lists for authorized military Service Legal Officer and SAPR Program Managers are granted by the DSAID Program Manager through the assignment of appropriate user roles. The DoD safeguards records in this system of records according to applicable rules, policies, and procedures, including all applicable DoD automated systems security and access policies. DoD policies require the use of controls to minimize the risk of compromise of personally identifiable information (PII) in paper and electronic form and to enforce access by those with a need to know and with appropriate clearances. Additionally, the DoD established security audit and accountability policies and procedures that support the safeguarding of PII and detection of potential PII incidents. The DoD routinely employs safeguards such as the following to information systems and paper recordkeeping systems: Multifactor log-in authentication including Common Access Card (CAC) authentication and password; physical token as required; physical and

technological access controls governing access to data; network encryption to protect data transmitted over the network; disk encryption securing disks storing data; key management services to safeguard encryption keys; masking of sensitive data as practicable; mandatory information assurance and privacy training for individuals who will have access; identification, marking, and safeguarding of PII; physical access safeguards including multifactor identification physical access controls, detection and electronic alert systems for access to servers and other network infrastructure; and electronic intrusion detection systems in DoD facilities.

RECORD ACCESS PROCEDURES:

Individuals seeking access to their records should follow the procedures in 32 CFR part 310. Individuals should address written inquiries to the following, as appropriate:

A. The Department of the Army, Sexual Harassment/Assault Response and Prevention (SHARP), 2530 Crystal Drive, 6th Floor, Arlington, VA 22202–3938.

B. Headquarters Marine Corps Sexual Assault Prevention and Response, ATTN: SAPR Program Manager, 3280 Russell Road, Quantico, VA 22134.

C. The Department of the Navy, ATTN: SAPR Program Manager, RM 4R140–006, 701 S Courthouse Road, Arlington, VA 22204.

D. Headquarters United States Air Force/A1Z, Integrated Resilience. ATTN: Sexual Assault Prevention and Response Program Manager, 1040 Air Force Pentagon, 5E960, Washington, DC 20330–1040.

E. The National Guard Bureau, SAPR Office, ATTN: SAPR Program Manager, 111 South George Mason Drive, AH2, Arlington, VA 22204–1373.

F. The United States Space Force, ATTN: SAPR Program Manager, 150 Vandenberg St., Suite 3324, Peterson AFB, CO 80914.

Signed, written requests should contain the name and number of this system of records notice along with name, current address, email address of the individual, identification number and type of identification, and indicate whether the individual is a victim, retaliation reporter, alleged perpetrator or alleged retaliator. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the appropriate format:

If executed outside the United States: “I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the

foregoing is true and correct. Executed on (date). (Signature).”

If executed within the United States, its territories, possessions, or commonwealths: “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)”.

CONTESTING RECORD PROCEDURES:

The DoD rules for accessing records, contesting contents, and appealing initial agency determinations are contained in 32 CFR part 310; or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should follow the instructions for Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The DoD has exempted records maintained in this system from 5 U.S.C. 552a(c)(3), (d)(1), (2), (3) and (4); (e)(1), (4)(G), (H), and (I); and (f) of the Privacy Act, pursuant to 5 U.S.C. 552a(k)(2), as applicable. In addition, when exempt records received from other systems of records become part of this system, the DoD also claims the same exemptions for those records that are claimed for the prior system(s) of records from which they were a part and claims any additional exemptions set forth here. An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), and (c), and published in 32 CFR part 310.

HISTORY:

October 9, 2019, 84 FR 54127; November 04, 2015, 80 FR 68302.

[FR Doc. 2024–29917 Filed 12–19–24; 8:45 a.m.]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2024–SCC–0125]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Income Based Repayment—Notifications

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before January 21, 2025.

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

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–570–8414.

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

Title of Collection: Income Based Repayment—Notifications.

OMB Control Number: 1845–0114.

Type of Review: An extension without change of a currently approved ICR.

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

Total Estimated Number of Annual Responses: 958,240.

Total Estimated Number of Annual Burden Hours: 76,665.

Abstract: The Higher Education Act of 1965, as amended (HEA), established the Federal Family Education Loan (FFEL) Program under title IV, part B. Section 493C [20 U.S.C. 1098e] of the HEA authorizes income-based repayment for Part B borrowers who have a partial financial hardship. The regulations in 34 CFR 682.215(e)(2)

require notifications to borrowers from the loan holders once a borrower establishes a partial financial hardship and is placed in an income-based repayment (IBR) plan by the loan holder. The regulations identify information the loan holder must provide to the borrower to continue to participate in an IBR plan. This is a request for extension without change of the current information collection 1845–0114.

Dated: December 17, 2024.

Kun Mullan,

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

[FR Doc. 2024–30436 Filed 12–19–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Education Research and Development Center Program

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2025 for the Education Research and Development Center Program.

DATES:

Application Package Available: December 20, 2024.

Deadline for Transmittal of Applications: March 14, 2025.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs.

FOR FURTHER INFORMATION CONTACT: Corinne Alfeld. Email: Corinne.Alfeld@ed.gov. Telephone: 202–987–0835.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: Through the Education Research and Development Center Program, the Institute of Education Sciences (IES) funds Research and Development (R&D) centers to conduct a focused program of research that will contribute to solving a specific education problem and generate new knowledge in their topic area; provide national leadership, research training, capacity building, and outreach within their topic area; and conduct relatively rapid research and scholarship on supplemental questions that emerge within their topic area.

Assistance Listing Number (ALN): 84.305C.

OMB Control Number: 4040–0001.

Competition: The IES National Center for Education Research (NCER) is announcing one competition:

Education Research and Development Center Program (ALN 84.305C). Under this competition, NCER will consider only applications that address one of the following topics:

- Improving Gifted Education.
- Using Generative Artificial Intelligence to Improve Instruction in Postsecondary Education.

Application Submission: You may submit one or more than one application to the IES FY 2025 Education Research and Development Center Program.

If you submit the same or similar application to IES and to another funding entity within or external to the Department and receive funding for the non-IES application prior to IES scientific peer review of applications, you must withdraw the same or similar application submitted to IES, or IES may otherwise determine you are ineligible to receive an award. If reviews are happening concurrently, IES staff will consult with the other potential funder to determine the degree of overlap and which entity will provide funding if both applications are being considered for funding.

Exemption from Proposed Rulemaking: Under section 191 of the Education Sciences Reform Act, 20 U.S.C. 9581, IES is not subject to section 437(d) of the General Education Provisions Act, 20 U.S.C. 1232(d), and is therefore not required to offer interested parties the opportunity to comment on matters relating to grants.

Program Authority: 20 U.S.C. 7294 for the Improving Gifted Education R&D Center; and 20 U.S.C. 9501, *et seq.*, for the Using Generative Artificial Intelligence to Improve Instruction in Postsecondary Education R&D Center.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 77, 81, 82, 84, 86, 97, 98, and 99. In addition, the regulations in 34 CFR part 75 are applicable, except for the provisions in 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.200, 75.201, 75.209, 75.210, 75.211, 75.217(a)-(c), 75.219, 75.220, 75.221, 75.222, and 75.230. (b) The Office of Management and Budget (OMB) Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Guidance in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Note: The open licensing requirement in 2 CFR 3474.20 does not apply to this competition.

Note: As of October 1, 2024, grant applicants must follow the provisions in the OMB Guidance for Federal Financial Assistance (89 FR 30046, April 22, 2024) when preparing an application. For more information about these regulations please visit: <https://www.cfo.gov/resources-coffa/uniform-guidance/>.

II. Award Information

Types of Awards: Cooperative agreements.

Fiscal Information: Although Congress has not yet enacted an appropriation for FY 2025, IES is inviting applications for this competition now so that applicants can have adequate time to prepare their applications. The actual level of funding, if any, depends on final congressional action. IES may announce additional competitions later in FY 2025.

The Improving Gifted Education R&D Center would be supported with funding authorized under the Jacob K. Javits Gifted and Talented Students Education program. Although Congress has not yet enacted an appropriation for FY 2025, IES is inviting applications for this competition now so that applicants can have adequate time to prepare their applications should Congress appropriate funds for this program.

The Using Generative Artificial Intelligence to Improve Instruction in

Postsecondary Education R&D Center will be supported as part of the Accelerate, Transform, and Scale Initiative established by IES to invest in quick-turnaround high-reward, scalable solutions intended to improve education outcomes for all learners (<https://ies.ed.gov/ats-initiative/>).

Estimated Range of Awards: The size of the awards will depend on the scope of the projects proposed. The estimated range of awards varies by topic:

- \$5,000,000 (total) for Improving Gifted Education.
- \$8,000,000 to \$10,000,000 (total) for Using Generative Artificial Intelligence to Improve Instruction in Postsecondary Education.

Maximum Award: The maximum award amount for each topic is set out in the NCER Request for Applications (RFA). On December 20, 2024, the Education R&D Center RFA will be posted at: <https://ies.ed.gov/funding/25rfas.asp>.

For all IES competitions, applications must include budgets no higher than the relevant maximum award amount as set out in the relevant RFA. IES will not make an award exceeding the maximum award amount as set out in the relevant RFA.

Estimated Number of Awards: IES intends to fund one award under the Improving Gifted Education topic and one award under the Using Generative Artificial Intelligence to Improve Instruction in Postsecondary Education topic. IES may consider making additional awards to high-quality applications under the Using Generative Artificial Intelligence to Improve Instruction in Postsecondary Education topic that remain unfunded after one award is made should resources permit. However, the number of awards made under each topic will depend on the quality of the applications received for that topic and the availability of funds.

Note: The Department is not bound by any estimates in this notice.

Project Period: The maximum project period is as follows:

- 5 years for Improving Gifted Education.
- 5 years for Using Generative Artificial Intelligence to Improve Instruction in Postsecondary Education.

III. Eligibility Information

1. *Eligible Applicants:* For Improving Gifted Education, partnerships involving at least one institution of higher education and at least two State educational agencies with the ability and capacity to conduct rigorous research are eligible to apply. Partnerships may also include additional institutions of higher

education, additional State educational agencies, local educational agencies, other public agencies, other private agencies and organizations, other research institutions, and non-profit and for-profit organizations.

For Using Generative Artificial Intelligence to Improve Instruction in Postsecondary Education, entities that have the ability and capacity to conduct rigorous research are eligible to apply. Eligible applicants include, but are not limited to, non-profit and for-profit organizations and public and private agencies and institutions, such as colleges and universities.

2. a. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

b. *Indirect Cost Rate Information:* These programs use an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see www2.ed.gov/about/offices/list/ocfo/intro.html.

3. *Subgrantees:* In accordance with 34 CFR 75.708(b) and (c), a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: nonprofit and for-profit organizations, public and private agencies and organizations, and institutions of higher education. The grantee may award subgrants to entities it has identified in an approved application.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at <https://www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs>, which contain requirements and information on how to submit an application.

2. *Other Information:* Information regarding program and application requirements for the competition can be found in the currently available IES Application Submission Guide (https://ies.ed.gov/funding/submission_guide.asp) and in the RFA, which will be available on [INSERT DATE OF PUBLICATION IN THE **FEDERAL REGISTER**], on the IES website at: <https://ies.ed.gov/funding/>. The application packages for this

competition will also be available on December 20, 2024.

3. *Content and Form of Application Submission:* Requirements concerning the content of an application are contained in the RFA for the specific competition. The forms that must be submitted are in the application package for the specific competition.

4. *Submission Dates and Times:* The deadline date for transmittal of applications is March 14, 2025.

We do not consider an application that does not comply with the deadline requirements.

5. *Intergovernmental Review:* This competition is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

6. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

V. Application Review Information

1. *Selection Criteria:* For all of its grant competitions, IES uses selection criteria based on a peer review process that has been approved by the National Board for Education Sciences. The Peer Review Procedures for Grant Applications can be found on the IES website at: https://ies.ed.gov/director/sro/application_review.asp.

For this competition (ALN 84.305C), peer reviewers will evaluate the significance of the focused program of research, the quality of the research plan for the focused program of research, the quality of the training plan, the quality of the plans for national leadership, capacity building, and outreach activities, the quality of the management and institutional resources, and the qualifications and experience of the personnel. These criteria are described in greater detail in the RFA.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, IES may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, compliance with the IES policy regarding public access to research, and compliance with grant conditions. IES may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, IES requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities

receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23). Also, IES requires all key personnel on a grant award to have a persistent identifier, such as ORCID iD (Open Researcher and Contributor Identification; <https://orcid.org/>), in place before an award will be made.

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this competition, the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, IES may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic

version of your GAN. We also may notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Grant Administration:* Applicants should budget for an annual meeting of up to three days for project directors to be held in Washington, DC.

4. *Reporting:* (a) If you apply for a grant under a competition announced in this notice, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by IES. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by IES under 34 CFR 75.118. IES may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

5. *Performance Measures:* To evaluate the overall success of its education research grant programs, IES annually assesses the percentage of projects that result in peer-reviewed publications and the number of IES-supported interventions with evidence of efficacy in improving learner education outcomes. School readiness outcomes include pre-reading, reading, pre-writing, early mathematics, early science, and social-emotional skills that prepare young children for school. Student academic outcomes include learning and achievement in academic content areas, such as reading, writing, math, and science, as well as outcomes that reflect students' successful progression through the education system, such as course and grade completion; high school graduation; and

postsecondary enrollment, progress, and completion. Social and behavioral competencies include social and emotional skills, attitudes, and behaviors that are important to academic and post-academic success. Employment and earnings outcomes include hours of employment, job stability, and wages and benefits, and may be measured in addition to student academic outcomes.

6. *Continuation Awards*: In making a continuation award under 34 CFR 75.253, IES considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; whether a grantee is in compliance with the IES policy regarding public access to research; and if IES has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, IES also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the program contact person listed in **FOR FURTHER INFORMATION CONTACT**, as well as in the relevant RFA and application package, individuals with disabilities can obtain this document and a copy of the RFA in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other Department documents published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access Department documents published in the **Federal Register** by using the article search

feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Matthew Soldner,

Acting Director, Institute of Education Sciences.

[FR Doc. 2024–30435 Filed 12–19–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Privacy Act of 1974; System of Records

AGENCY: U.S. Department of Energy.

ACTION: Notice of a modified system of records.

SUMMARY: As required by the Privacy Act of 1974 and the Office of Management and Budget (OMB) Circulars A–108 and A–130, the Department of Energy (DOE or the Department) is publishing notice of a modification to an existing Privacy Act system of records. DOE proposes to amend System of Records DOE–14 Report of Compensation. This System of Records Notice (SORN) is being modified to align with new formatting requirements, published by OMB, and to ensure appropriate Privacy Act coverage of business processes and Privacy Act information.

DATES: This modified SORN will become applicable following the end of the public comment period on January 21, 2025 unless comments are received that result in a contrary determination.

ADDRESSES: Written comments should be sent to Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm. 8H–085, Washington, DC 20585, by facsimile at (202) 586–8151, or by email at privacy@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm. 8H–085, Washington, DC 20585, by facsimile at (202) 586–8151, by email at privacy@hq.doe.gov, or by telephone at (240) 686–9485.

SUPPLEMENTARY INFORMATION: On January 9, 2009, DOE published a Compilation of its Privacy Act Systems of Records, which included System of Records DOE–14 Report of Compensation. This notice proposes the following amendments. The following addresses have been updated: John A. Gordon Albuquerque Complex, both Office of Science addresses, Golden Field Office, all three National Energy

Technology Laboratory locations, the Office of River Protection, and the Richland Operations Office. The National Nuclear Security Administration (NNSA) Headquarters address has been added. The NNSA Naval Reactors Field Office has been removed. The system manager's office has been updated to reflect the current system manager, which is the Contractor Human Resources Policy Division. The "Categories of Individuals Covered by the System" section has been revised to include contractor employees of management and operating (M&O) contractors, non-M&O major site and facility contractors, and contractors that require DOE approval of contractor compensation and benefits for reasonableness. Magnetic tape and paper records have been removed from "Policies and Practices for Storage of Records." Employee name, job title, and contractor name have been added to "Policies and Practices for Retrieval of Records." The Bipartisan Budget Act of 2013 and DOE Order 350.1, *Contractor Human Resource Management Programs*, have been added to the "Authorities" section. Per the Bipartisan Budget Act of 2013 and DOE Order 350.1, both authorize and limit the amount of reimbursement of compensation costs for all contractor employees. In the "Routine Uses" section, this modified notice deletes a previous routine use concerning efforts responding to a suspected or confirmed loss of confidentiality of information as it appears in DOE's compilation of its Privacy Act Systems of Records (January 9, 2009) and replaces it with one to assist DOE with responding to a suspected or confirmed breach of its records of Personally Identifiable Information (PII), modeled with language from OMB's Memorandum M–17–12, "Preparing for and Responding to a Breach of Personally Identifiable Information" (January 3, 2017). Further, this notice adds one new routine use to ensure that DOE may assist another agency or entity in responding to the other agency's or entity's confirmed or suspected breach of PII, as appropriate, as aligned with OMB's Memorandum M–17–12. An administrative change required by the FOIA Improvement Act of 2016 extends the length of time a requestor is permitted to file an appeal under the Privacy Act from 30 to 90 days. Both the "System Locations" and "Administrative, Technical and Physical Safeguards" sections have been modified to reflect the Department's usage of cloud-based services for records storage. Language throughout the SORN has been updated to align

with applicable Federal privacy laws, policies, procedures, and best practices.

SYSTEM NAME AND NUMBER:

DOE-14 Report of Compensation.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATIONS:

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

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

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

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

U.S. Department of Energy, NNSA Naval Reactors Field Office, Pittsburgh Naval Reactors, P.O. Box 109, West Mifflin, PA 15122-0109.

U.S. Department of Energy, Naval Petroleum Reserves in California, P.O. Box 11, Tupman, CA 93276.

U.S. Department of Energy, Naval Petroleum and Oil Shale Reserves, 907 North Poplar, Suite 150, Casper, WY 82601.

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

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

U.S. Department of Energy, Golden Field Office, 15013 Denver West Parkway, Golden, CO 80401.

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

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

U.S. Department of Energy, National Energy Technology Laboratory (Morgantown), 3610 Collins Ferry Road, Morgantown, WV 26505.

U.S. Department of Energy, National Energy Technology Laboratory (Albany), 1450 Queen Avenue SW, Albany, OR 97321.

U.S. Department of Energy, Hanford Field Office, P.O. Box 550, Richland, WA 99352.

U.S. Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC 29801.

U.S. Department of Energy, Strategic Petroleum Reserve Project Management Office, 900 Commerce Road East, New Orleans, LA 70123.

SYSTEM MANAGER(S):

Headquarters: Director, Contractor Human Resources Policy Division, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585.

Field Offices: Field Directors, Office of Contractor Human Resources Policy Division, of the "System Locations" listed above are the system managers for their respective portions of this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 7101 *et seq.*; 50 U.S.C. 2401 *et seq.*; The Bipartisan Budget Act of 2013; and DOE Order 350.1, *Contractor Human Resource Management Programs*, (most up-to-date version).

PURPOSE(S) OF THE SYSTEM:

Records in this system are maintained and used by DOE to aid managers of field offices, program secretarial officers, and Headquarters program managers in determining the limits on the amount of reimbursement for compensation costs for all contractor employees, the allowability and reasonableness of compensation paid to top-level contractor employees, and to monitor the growth of contractor compensation at all levels.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Contractor employees of DOE, including the National Nuclear Security Administration (NNSA), contractor employees of management and operating (M&O) contractors, non-M&O major site and facility contractors, and contractors that require DOE approval of contractor compensation and benefits for reasonableness review.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, job title, contractor, current salary meeting the threshold level for reporting as specified in the respective contract, amount reimbursed, and other compensation information.

RECORD SOURCE CATEGORIES:

Contractor salary administrative personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. A record from this system may be disclosed as a routine use for the purpose of an investigation, settlement

of claims, or the preparation and conduct of litigation to (1) persons representing the Department in the investigation, settlement or litigation, and to individuals assisting in such representation; (2) others involved in the investigation, settlement, and litigation, and their representatives and individuals assisting those representatives; (3) witnesses, potential witnesses, or their representatives and assistants; and (4) any other persons who possess information pertaining to the matter when it is relevant and necessary to obtain information or testimony relevant to the matter.

2. A record from this system may be disclosed as a routine use in court or administrative proceedings to the tribunals, counsel, other parties, witnesses, and the public (in publicly available pleadings, filings, or discussion in open court) when such disclosure: (1) is relevant to, and necessary for, the proceeding; (2) compatible with the purpose for which the Department collected the records; and (3) the proceedings involve:

a. The Department, its predecessor agencies, current or former contractor of the Department, or other United States Government agencies and their components, or

b. A current or former employee of the Department and its predecessor agencies, current or former contractors of the Department, or other United States Government agencies and their components, who is acting in an official capacity or in any individual capacity where the Department or other United States Government agency has agreed to represent the employee.

3. A record from this system may be disclosed as a routine use to DOE contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties. Those provided information under this routine use are subject to the same limitations applicable to Department officers and employees under the Privacy Act.

4. A record from this system may be disclosed as a routine use to a member of Congress submitting a request involving a constituent when the constituent has requested assistance from the member concerning the subject matter of the record. The member of Congress must provide a copy of the constituent's signed request for assistance.

5. A record from this system may be disclosed as a routine use to appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach

of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOE (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

6. A record from this system may be disclosed as a routine use to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records will be stored as electronic documents.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by contractor employee name, job title, or contractor name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Retention and disposition of these records is in accordance with the National Archives and Records Administration approved records disposition schedule with a retention of 6 years after final payment.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Electronic records may be secured and maintained on a cloud-based software server and operating system that resides in Federal Risk and Authorization Management Program (FedRAMP) and Federal Information Security Modernization Act (FISMA) hosting environment. Data located in the cloud-based server is firewalled and encrypted at rest and in transit. The security mechanisms for handling data at rest and in transit are in accordance with DOE encryption standards. Records are protected from unauthorized access through the following appropriate safeguards:

- *Administrative:* Access to all records is limited to lawful government purposes only, with access to electronic records based on role and either two-factor authentication or password protection. The system requires passwords to be complex and to be changed frequently. Users accessing system records undergo frequent training in Privacy Act and information security requirements. Security and privacy controls are reviewed on an ongoing basis.

- *Technical:* Computerized records systems are safeguarded on Departmental networks configured for role-based access based on job responsibilities and organizational affiliation. Privacy and security controls are in place for this system and are updated in accordance with applicable requirements as determined by NIST and DOE directives and guidance.

- *Physical:* Computer servers on which electronic records are stored are located in secured Department facilities, which are protected by security guards, identification badges, and cameras. Paper copies of all records are locked in file cabinets, file rooms, or offices and are under the control of authorized personnel. Access to these facilities is granted only to authorized personnel and each person granted access to the system must be an individual authorized to use or administer the system.

RECORD ACCESS PROCEDURES:

The Department follows the procedures outlined in title 10 CFR 1008.4. Valid identification of the individual making the request is required before information will be processed, given, access granted, or a correction considered, to ensure that information is processed, given, corrected, or records disclosed or corrected only at the request of the proper person.

CONTESTING RECORD PROCEDURES:

Any individual may submit a request to the System Manager and request a copy of any records relating to them. In accordance with 10 CFR 1008.11, any individual may appeal the denial of a request made by him or her for information about or for access to or correction or amendment of records. An appeal shall be filed within 90 calendar days after receipt of the denial. When an appeal is filed by mail, the postmark is conclusive as to timeliness. The appeal shall be in writing and must be signed by the individual. The words "PRIVACY ACT APPEAL" should appear in capital letters on the envelope and the letter. Appeals relating to DOE

records shall be directed to the Director, Office of Hearings and Appeals (OHA), 1000 Independence Avenue SW, Washington, DC 20585.

NOTIFICATION PROCEDURES:

In accordance with the DOE regulation implementing the Privacy Act, 10 CFR part 1008, a request by an individual to determine if a system of records contains information about themselves should be directed to the U.S. Department of Energy, Headquarters, Privacy Act Officer. The request should include the requester's complete name and the time period for which records are sought.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This SORN was last published in the **Federal Register**, 74 FR 1014–1016, on January 9, 2009.

Signing Authority

This document of the Department of Energy was signed on December 13, 2024, by Ann Dunkin, Senior Agency Official for Privacy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on December 17, 2024.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2024–30470 Filed 12–19–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Industrial Technology Innovation Advisory Committee

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

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open virtual meeting of the Industrial Technology Innovation Advisory Committee (ITIAC). The Federal Advisory Committee Act requires that

public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, January 16, 2025; 12–5 p.m. EST.

ADDRESSES: This half-day meeting will be held virtually for ITIAC members and for members of the public. The ITIAC website will contain announcements about the meeting, including instructions for registering to attend: <https://www.energy.gov/eere/iedo/industrial-technology-innovation-advisory-committee>.

FOR FURTHER INFORMATION CONTACT: Dr. Zachary Pritchard, Industrial Efficiency and Decarbonization Office, U.S. Department of Energy, Washington, DC 20585; phone: (202) 246–4145 or email: ITIAC@ee.doe.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The Industrial Technology Innovation Advisory Committee (Committee) was established pursuant to the Energy Independence and Security Act (EISA) of 2007 as amended by Pub. L. 116–260, and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. 10. The Committee is established to advise the Secretary of Energy (Secretary) with respect to the Industrial Emissions Reductions Technology Development Program (the program) by identifying and evaluating any technologies being developed by the private sector relating to the focus areas described in section 454(c) of the EISA; identifying technology gaps in the private sector or other Federal agencies in those focus areas, and making recommendations on how to address those gaps; surveying and analyzing factors that prevent the adoption of emissions reduction technologies by the private sector; and recommending technology screening criteria for technology developed under the program to encourage adoption of the technology by the private sector.

Purpose of Meeting: ITIAC will hold this meeting to continue its work toward developing a strategic plan on how to achieve the goals of the Industrial Emissions Reductions Technology Development Program, consistent with the purposes of the program described in section 454(b)(1) of the EISA, and progress towards the first Committee report. The Committee will discuss and vote on a slate of recommendations for the Secretary of Energy.

Tentative Agenda:

- Call to Order, Introductions, and Review of the Agenda
- Discussion on Committee Recommendations
- Committee Vote on Recommendations
- Discussion on Next Steps

- Public Comment Period and Closing Remarks
- Adjourn

All attendees are requested to register in advance. The ITIAC website will be updated with instructions and links to register for the meeting: <https://www.energy.gov/eere/iedo/industrial-technology-innovation-advisory-committee>.

Public Participation: The ITIAC welcomes the attendance of the public at its meetings. Individuals who wish to offer public comments at the ITIAC meeting may do so, but must register in advance by 5 p.m. EST on Monday, January 13, 2025, by sending a written request identified by “ITIAC January 2025 Meeting,” to Dr. Zachary Pritchard at ITIAC@ee.doe.gov. Approximately 15 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but is not expected to exceed three minutes. Anyone who is not able to attend the meeting, or for whom the allotted public comments time is insufficient to address pertinent issues with the ITIAC, is invited to send a written statement identified by “ITIAC January 2025 Meeting—Written Statement,” to Dr. Zachary Pritchard at ITIAC@ee.doe.gov.

Minutes: Minutes will be posted on the ITIAC website: <https://www.energy.gov/eere/iedo/industrial-technology-innovation-advisory-committee>. They can also be obtained by contacting ITIAC@ee.doe.gov.

Signing Authority: This document of the Department of Energy was signed on December 17, 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 17, 2024.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2024–30429 Filed 12–19–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

President’s Council of Advisors on Science and Technology (PCAST)

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of an open virtual meeting.

SUMMARY: This notice announces an open virtual meeting of the President’s Council of Advisors on Science and Technology (PCAST). The Federal Advisory Committee Act (FACA) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Friday, January 10, 2025; 10 a.m. to 2 p.m. EST.

ADDRESSES: Information for viewing the livestream of the meeting and updates to the timing, can be found on the PCAST website closer to the meeting date at: www.whitehouse.gov/PCAST/meetings.

FOR FURTHER INFORMATION CONTACT: Dr. Melissa A. Edwards, Designated Federal Officer, PCAST, email: PCAST@ostp.eop.gov or phone: 202–881–9018.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: PCAST is an advisory group of the nation’s leading scientists and engineers, appointed by the President to augment the science and technology advice available to them from the White House, cabinet departments, and other Federal agencies. See the Executive order at whitehouse.gov. PCAST is consulted on and provides analyses and recommendations concerning a wide range of issues where understanding of science, technology, and innovation may bear on the policy choices before the President. Information about PCAST can be found at: www.whitehouse.gov/PCAST.

Tentative Agenda:

PCAST may discuss and consider for approval a report on social science and may discuss science and technology opportunities for America’s future. Additional information and the meeting agenda, including any changes that arise, will be posted on the PCAST website at: www.whitehouse.gov/PCAST/meetings.

Public Participation: The sessions are open to the public. The meeting will be held in a virtual manner for members of the public. It is the policy of PCAST to accept written public comments no longer than 10 pages and to accommodate oral public comments whenever possible. PCAST expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

The public comment period for this meeting will take place at a time specified in the meeting agenda. This public comment period is designed only for substantive commentary on PCAST's work, not for business marketing purposes.

To be considered for the public speaker list at the meeting, interested parties should register to speak at PCAST@ostp.eop.gov, no later than 12 p.m. EST on January 3, 2025. To accommodate as many speakers as possible, the time for public comments will be limited to two minutes per person, with a total public comment period of up to 10 minutes. If more speakers register than there is space available on the agenda, PCAST will select speakers on a first-come, first-served basis from those who registered. Those not able to present oral comments may file written comments with the council.

Although written comments are accepted continuously, written comments should be submitted to PCAST@ostp.eop.gov no later than 12 p.m. EST on January 3, 2025, so that the comments can be made available to PCAST members for their consideration prior to this meeting.

Minutes: PCAST operates under the provisions of FACA, all public comments and/or presentations will be treated as public documents and will be made available for public inspection, including being posted on the PCAST website at: www.whitehouse.gov/PCAST/meetings.

Signing Authority: This document of the Department of Energy was signed on December 17, 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 17, 2024.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2024-30426 Filed 12-19-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Notice of Intent Regarding Launching a Carbon Transport Research, Development and Demonstration Consortium

AGENCY: Office of Fossil Energy and Carbon Management, Department of Energy.

ACTION: Notice of intent (NOI).

SUMMARY: The Office of Fossil Energy and Carbon Management (FECM), Department of Energy (DOE), is issuing this NOI to notify interested parties of its intent to launch a "Carbon Transport Research, Development and Demonstration (RD&D) Consortium (the Consortium)" to identify and coordinate carbon transport RD&D efforts (*e.g.*, pipeline, rail, truck, ship, and barge transportation); facilitate communication among stakeholders; and compile and curate information in an open access platform. The DOE initially sought input from stakeholders through a Request for Information DE-FOA-0003330 (RFI 3330) (www.fedconnect.net/FedConnect/default.aspx?ReturnUrl=%2ffedconnect%2f%3fdoc%3dDE-FOA-0003330%26agency%3dDOE&doc=DE-FOA-0003330&agency=DOE) issued on September 18, 2024. Through this NOI, the DOE is establishing a second opportunity to obtain information that could be used to inform DOE's decisions on the initiation of the Consortium and to gauge interest in participating in the Consortium. FECM intends to launch the Consortium after reviewing responses to RFI 3330 and this NOI. Parties that express interest in joining the Consortium, either through this NOI or through RFI 3330, will be contacted via email with instructions on how to officially register to join.

DATES: Written comments, and information are requested by January 21, 2025.

ADDRESSES: Interested parties may submit comments electronically to FOA3330@netl.doe.gov and include "DOE Carbon Transport Consortium" in the subject line of the email. Only electronic responses will be accepted.

FOR FURTHER INFORMATION CONTACT:

Questions may be addressed to Robert Smith, at 202-597-4058 or robert.smith8@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

I. Drivers for a Carbon Transport RD&D Consortium

In line with the goal of broad stakeholder engagement and its 2022

Strategic Vision,¹ DOE FECM hosted the Workshop for Applied Research in Carbon Dioxide (CO₂) Transport² in Dublin, Ohio, from February 21-22, 2023 (the Workshop). Approximately 100 individuals from Federal agencies, industry, academia, nongovernmental organizations, national laboratories, and other stakeholder groups participated in the Workshop to share individual perspectives and provide input about the following objectives:

- Identify near-term challenges and RD&D areas of interest;
- Identify lab- and pilot-scale research activities of interest;
- Identify potential participants in ongoing and future RD&D efforts; and
- Identify whether a carbon transport research consortium would advance carbon capture, utilization, and storage deployment, and could address potential barriers to future success.

The key result of the Workshop was the identification of four broad topics of interest (TOIs) for fundamental and applied RD&D in CO₂ transport:

- (a) Impact of CO₂ impurities on asset integrity;
- (b) CO₂-specific leak detection and emergency response protocols;
- (c) Repurposing of existing infrastructure for CO₂ service; and
- (d) Developing and connecting with other modes of CO₂ transport/intermodal hubs.

The Workshop participants also encouraged FECM to consider developing a carbon transport RD&D consortium ("the Consortium") to facilitate information sharing that could result in coordinated RD&D efforts on the TOIs among stakeholders.

II. Consortium Participants

The Consortium is intended to consist of a group of domestic (U.S.) based or incorporated individuals or organizations that are working together to achieve a common objective. It would be structured around committees that would share information about relevant ongoing RD&D activities, conduct gap analyses, and promote synergies which could lead to research project formation

¹ United States Department of Energy. (2022). Strategic Vision: The Role of Fossil Energy and Carbon Management in Achieving Net-Zero Greenhouse Gas Emissions. www.energy.gov/fecm/strategic-vision-role-fecm-achieving-net-zero-greenhouse-gas-emissions#:~:text=Reports%20and%20Studies-Strategic%20Vision%3A%20The%20Role%20of%20FECM%20in,Net%2DZero%20Greenhouse%20Gas%20Emissions&text=FECM%27s%20priority%20is%20reaching%20the,greenhouse%20gas%20emissions%20by%202050.

² United States Department of Energy Office of Fossil Energy and Carbon Management. (2023). Roadmap for CO₂ Transport Fundamental Research Workshop. www.netl.doe.gov/23TFRW-proceedings.

and facilitate the performance of peer reviews of projects.

The Consortium is intended to comprise a range of U.S. based or incorporated individuals or organizations including but not limited to:

- Federal agencies
- Tribal governments or sovereign nations
- State agencies
- National laboratories
- Academia
- Non-government organizations
- National standards organizations
- Industry owners and facility operators
- Service providers and equipment vendors
- Trade associations
- Manufacturing entities (e.g., pipe fabricators)
- Labor unions

III. Benefits to Joining

The following benefits could be realized through the Consortium.

1. Information Sharing and Collaboration

The Consortium would facilitate the sharing of information across organizations. This would support awareness and save time as new knowledge, and technologies are developed.

2. Increased Lab Visibility

The Consortium would provide an opportunity for various laboratories to increase awareness surrounding their specific expertise, capabilities, and applicable ongoing work in support of developing future collaborative opportunities surrounding areas of interest relevant to CO₂ transportation.

3. Improve Chances To Achieve Goals

The Consortium would bring together professionals working towards mutual goals resulting in better collaboration and cooperation among members. Diverse opinions and individual perspectives for solutions would be encouraged, which would ensure that topics of interest are addressed appropriately.

4. Growing Network of Knowledge

The Consortium would grow a network of quality connections and knowledge by providing increased access to expertise, organization, peer reviewed knowledge and data, and single mode and multimodal transport companies.

The Consortium would create opportunities for attracting new members over time, bringing expertise to fill identified RD&D gaps.

IV. Consortium Structure

Three standing committees are envisioned. FECM would be the Consortium manager and co-chair for some of the Consortium committees. FECM would lead and execute the Consortium with technical coordination and logistical/administrative support from the National Energy Technology Laboratory (NETL). It is anticipated that the Consortium would have one in-person annual meeting with committee meetings that would meet periodically (primarily virtually).

Federal RD&D Steering Committee—This committee would consist of representatives from DOE, and other U.S. Government agencies including government-owned and government-operated labs. The Federal RD&D Steering Committee would be chaired by FECM and would advise FECM on suggested research activities for future funding actions.

Committee for Federally-Funded Research and Development Centers—This committee would consist of representatives from government-owned but contractor-operated labs of the Department of Energy (generally referred to as “National Labs”). This committee would update the Federal RD&D Steering Committee on the progress of the related funded efforts at the National Labs.

Committee for Non-Governmental Organizations, Industry, and Other Subject Matter Experts—This committee is comprised of representatives from non-government organizations, private sector corporations, or individuals independent from the U.S. Government but based or incorporated in the U.S. Committee members must be a U.S. citizen. This committee would share facts or information with the Consortium about ongoing or planned research, and the Consortium would collate this information with its activities. This committee would not provide advice or recommendations to the Consortium or to any of the other committees.

V. Membership Requirements

These requirements can be found on the following web page and will be utilized by FECM to review interested individuals or organizations who wish to join.

Please visit: <https://edx.netl.doe.gov/sites/transportconsortium>.

VI. Consortium Web Page

The envisioned Consortium web page will further describe the Consortium’s mission, activities, and schedule of events; elicit membership; post public

domain information; and may provide an on-line forum for information sharing. All respondents to this RFI will be notified when the Consortium web page becomes active.

VII. Questions for Request for Information

Through this NOI and RFI 3330, FECM seeks input from organizations that may be involved in CO₂ transport RD&D and interested in becoming a member of this Consortium. The following questions are provided to guide responses. You may answer as few or as many of the questions as you would like. Please use the numbers as headings in your response to the greatest extent possible and refer to the questions in the body of your response. This helps save time for both the responder and the reviewers. Please be as specific as possible in all responses.

1. *What is your level of interest in becoming a member of the Consortium and/or a member of one or more of the three Committees described in the RFI?*

Organizations and/or individuals must provide the following information when expressing interest in joining the Consortium.

- First Name
- Last Name
- Position Title
- Entity Type
- Company/Organization Name
- Email Address

2. *Are you or your organization involved with or interested in research, development, and demonstration (RD&D) activities pertinent to the four TOIs identified in the February 2023 Workshop for Applied Research in CO₂ Transport?* If so, please respond separately to each TOI (a, b, c, or d) as noted below:

- (a) Impact of CO₂ Impurities on Asset Integrity
- (b) CO₂-Specific Leak Detection and Emergency Response Protocols
- (c) Repurposing of Existing Infrastructure for CO₂ Service
- (d) Developing and Connecting with Other Modes of CO₂ Transport/ Intermodal Hubs

Please include the following information in your responses, if applicable:

- CO₂ transport mode
- Project title
- Organization or principal investigator(s) performing the research project
- Main objective(s)
- Description of anticipated project outputs
- URL to public project page or project publications

- Project funding total
- Funding entity name
- Funding entity point of contact

3. *Are you or your organization involved with or interested in applied research, development, and demonstration activities relevant to CO₂ transport that does not fall into one of the TOIs described in Question 2 above?* If so, please suggest a topic of interest that most appropriately describes the RD&D area in which you are working or interested, and include the following information in your responses, if applicable:

- CO₂ transport mode
- Project title
- Organization or principal investigator(s) performing the research project
- Main objective(s)
- Description of anticipated project outputs
- URL to public project page w/wo reporting or to access project publications
- Project funding total
- Funding entity name
- Funding entity point of contact

4. *What would you find most valuable from having and participating in such a consortium?* Please let us know what you think.

VIII. Confidential Business Information

Pursuant to 10 CFR 1004.11, any person submitting information that they believe to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: One copy of the document marked “confidential” including all the information believed to be confidential, and one copy of the document marked “non-confidential” with the information believed to be confidential deleted. Submit these documents via email. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Signing Authority

This document of the Department of Energy was signed on December 12, 2024, by Brad Crabtree, Assistant Secretary, Office of Fossil Energy and Carbon Management, 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.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2024–30335 Filed 12–19–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Privacy Act of 1974; System of Records

AGENCY: U.S. Department of Energy.

ACTION: Notice of a modified system of records.

SUMMARY: As required by the Privacy Act of 1974 and the Office of Management and Budget (OMB) Circulars A–108 and A–130, the Department of Energy (DOE or the Department) is publishing notice of a modification to an existing Privacy Act System of Records. DOE proposes to amend System of Records DOE–24 Land Records System. This System of Records Notice (SORN) is being modified to align with new formatting requirements, published by OMB, and to ensure appropriate Privacy Act coverage of business processes and Privacy Act information.

DATES: This modified SORN will become applicable following the end of the public comment period on January 21, 2025 unless comments are received that result in a contrary determination.

ADDRESSES: Written comments should be sent to Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm. 8H–085, Washington, DC 20585, by facsimile at (202) 586–8151, or by email at privacy@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm. 8H–085, Washington, DC 20585, by facsimile at (202) 586–8151, by email at privacy@hq.doe.gov, or by telephone at (240) 686–9485.

SUPPLEMENTARY INFORMATION: On January 9, 2009, DOE published a Compilation of its Privacy Act Systems of Records, which included System of Records DOE–24 Land Records System. This notice proposes the following amendments: The Southwestern Area Power Administration has been removed as a system location; the

“Categories of Individuals Covered by the System” section has been revised to accommodate landowners in service areas covered by the Bonneville Power Administration and Western Area Power Administration; “Categories of Records in the System” now includes property address, landowner mailing address, landowner phone number, and the last sale seller’s name; “Record Source Categories” now includes public databases; “Authority for Maintenance of the System” section adds 16 U.S.C. 791 *et seq.*, the Reclamation Act of June 17, 1902 (32 Stat. 388), the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565), and deletes 50 U.S.C. 2401 *et seq.*; “Routine Uses” section deletes a previous routine use concerning efforts responding to a suspected or confirmed loss of confidentiality of information as it appears in DOE’s compilation of its Privacy Act Systems of Records (January 9, 2009) and replaces it with one to assist DOE with responding to a suspected or confirmed breach of its records of Personally Identifiable Information (PII), modeled with language from OMB’s Memorandum M–17–12, “Preparing for and Responding to a Breach of Personally Identifiable Information” (January 3, 2017). Further, this notice adds one new routine use to ensure that DOE may assist another agency or entity in responding to the other agency’s or entity’s confirmed or suspected breach of PII, as appropriate, as aligned with OMB’s Memorandum M–17–12. A routine use has been added to include disclosure to appropriate local, tribal, state, or Federal agencies when needed to establish historical or current ownership. An administrative change required by the FOIA Improvement Act of 2016 extends the length of time a requestor is permitted to file an appeal under the Privacy Act from 30 to 90 days. Both the “System Locations” and “Administrative, Technical and Physical Safeguards” sections have been modified to reflect the Department’s usage of cloud-based services for records storage. Language throughout the SORN has been updated to align with applicable Federal privacy laws, policies, procedures, and best practices.

SYSTEM NAME AND NUMBER:

DOE–24 Land Records System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Systems leveraging this SORN may exist in multiple locations. All systems storing records in a cloud-based server

are required to use government-approved cloud services and follow National Institute of Standards and Technology (NIST) security and privacy standards for access and data retention. Records maintained in a government-approved cloud server are accessed through secure data centers in the continental United States.

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

U.S. Department of Energy, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228–8213.

SYSTEM MANAGER(S):

Field Offices: The Manager and Director of the “System Location” listed above is the system manager for this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 7101 *et seq.*; 16 U.S.C. 791 *et seq.*; WAPA maintains a Lands Records System pursuant to the Reclamation Act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof and supplementary thereto; and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565).

PURPOSE(S) OF THE SYSTEM:

Records in this system are maintained and used by DOE to track and manage land rights information in support of construction and maintenance programs, right-of-way tracking for transmission line vegetation management, and line maintenance.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Landowners in Bonneville Power Administration and Western Area Power Administration’s service areas.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual names; description of land tract, type of agreement; rights granted or received; history of the transaction, IRS Form 1099 information; property address; landowner mailing address; landowner phone number; and the last sale seller’s name.

RECORD SOURCE CATEGORIES:

Information in this system comes from individual landowners, grantees, or grantors; agency officials; public databases; and State and local authorities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. A record from this system may be disclosed as a routine use for the purpose of an investigation, settlement of claims, or the preparation and

conduct of litigation to (1) persons representing the Department in the investigation, settlement or litigation, and to individuals assisting in such representation; (2) others involved in the investigation, settlement, and litigation, and their representatives and individuals assisting those representatives; (3) witnesses, potential witnesses, or their representatives and assistants; and (4) any other persons who possess information pertaining to the matter when it is relevant and necessary to obtain information or testimony relevant to the matter.

2. A record from this system may be disclosed as a routine use in court or administrative proceedings to the tribunals, counsel, other parties, witnesses, and the public (in publicly available pleadings, filings, or discussion in open court) when such disclosure: (1) is relevant to, and necessary for, the proceeding; (2) is compatible with the purpose for which the Department collected the records; and (3) the proceedings involve:

a. The Department, its predecessor agencies, current or former contractor of the Department, or other United States Government agencies and their components, or

b. A current or former employee of the Department and its predecessor agencies, current or former contractors of the Department, or other United States Government agencies and their components, who is acting in an official capacity or in any individual capacity where the Department or other United States Government agency has agreed to represent the employee.

3. A record from this system may be disclosed as a routine use to DOE contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties. Those provided information under this routine use are subject to the same limitations applicable to Department officers and employees under the Privacy Act.

4. A record from this system may be disclosed as a routine use to the Internal Revenue Service to provide notification of individuals who have received payment exceeding \$600 on any one land right transaction.

5. A record from this system may be disclosed as a routine use to the Department of Justice to provide support of land right condemnation actions.

6. A record from this system may be disclosed as a routine use to courts and attorneys for the purpose of land right settlement disputes or litigation.

7. A record from this system may be disclosed as a routine use to the appropriate local, tribal, state, or Federal agency when records, alone or in conjunction with other information, indicate a violation or potential violation of law whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program pursuant thereto.

8. A record from this system may be disclosed as a routine use to a member of Congress submitting a request involving a constituent when the constituent has requested assistance from the member concerning the subject matter of the record. The member of Congress must provide a copy of the constituent’s signed request for assistance.

9. A record from this system may be disclosed as a routine use to appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the System of Records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOE (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department’s efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

10. A record from this system may be disclosed as a routine use to another Federal agency or Federal entity, when the Department determines that information from this System of Records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

11. A record from this system may be disclosed as a routine use to the appropriate tribal, state, or Federal agency when needed to establish historical or current ownership.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records may be stored as paper records, microfilm, or electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by line identification, personal identification,

cross referenced by name of landowner, grantee, or grantor.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Retention and disposition of these records is in accordance with the National Archives and Records Administration-approved records disposition schedule with a retention of 75 years.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Electronic records may be secured and maintained on a cloud-based software server and operating system that resides in Federal Risk and Authorization Management Program (FedRAMP) and Federal Information Security Modernization Act (FISMA) hosting environment. Data located in the cloud-based server is firewalled and encrypted at rest and in transit. The security mechanisms for handling data at rest and in transit are in accordance with DOE encryption standards. Records are protected from unauthorized access through the following appropriate safeguards:

- *Administrative:* Access to all records is limited to lawful government purposes only, with access to electronic records based on role and either two-factor authentication or password protection. The system requires passwords to be complex and to be changed frequently. Users accessing system records undergo frequent training in Privacy Act and information security requirements. Security and privacy controls are reviewed on an ongoing basis.
- *Technical:* Computerized records systems are safeguarded on Departmental networks configured for role-based access based on job responsibilities and organizational affiliation. Privacy and security controls are in place for this system and are updated in accordance with applicable requirements as determined by NIST and DOE directives and guidance.
- *Physical:* Computer servers on which electronic records are stored are located in secured Department facilities, which are protected by security guards, identification badges, and cameras. Paper copies of all records are locked in file cabinets, file rooms, or offices and are under the control of authorized personnel. Access to these facilities is granted only to authorized personnel and each person granted access to the system must be an individual authorized to use or administer the system.

RECORD ACCESS PROCEDURES:

The Department follows the procedures outlined in title 10 CFR 1008.4. Valid identification of the individual making the request is required before information will be processed, given, access granted, or a correction considered, to ensure that information is processed, given, corrected, or records disclosed or corrected only at the request of the proper person.

CONTESTING RECORD PROCEDURES:

Any individual may submit a request to the System Manager and request a copy of any records relating to them. In accordance with 10 CFR 1008.11, any individual may appeal the denial of a request made by him or her for information about or for access to or correction or amendment of records. An appeal shall be filed within 90 calendar days after receipt of the denial. When an appeal is filed by mail, the postmark is conclusive as to timeliness. The appeal shall be in writing and must be signed by the individual. The words "PRIVACY ACT APPEAL" should appear in capital letters on the envelope and the letter. Appeals of denials relating to records maintained in government-wide System of Records reported by Office of Personnel Management (OPM), shall be filed, as appropriate, with the Assistant Director for Agency Compliance and Evaluation, OPM, 1900 E Street NW, Washington, DC 20415. All other appeals relating to DOE records shall be directed to the Director, Office of Hearings and Appeals (OHA), 1000 Independence Avenue SW, Washington, DC 20585.

NOTIFICATION PROCEDURES:

In accordance with the DOE regulation implementing the Privacy Act, 10 CFR part 1008, a request by an individual to determine if a system of records contains information about themselves should be directed to the U.S. Department of Energy, Headquarters, Privacy Act Officer. The request should include the requester's complete name and the time period for which records are sought.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This SORN was last published in the **Federal Register**, 74 FR 1024–1025, on January 9, 2009.

Signing Authority

This document of the Department of Energy was signed on December 12, 2024, by Ann Dunkin, Senior Agency

Official for Privacy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on December 17, 2024.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2024–30473 Filed 12–19–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Privacy Act of 1974; System of Records

AGENCY: U.S. Department of Energy.

ACTION: Notice of a modified system of records.

SUMMARY: As required by the Privacy Act of 1974 and the Office of Management and Budget (OMB) Circulars A–108 and A–130, the Department of Energy (DOE or the Department) is publishing notice of a modification to an existing Privacy Act System of Records. DOE proposes to amend System of Records DOE–25 U.S. Commuter Locator and Parking Space Information System. This System of Records Notice (SORN) is being modified to align with new formatting requirements, published by OMB, and to ensure appropriate Privacy Act coverage of business processes and Privacy Act information.

DATES: This modified SORN will become applicable following the end of the public comment period on January 21, 2025 unless comments are received that result in a contrary determination.

ADDRESSES: Written comments should be sent to Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm. 8H–085, Washington, DC 20585, by facsimile at (202) 586–8151, or by email at privacy@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm. 8H–085, Washington, DC 20585, by

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

SUPPLEMENTARY INFORMATION: On January 9, 2009, DOE published a Compilation of its Privacy Act Systems of Records, which included System of Records DOE–25 U.S. Commuter Locator and Parking Space Information System. This notice proposes the following amendments: Bonneville Power Administration has been included as a system location; the System Manager’s office name has been updated; the “Purpose of the System,” “Categories of Individuals Covered by the System,” “Categories of Records in the System,” and “Record Source Categories” sections have been expanded to accommodate current administration and parking practices, which include permitting monthly and daily pass purchases and accommodating individuals based on disability status. In the “Authorities” section, Executive Order 12778 and DOE HQ 0344.1 Parking have been removed. To the “Policies and Practices for Retrieval of Records” section, the following has been added: employee ID number, assigned permit number, or license number. In the “Routine Uses” section, this modified notice deletes a previous routine use concerning efforts responding to a suspected or confirmed loss of confidentiality of information as it appears in DOE’s compilation of its Privacy Act Systems of Records (January 9, 2009) and replaces it with one to assist DOE with responding to a suspected or confirmed breach of its records of Personally Identifiable Information (PII), modeled with language from OMB’s Memorandum M–17–12, “Preparing for and Responding to a Breach of Personally Identifiable Information” (January 3, 2017). Further, this notice adds one new routine use to ensure that DOE may assist another agency or entity in responding to the other agency’s or entity’s confirmed or suspected breach of PII, as appropriate, as aligned with OMB’s Memorandum M–17–12. An administrative change required by the FOIA Improvement Act of 2016 extends the length of time a requestor is permitted to file an appeal under the Privacy Act from 30 to 90 days. Both the “System Locations” and “Administrative, Technical and Physical Safeguards” sections have been modified to reflect the Department’s usage of cloud-based services for records storage. Language throughout the SORN has been updated to align with applicable Federal privacy laws, policies, procedures, and best practices.

SYSTEM NAME AND NUMBER:

DOE–25 U.S. Commuter Locator and Parking Space Information System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

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

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

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

SYSTEM MANAGER(S):

Headquarters: Director, Office of Administrative Management & Support, Office of Management, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585.

Field Offices: The Chief of Facility Operations of the “System Locations” listed above are the system managers for their respective portions of this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

PURPOSE(S) OF THE SYSTEM:

Records in this system are maintained and used by DOE to administer DOE parking programs, including use of monthly permits, day passes, and access to parking based on accessibility needs.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DOE, including National Nuclear Security Administration (NNSA), employees, contractor employees, and visitors that register for the DOE parking program (to include monthly permit holders, day pass purchasers, and other parking users).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of driver, Federal service computation date, payroll or other assigned number, office address and telephone number, home addresses, personal telephone numbers, vehicle information, permit number (if assigned), parking enforcement actions, duty hours, location, program office of employee, information necessary to charge for parking, such as credit or

debit card information, including billing addresses and zip codes, for monthly permit holders or day pass purchases, and medical information, as necessary, to permit access to parking based on disability status.

RECORD SOURCE CATEGORIES:

Individual parking program members, to include monthly permit holders and day pass purchasers, program member’s medical providers, and finance office references.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. A record from this system may be disclosed as a routine use to the Council of Governments for Commuter Connections.

2. A record from this system may be disclosed as a routine use to individuals seeking to park their vehicle in the DOE Forrestal parking garage.

3. A record from this system may be disclosed as a routine use to DOE contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties. Those provided information under this routine use are subject to the same limitations applicable to Department officers and employees under the Privacy Act.

4. A record from this system may be disclosed as a routine use to the appropriate local, tribal, state, or Federal agency when records, alone or in conjunction with other information, indicate a violation or potential violation of law whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program pursuant thereto.

5. A record from this system may be disclosed as a routine use to a member of Congress submitting a request involving a constituent when the constituent has requested assistance from the member concerning the subject matter of the record. The member of Congress must provide a copy of the constituent’s signed request for assistance.

6. A record from this system may be disclosed as a routine use to appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOE (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure

made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

7. A record from this system may be disclosed as a routine use to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records may be stored as paper records or electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by employee name, employee ID number, assigned permit number, or driver's license number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Retention and disposition of these records is in accordance with the National Archives and Records Administration-approved records disposition schedule. Records are disposed of when the subject individual no longer requires access.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Electronic records may be secured and maintained on a cloud-based software server and operating system that resides in Federal Risk and Authorization Management Program (FedRAMP) and Federal Information Security Modernization Act (FISMA) hosting environment. Data located in the cloud-based server is firewalled and encrypted at rest and in transit. The security mechanisms for handling data at rest and in transit are in accordance with DOE encryption standards. Records are protected from unauthorized access through the following appropriate safeguards:

- *Administrative:* Access to all records is limited to lawful government purposes only, with access to electronic records based on role and either two-factor authentication or password protection. The system requires passwords to be complex and to be

changed frequently. Users accessing system records undergo frequent training in Privacy Act and information security requirements. Security and privacy controls are reviewed on an ongoing basis.

- *Technical:* Computerized records systems are safeguarded on Departmental networks configured for role-based access based on job responsibilities and organizational affiliation. Privacy and security controls are in place for this system and are updated in accordance with applicable requirements as determined by NIST and DOE directives and guidance.

- *Physical:* Computer servers on which electronic records are stored are located in secured Department facilities, which are protected by security guards, identification badges, and cameras. Paper copies of all records are locked in file cabinets, file rooms, or offices and are under the control of authorized personnel. Access to these facilities is granted only to authorized personnel and each person granted access to the system must be an individual authorized to use or administer the system.

RECORD ACCESS PROCEDURES:

The Department follows the procedures outlined in title 10 CFR 1008.4. Valid identification of the individual making the request is required before information will be processed, given, access granted, or a correction considered, to ensure that information is processed, given, corrected, or records disclosed or corrected only at the request of the proper person.

CONTESTING RECORD PROCEDURES:

Any individual may submit a request to the System Manager and request a copy of any records relating to them. In accordance with 10 CFR 1008.11, any individual may appeal the denial of a request made by him or her for information about or for access to or correction or amendment of records. An appeal shall be filed within 90 calendar days after receipt of the denial. When an appeal is filed by mail, the postmark is conclusive as to timeliness. The appeal shall be in writing and must be signed by the individual. The words "PRIVACY ACT APPEAL" should appear in capital letters on the envelope and the letter. Appeals relating to DOE records shall be directed to the Director, Office of Hearings and Appeals (OHA), 1000 Independence Avenue SW, Washington, DC 20585.

NOTIFICATION PROCEDURES:

In accordance with the DOE regulation implementing the Privacy

Act, 10 CFR part 1008, a request by an individual to determine if a system of records contains information about themselves should be directed to the U.S. Department of Energy, Headquarters, Privacy Act Officer. The request should include the requester's complete name and the time period for which records are sought.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This SORN was last published in the **Federal Register**, 74 FR 1025–1026, on January 9, 2009.

Signing Authority

This document of the Department of Energy was signed on December 12, 2024, by Ann Dunkin, Senior Agency Official for Privacy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on December 17, 2024.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2024–30471 Filed 12–19–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Availability: Draft Energy Storage Strategy and Roadmap

AGENCY: Department of Energy (DOE).

ACTION: Notice of availability; request for comments.

SUMMARY: The U.S. Department of Energy (DOE or the Department) seeks public comment to inform development of its Energy Storage Strategy and Roadmap (SRM). DOE is seeking input from the public, especially from interested individuals and entities, such as industry, academia, research laboratories, government agencies, and other stakeholders in the energy storage sector, on its draft Energy Storage SRM. This opportunity is solely for information gathering and planning purposes; it does not constitute a

Request for Proposals (RFP). Information received may be used to assist DOE in planning the scope of future technology studies, deployment, or technology commercialization efforts and may be shared with other Federal agencies. DOE may also use information received to expand and facilitate public access to DOE's resources, and to mobilize investment in U.S. energy storage technologies as well as ancillary technologies and efforts that will enable commercialization and widespread adoption. The information collected may be used for internal DOE planning and decision-making to ensure that future activities maximize public benefit while advancing reliable, sustainable, and affordable energy storage solutions.

DATES: Written comments and information are requested on or before February 3, 2025 and must be received no later than 11:59 p.m. eastern time (ET) on that date. Written submissions received after the deadline may not be considered. DOE will not reply individually to responders but will consider all comments submitted by the deadline.

ADDRESSES:

Instructions: Comments must be submitted electronically to esgc@hq.doe.gov, with the subject line "Energy Storage SRM—Comments". Only electronic responses will be accepted. DOE will not accept hand-delivered submissions.

Requirements for Submissions: To be assured of consideration, submit any written comments by the deadline. All submissions must be in English. Responses must be provided as a Microsoft Word (.doc) or (.docx) attachment to the email with no more than 10 pages in length. Comments submitted should be machine-readable and should not be copy-protected. Comments must include the following responder information: company/institution name (if applicable); company/institution/individual contact name; contact's address, phone number, and email address; and a self-identified respondent category (see

SUPPLEMENTARY INFORMATION). This information may be used if there are issues or questions with the comment submission. DOE may not consider submissions that you do not make in accordance with these instructions.

Response Guidance: To facilitate comment submission, DOE is providing a comment template at <https://www.energy.gov/oe/draft-energy-storage-strategy-and-roadmap-stakeholder-comment>. Use of this template is not required; however, any comments provided must reference the

relevant page and line number in the draft Energy Storage SRM. If a comment addresses a table or figure, that cross-reference should be provided. To assist DOE's review of submitted comments, for each comment, please indicate a comment type from the following list: editorial; technical; reference; or other. See the provided template for guidance on each comment type.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information may be submitted electronically to Caitlin Callaghan at esgc@hq.doe.gov, or at (202) 586–1411. Please direct media inquiries to DOE Office of Public Affairs, (202) 586–4940 or DOENews@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

Background

In January 2020, DOE launched the Energy Storage Grand Challenge (ESGC) to facilitate a department-wide strategy to accelerate the development, commercialization, and use of next-generation energy storage technologies and sustain American global leadership in energy storage. The ESGC executes DOE's overarching strategy to address energy storage for the benefit of all Americans. In December 2020, DOE released the ESGC Roadmap (<https://www.energy.gov/sites/default/files/2020/12/f81/Energy%20Storage%20Grand%20Challenge%20Roadmap.pdf>), the Department's first comprehensive energy storage strategy. The ESGC seeks to create and sustain American leadership in energy storage. In addition to concerted research efforts, the ESGC 2020 Roadmap's approach includes accelerating the transition of technologies from the lab to the marketplace, focusing on ways to competitively manufacture technologies at scale in the United States, and ensuring secure supply chains to enable domestic manufacturing.

The ESGC 2020 Roadmap was developed to align DOE's energy storage activities toward a common goal of developing new energy storage technologies to help tackle challenges associated with our evolving electricity grid's ability to accommodate increasingly diverse energy sources to meet consumer needs. The ESGC 2020 Roadmap provided strategic direction to DOE's program activities related to energy storage based on the state of the industry and the research and development (R&D) community at that time. Since 2020, DOE has determined updates to the ESGC 2020 Roadmap are warranted to help improve the effectiveness and efficiency with which

the Department executes its energy storage activities.

This draft Energy Storage Strategy and Roadmap (SRM) update conforms to the language set forth in the "Energy Storage System Research, Development, and Deployment Program" as required by the Better Energy Storage Technology (BEST) section of the Energy Policy Act of 2020 (42 U.S.C. 17232(b)(5)). Specifically, this draft Energy Storage SRM updates the ESGC 2020 Roadmap (the original energy storage strategic plan) in consideration of the progress made across the energy storage sector since 2020, as well as to reflect DOE's recent activities in support of its energy storage mission and vision. The draft Energy Storage SRM can be found here: <https://www.energy.gov/oe/draft-energy-storage-strategy-and-roadmap-stakeholder-comment>.

Request for Written Comments

This Notice of Availability (NOA) is to solicit feedback from interested individuals and entities, such as industry, academia, research laboratories, government agencies, and other stakeholders to assist DOE with identifying opportunities and challenges—both technical and financial—for the development, commercialization, production, and deployment of energy storage technologies. This notice is intended to improve DOE's understanding of public stakeholder views on how the Department could advance its energy storage activities to meet the needs of the American people. This notice is a general solicitation for public comments. This is solely a request for information. In issuing this NOA, DOE is not seeking to obtain or utilize consensus advice and/or recommendations. Comments will be reviewed by DOE staff and, as appropriate, DOE contractors, and may be used to inform DOE's energy storage activities.

Disclaimer and Important Notes

This NOA is not a Notice of Funding Opportunity (NOFO) announcement or RFP for a procurement contract; therefore, DOE is not accepting applications or proposals at this time in response to this NOA. DOE may or may not elect to develop programs in the future and solicit contracts based on or related to the content and responses to this NOA. There is no guarantee that an RFP or NOFO will be issued as a result of this NOA. Responding to this NOA does not provide any advantage or disadvantage to potential applicants if DOE chooses to issue a NOFO or solicit a contract related to the subject matter.

Any information obtained through this NOA is intended to be used by the Government on a non-attribution basis for planning and strategy development. Your responses to this NOA will be treated as information only. DOE will review and consider all responses as it formulates program strategies related to the subjects within this request. DOE will not provide reimbursement for costs incurred in responding to this NOA. Respondents are advised that DOE is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted. Responses to this NOA do not bind DOE to any further actions related to this topic.

Respondents are requested to provide the following information at the start of their response to this NOA:

- Company/institution name (if applicable);
- Company/institution/individual contact's name;
- Contact's address, phone number, and email address;
- Respondent Category.

For the Respondent Category, please select the category that best represents the individual or organization from the following list: individual; industry; academia; research laboratory; government agency; other. If other, please also self-identify an appropriate category.

Proprietary Information

Because information received in response to this NOA may be used to structure future programs and/or otherwise be made available to the public, respondents are strongly advised NOT to include any information in their responses that might be considered business sensitive, proprietary, or otherwise confidential. If, however, a respondent chooses to submit business sensitive, proprietary, or otherwise confidential information, it must be clearly and conspicuously marked as such in the response.

Freedom of Information Act

Responses received under this NOA are subject to public disclosure under the Freedom of Information Act. Because information received in response to this NOA may be used to structure future programs, NOFOs, RFPs and/or otherwise be made available to the public, respondents are strongly advised to NOT include any information in their responses that might be considered business sensitive (e.g., commercial or financial information that is privileged or confidential), trade

secrets, proprietary, or otherwise confidential.

Consistent with 10 CFR 1004.11, DOE requires that any person submitting information that they believe to be confidential and exempt by law from public disclosure should submit two well-marked copies: one copy of the document marked "confidential" which must clearly and conspicuously identify the business sensitive, trade secrets, proprietary, or otherwise confidential information, and one copy of the document marked "non-confidential" with the information believed to be confidential deleted. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The Government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose.

If you choose to provide business sensitive, trade secrets, proprietary, or otherwise confidential information, you must include a cover sheet marked as follows identifying the specific pages containing business sensitive, trade secrets, proprietary, or otherwise confidential information:

Notice of Restriction on Disclosure and Use of Data: Pages [List Applicable Pages] of this response may contain business sensitive, trade secrets, proprietary, or otherwise confidential information that is exempt from public disclosure. Such information shall be used or disclosed only for the purposes described in this NOA. The Government may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source.

In addition, (1) the header and footer of every page that contains business sensitive, trade secrets, proprietary, or otherwise confidential information must be marked as follows: "Contains Business Sensitive, Trade Secrets, Proprietary, or Otherwise Confidential Information Exempt from Public Disclosure" and (2) every line and paragraph containing such information must be clearly marked with double brackets or highlighting. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Marketing Information

Any submissions that could be considered advertising or marketing for a specific product will be excluded.

Review by Federal and Non-Federal Personnel

Federal employees are subject to the non-disclosure requirements of a

criminal statute, the Trade Secrets Act, 18 U.S.C. 1905. The Government may seek the advice of qualified non-federal personnel. The Government may also use non-federal personnel to conduct routine, non-discretionary administrative activities. The respondents, by submitting their response(s), consent to the DOE providing their response(s) to non-Federal parties. Non-Federal parties given access to responses must be subject to an appropriate obligation of confidentiality prior to being given the access. Submissions may be reviewed by support contractors and private consultants.

Overview of the Draft Energy Storage SRM

The draft Energy Storage SRM represents a significantly expanded strategic revision on the original ESGC 2020 Roadmap. This SRM outlines actions that implement the strategic objectives facilitating safe, beneficial and timely storage deployment; empower decisionmakers by providing data-driven information analysis; and leverage the country's global leadership to advance durable engagement throughout the innovation ecosystem. The underlying motivation for DOE's strategic investment in energy storage is to ensure that the American people will have access to energy storage innovations that enable resilient, flexible, affordable, and secure energy systems and supply, for everyone, everywhere. This updated SRM presents a clarified mission and vision, a strategic approach, and a path forward to achieving specific objectives that empower a self-sustaining energy storage ecosystem that develops, delivers, and deploys breakthrough solutions to meet a range of real-world applications, across multiple time horizons. This SRM does not address new policy actions, nor does it specify budgets and resources for future activities.

The draft Energy Storage SRM is structured as follows:

Introduction providing the context for the present draft of the SRM.

Section 1 of this SRM presents the mission and vision driving DOE's energy storage activities across various DOE programs and offices. The mission identifies the purpose of DOE's coordinated energy storage efforts while the vision describes the desired end-state for this SRM.

Section 2 describes the strategic approach and high-level direction for DOE's energy storage research, development, demonstration, and deployment (RDD&D) activities that

establishes the blueprint for DOE's energy storage roadmap (Section 5). The roadmap provides more tactical direction, informed by the mission, vision, and strategic approach.

Section 3 presents an overview of the types of DOE activities that support DOE's Energy Storage SRM. Activities include not only conventional research activities, but also those efforts that are foundational and crosscutting in support of the mission and vision of the SRM as well as stakeholder engagements. Representative activities are identified in the appendix.

Section 4 describes the portfolio of energy storage technologies and highlights opportunities for future DOE investment based on the current landscape of technologies and use cases.

Section 5 describes the path forward to achieve the strategic objectives and vision of this Energy Storage SRM. This section highlights DOE activities to facilitate technology innovation and deployment, to empower decision-makers, and to strengthen collaboration throughout the energy storage ecosystem.

Finally, Section 6 summarizes anticipated outcomes and next steps over the next decade as DOE works to implement this Energy Storage SRM.

The appendices provide additional context for the Energy Storage SRM: Appendix A identifies DOE offices with relevant energy storage R&D programs.

Appendix B provides a list of acronyms used in this document.

Appendix C provides a list of key terms and definitions used in this document.

Appendix D provides updates to the ESGC 2020 Roadmap action items and targets; it also describes major transitions from the ESGC 2020 Roadmap to the current SRM.

Appendix E identifies representative DOE activities contributing to DOE's energy storage portfolio.

Appendix F reviews the relevant 2015 Grid Modernization Initiative Multi-Year Program Plan (GMI MYPP) energy storage activities and provides updates on recommended tasks. Additionally, relevant elements of the GMI MYPP 2020 Update are also discussed.

Appendix G highlights relevant policy and regulatory drivers impacting the energy storage landscape.

Appendix H highlights representative examples of DOE's international energy storage activities and initiatives.

Appendix I summarizes the recommendations from the Electricity Advisory Committee's 2022 Biennial Energy Storage Review, which focused on the ESGC 2020 Roadmap.

DOE is seeking general feedback on the draft Energy Storage SRM as part of its process to update the ESGC 2020 Roadmap.

Signing Authority

This document of the Department of Energy was signed on December 4, 2024, by Gene Rodrigues, Assistant Secretary for the Office of Electricity, 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 17, 2024.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2024-30390 Filed 12-19-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

2024 LNG Export Study: Energy, Economic, and Environmental Assessment of U.S. LNG Exports

VENTURE GLOBAL CALCASIEU PASS, LLC [DOCKET NO. 13-69-LNG, 14-88-LNG, & 15-25-LNG]; VENTURE GLOBAL PLAQUEMINES LNG, LLC [DOCKET NO. 16-28-LNG]; COMMONWEALTH LNG, LLC [DOCKET NO. 19-134-LNG]; PORT ARTHUR LNG PHASE II, LLC [DOCKET NO. 20-23-LNG]; VENTURE GLOBAL CP2 LNG, LLC [DOCKET NO. 21-131-LNG]; NEW FORTRESS ENERGY LOUISIANA FLNG LLC [DOCKET NO. 22-39-LNG]; MEXICO PACIFIC LIMITED LLC [DOCKET NO. 22-167-LNG]; GULFSTREAM LNG DEVELOPMENT, LLC [DOCKET NO. 23-34-LNG]; CORPUS CHRISTI LIQUEFACTION, LLC; CCL MIDSACLE 8-9, LLC; AND CHENIERE MARKETING, LLC [DOCKET NO. 23-46-LNG]; LAKE CHARLES EXPORTS, LLC [DOCKET NO. 23-87-LNG]; SOUTHERN LNG COMPANY, L.L.C. [DOCKET NO. 23-109-LNG]; MAGNOLIA LNG, LLC [DOCKET NO. 23-137-LNG]; SABINE PASS LIQUEFACTION, LLC AND SABINE PASS LIQUEFACTION STAGE V, LLC [DOCKET NO. 24-27-LNG]; GATO NEGRO PERMITIUM DOS, S.A.P.I. DE C.V. [DOCKET NO. 24-87-LNG].

AGENCY: Office of Fossil Energy & Carbon Management, Department of Energy.

ACTION: Notice of availability of the 2024 LNG Export Study and request for comments.

SUMMARY: The Office of Fossil Energy & Carbon Management (FECM) of the Department of Energy (DOE) gives notice of availability of a multi-volume study updating DOE's understanding of the potential effects of U.S. liquefied natural gas (LNG) exports on the domestic economy; U.S. households and consumers; communities that live near locations where natural gas is produced or exported; domestic and international energy security, including effects on U.S. trading partners; and the environment and climate (Study or 2024 LNG Export Study). The Study is composed of a summary report and four appendices containing three coordinated modeled analyses and a qualitative literature review. The Study materials are available on the DOE/FECM website at <https://www.energy.gov/fecm/regulation>. DOE intends to use the Study to inform its public interest review of, and ultimately decisions in, certain applications to export LNG to countries with which the United States does not have a free trade agreement (FTA) requiring national treatment for trade in natural gas and with which trade is not prohibited by U.S. law or policy (non-FTA applications), including decisions in the above-referenced proceedings and future proceedings, and for other purposes. DOE invites the submission of comments regarding the Study. DOE does not intend to revise the Study upon receipt of comments. Rather, comments received will inform DOE's public interest determination in each of the above-listed non-FTA application proceedings and future non-FTA export proceedings. Comments submitted in compliance with the instructions in this Notice will be placed in the administrative record for all of the above-listed proceedings and need only be submitted once.

DATES: Comments are to be filed pursuant to the procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, February 18, 2025. DOE will not accept reply comments (*i.e.*, comments responding to other commenter's comments).

ADDRESSES:

Electronic Filing of Comments Using Online Form (Strongly encouraged):
<https://fossil.energy.gov/app/docketindex/docket/index/30>.

Postal Mail, Hand Delivery, or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE-

34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E-056, 1000 Independence Avenue SW, Washington, DC 20585.

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit comments electronically to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Howard, Docket Room Manager, U.S. Department of Energy (FE-34), Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-9478, FERGAS@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

Background

DOE is responsible for authorizing exports of domestically produced natural gas, including LNG, to foreign countries under section 3 of the Natural Gas Act (NGA), 15 U.S.C. 717b.¹ Under the NGA, an application to export domestically produced natural gas as LNG to countries that have an FTA with the United States is deemed to be consistent with the public interest by statute and must be granted without modification or delay. As for an application to export domestically produced natural gas, including LNG, to countries that have no FTA with the United States, but with which trade is not prohibited by U.S. law or policy (non-FTA countries), DOE must grant the application, unless it finds that the proposed exportation will not be consistent with the public interest.

Since 2012, to inform its public interest determination, DOE has commissioned multiple studies to help assess the various facets of the public interest that are affected by U.S. LNG exports, including how different levels of LNG exports could impact the U.S. economy, environmental and climate considerations, and energy security and international considerations. DOE's most recent economic and environmental analyses of U.S. LNG exports were published in 2018 and 2019, respectively. At that time, U.S. LNG exports were just getting underway and U.S. export capacity was 4 billion cubic feet per day, less than one-third of

what it is today. Since then, both the world as well as the global natural gas sector have changed significantly. The purpose of the 2024 LNG Export Study is to provide an update to DOE's prior analyses and understanding of how varying levels of U.S. LNG exports impact and inform DOE's statutory public interest determination.

2024 LNG Export Study

The Study comprises a summary report and four appendices.

First, *Appendix A: Global Energy and Greenhouse Gas Implications of U.S. LNG Exports* presents an analysis of the global market demand for U.S. LNG exports across a range of scenarios and the global emissions impacts of increased U.S. LNG exports through 2050. The three defining variables in the scenario design are (1) global climate policies and policy ambition, (2) technology availability, and (3) U.S. LNG export levels. This analysis uses the Global Change Analysis Model (GCAM), which is an integrated multisector model of global energy, economy, agriculture, land use, water, and climate systems. DOE's Pacific Northwest National Laboratory conducted the principal modeling work in Appendix A.

Second, *Appendix B: Domestic Energy, Economic, and Greenhouse Gas Assessment of U.S. LNG Exports* presents an analysis of the implications of the various U.S. LNG export levels on the U.S. economy and greenhouse gas (GHG) emissions. The analysis in Appendix B was conducted using an updated and adapted version of the U.S. Energy Information Administration's National Energy Modeling System (NEMS) and Industrial Economics' Household Energy Impact Distribution Model. OnLocation, Inc. and Industrial Economics, Incorporated performed the principal modeling work in Appendix B.

Third, *Appendix C: Consequential Greenhouse Gas Analysis of U.S. LNG Exports* is an analysis of global GHG emissions in response to increased U.S. LNG Exports. DOE's National Energy Technology Laboratory (NETL) performed the principal modeling work in Appendix C.

Finally, *Appendix D: Addendum on Environmental and Community Effects of U.S. LNG Exports* is a literature review of the effects of upstream, midstream, and downstream natural gas production and exports on the environment and on local communities. This appendix summarizes key findings from peer-reviewed scientific literature, as well as publications from industry and non-governmental organizations.

Staff in DOE headquarters, with support from NETL, prepared the summary information in Appendix D.

Appendices A, B, and C present scenarios that evaluate the impact of different levels of U.S. LNG exports on global and domestic energy systems. This Study does not attach probabilities to any of these scenarios and is not intended to serve as a forecast of U.S. LNG exports and associated impacts. Rather, the 2024 LNG Export Study explores a range of conditions that rely on the described assumptions. The primary reference for comparison in this Study is the level of U.S. LNG exports as it moves from levels associated with facilities that are operating or under construction pursuant to a final investment decision (FID) as of December 2023 (referred to as *Existing/FID Exports* levels) to levels determined by the global energy model (GCAM) in response to policy and technology assumptions (referred to as *Model Resolved* levels).

Key U.S. natural gas supply and economic impact findings include:

- The price of natural gas at the Henry Hub in Louisiana, a main trading hub for natural gas in the U.S., increases in scenarios where the export level is *Model Resolved* (i.e., based on modeled global demand and unconstrained U.S. LNG exports) when compared with *Existing/FID Exports*.

—Across the *Defined Policies* with reference U.S. supply assumptions, the 2050 Henry Hub natural gas price increases 31% in 2022 dollars (from \$3.53/MMBtu to \$4.62/MMBtu), as U.S. LNG exports increase in response to the modeled global demand level. The modeled price increase is equivalent to about \$0.03/MMBtu for every billion cubic feet/day (Bcf/d) of increased LNG export above existing and FID levels.²

—This study does not include forward-looking modeling on the impacts of increasing LNG exports on natural gas price volatility. Given the unique role of the U.S. as the largest global producer, consumer, and, more recently, exporter of natural gas, there is uncertainty in how rising export levels will affect the domestic market. While there has not been a consistent relationship between domestic prices and export levels to date, that could change as a larger percentage of U.S. natural gas is exported. Current authorized export levels (over 48 Bcf/d) are equivalent to approximately

¹ The authority to regulate the imports and exports of natural gas, including LNG, under section 3 of the NGA has been delegated to the Assistant Secretary for FECM in Redelegation Order No. S4-DEL-FE1-2023, issued on April 10, 2023.

² For comparison, Henry Hub prices in 2022 and 2023 were \$6.45/MMBtu and \$2.53/MMBtu, respectively.

45% of current U.S. natural gas production.

- The impacts of increasing U.S. LNG exports on domestic natural gas prices vary by region. Within the model, LNG export facilities are assumed to be centered in the Gulf Coast region. While gas is sourced from regions around the country, the Gulf Coast and Southwest regions experience the greatest price impacts from increased LNG exports in model projections.

- Higher U.S. LNG export levels in 2050 are associated with higher U.S. residential natural gas prices.

- In the *Defined Policies* scenarios, U.S. residential natural gas prices are 4% higher in 2050 in 2022 dollars when the scenario assumes *Model Resolved* levels of exports compared to *Existing/FID Exports* levels.

- When sensitivity scenarios assume low U.S. natural gas supply, the higher level of U.S. LNG exports under *Model Resolved* assumptions compared to *Existing/FID Exports* assumptions results in 7% higher residential gas prices in 2050. When the sensitivity scenarios assume high U.S. natural gas supply, the higher level of U.S. LNG exports results in 3% higher prices in 2050.

- Under the *Defined Policies* scenario with the reference U.S. supply assumption, the estimated annual energy expenditure impacts of the increased 2050 natural gas prices across all socioeconomic levels and census divisions are:

- Up to a \$122.54 per year average increase for natural gas plus electricity expenditures across all households, with average household expenditure impacts up to 0.50% of average annual income and 3.4% of natural gas and electricity bills,³ including:

- Up to a \$46.52 per year average increase for natural gas expenditures at natural gas households (households identified in the National Energy Modeling System, or NEMS model, as using natural gas for space heating), with an average natural gas household expenditure impact of up to 0.24% of average annual income and 6.7% of average natural gas bills; and

- Up to a \$118.37 per year average increase for electricity expenditures across all households, with an average household expenditure impact of up to 0.5% of average annual income and 3.5% of average electricity bills.

³ Due to regional differences, the per year average increase for natural gas plus electricity is less than the sum of the per year average increase for natural gas and electricity expenditures.

- This analysis did not explore the impact of increased natural gas and electricity prices on broader consumer and industrial goods, which could have an additional impact on consumer expenditures.

- NEMS includes granular detail about the energy system, such as prices, and a separate macroeconomic module that provides feedback on changes in the broader economy. One result of the model's configuration is that increases in energy production in response to LNG exports generally yield increases in gross domestic product (GDP) in the modeling framework, but secondary effects (e.g., effects resulting from changes in the price of consumer goods) may moderate this relationship.⁴ As an example of this effect, in the *Defined Policies* scenario with reference U.S. supply assumptions, increasing exports from existing and FID levels to *Model Resolved* levels results in a 0.2% increase in GDP in 2050 (\$80 billion, 2022 dollars), and cumulatively from 2020 to 2050, GDP increases \$410 billion (2022 dollars discounted at 3%). GDP is one of several measures of economic activity, and an increase in GDP does not necessarily correlate with a positive effect on broader public and consumer welfare.

- Across all scenarios, modeled U.S. domestic natural gas supply is sufficient to meet modeled global demand for U.S. LNG while continuing to meet domestic demand. This result holds across sensitivity scenarios on U.S. oil and gas supply.

Key energy security findings include:

- The global market for LNG has been increasing for several years, and LNG re-gasification and associated import infrastructure is being built out globally, but future demand for natural gas and LNG is uncertain and the demand centers are expected to shift.

- DOE natural gas export authorizations do not include destination restrictions beyond a prohibition to exporting to sanctioned countries. Accordingly, U.S. LNG generally follows global market demand.

- During the five years before Russia's invasion of Ukraine, from 2016 through 2021, South Korea, Japan, and China were the top three importers of U.S. LNG, collectively importing 34% of U.S. exports, while Europe imported 28%.

- From 2022 through 2023, that mix changed, with the share delivered to Europe growing to more than 63% of total U.S. LNG exports, while exports

to Asia were reduced to over 24% of the total.

- While Europe has been the primary destination for U.S. LNG from 2016 to present, global demand and the destination of U.S. LNG in the future are less certain.

- European policies aim to reduce the use of fossil fuels, including natural gas. Demand for natural gas and LNG in Asia is expected to increase in most scenarios.

- China has recently become the largest global importer of LNG and has signed several contracts with operating or proposed U.S. LNG projects.

- China is expected to have the highest LNG imports of any country across all scenarios in 2050.

- Countries' decarbonization policies and the availability of more cost-competitive energy sources, such as coal and renewables, will determine the outlook for U.S. LNG's role in the global energy market and the energy transition.

Key GHG emission findings include:

- The ultimate global GHG consequences of U.S. LNG exports depend on market effects such as changes in energy demand and the sources used to meet that demand for electricity and other uses of natural gas. A consequential lifecycle analysis enables an examination of how the availability of U.S. LNG may affect global energy consumption, what types of energy U.S. LNG would displace, and the resulting global greenhouse gas implications.⁵ When comparing *Model Resolved* to *Existing/FID* scenarios, increased availability of U.S. LNG from 23.7 Bcf/d to 56.3 Bcf/d in 2050 results in an additional 0.08% in cumulative (2020–2050) global services and an increase of 711 million metric tons (MMT) carbon dioxide equivalent (CO₂e) or 0.05% in cumulative global GHG emissions.⁶

- Attributional studies estimate direct emissions associated with use of natural

⁵ Past DOE and NETL life cycle studies of natural gas, including LNG, have been attributional studies that estimate emissions associated with units of natural gas, LNG, or other fuels used to generate a megawatt-hour (MWh) of baseload electricity. A consequential LCA accounts for the direct emissions from production, delivery, and use of the U.S. exported natural gas and the indirect emissions from changes in market behavior, such as substitution of natural gas for other sources of energy or additional energy use. The consequential GHG intensity calculated in this study is therefore the total effect (direct and indirect market effects) of U.S. LNG on global GHG emissions per unit of U.S. LNG exported.

⁶ Global services are defined as those products of the global economy that provide services to consumers, such as energy, commodities, fertilizers, etc.

⁴ See Appendix B for further discussion of how NEMS models GDP.

gas, LNG, or other fuels used to generate electricity. These studies do not directly consider market effects of the exported gas but are used to compare the potential environmental profiles of alternatives. Comparing *Model Resolved* to *Existing/FID Exports* levels in the *Defined Policies* scenario, the direct life cycle GHG emissions from production,

export, and end use (assuming 100% combustion without carbon capture and storage, or CCS) of increased U.S. LNG exports, before accounting for market effects, would cumulatively (2020–2050) contribute 8,588 MMT CO₂e based on an attributional life cycle GHG profile of 76 g CO₂e/megajoule (MJ). In 2050, direct life cycle GHG emissions

from all U.S. LNG would be approximately 1,500 MMT CO₂e before accounting for market effects.

- The additional GHG emissions per unit of additional U.S. LNG exported, or the consequential GHG emissions intensity, varies by scenario as shown in the table below.

CUMULATIVE (2020–2050) CONSEQUENTIAL GHG INTENSITIES OF U.S. LNG EXPORTS

Comparison of scenarios	Scenario	2050 U.S. LNG exports (Exajoule or EJ) [Bcf/d] ^a	Cumulative (2020–2050) change in . . .			Cumulative consequential GHG emissions intensity (g CO ₂ e/MJ)
			U.S. LNG exports (EJ) [% increase from existing/FID]	GHG emissions (MMT CO ₂ e) [% increase from existing/FID] ^b	Global services (%)	
<i>Existing/FID Exports to Model Resolved.</i>	<i>Defined Policies</i>	20.3 [56.3]	113 [50%]	711 [0.05%]	0.08	6.3
	<i>Commitments (High CCS)</i>	11.9 [33.1]	31 [14%]	97 [0.01%]	0.02	3.1
	<i>Commitments (Mod CCS)</i>	9.7 [26.8]	11 [5%]	67 [0.01%]	0.01	5.9
	<i>Net Zero (High CCS)</i>	10.3 [28.5]	17 [8%]	21 [0.002%]	0.01	1.2
	<i>Net Zero (Mod CCS)^c</i>	6.2 [17.2]	0	NA	NA	NA

^a 2050 U.S. LNG export levels for *Model Resolved* scenarios.

^b Cumulative change in GHG emissions (2020–2050) are 1.2% higher than the GCAM results to align the upstream emission estimates with NETL estimates that are used to explore upstream and liquefaction facility contributions to the consequential results (see Appendix C for additional details).

^c *Net Zero (Mod CCS)* U.S. LNG export levels do not change between the *Existing/FID Exports to Model Resolved* scenarios resulting in no change in global emissions or services, the results are listed as “NA” or Not Applicable.

- Across scenarios in which U.S. LNG exports are assumed to exceed model-resolved levels (up to +20 Bcf/d by 2050, corresponding to the *High Exports* assumption for U.S. LNG exports), global cumulative GHG emissions (2020–2050) are 324 MMT CO₂e to 1,452 MMT CO₂e higher than their counterparts with model-resolved levels of U.S. LNG exports. With respect to cumulative consequential GHG emissions intensity, that is equivalent to a range of 3.5 g CO₂e/MJ to 12.6 CO₂e/MJ for additional U.S. LNG exports.

- The increase in global GHG emissions between the *Defined Policies: Model Resolved* and *Defined Policies: Existing/FID* scenarios is estimated to result in a cumulative social cost of GHG (SC–GHG) impact of \$84 billion using a discount rate of 2.5%, \$140 billion using a discount rate of 2.0%, and \$250 billion using a discount rate of 1.5% (all in 2022\$). The cumulative SC–GHG of the increase in global emissions across the study scenarios ranges from \$3 billion to \$170 billion (2.5%) to \$13 billion to \$500 billion (1.5%) in 2022 dollars.

Key environmental and community effects findings include:

- The production and transportation of natural gas in the U.S., including natural gas for export, has energy, labor/workforce, economic, environmental, and social justice implications, among others.

- Production and upstream impacts—Increased U.S. natural gas production increases upstream environmental

impacts, including on water, air, and land.

- Natural gas production and processing emits pollutants that are harmful to human health.
- Researchers have found spatial and temporal (*i.e.*, location and timing) correlations between seismic events and the disposal of produced water from oil and gas production through underground injection into saltwater disposal wells in several states including Texas, Oklahoma, Kansas, Colorado, Arkansas, and Ohio. Various means are underway to reduce the impact, such as recycling produced water, rather than disposing of it.

- Community Effects

- Natural gas production and processing impacts upstream, midstream, and downstream communities in harmful and beneficial ways. Additional research is needed on the impact of LNG exportation on local communities. In particular, in areas with existing heavy industry, the cumulative impact of LNG exports has yet to be determined.

- From an economic perspective, natural gas production and the development of natural gas export infrastructure tends to increase employment and wages in regions and communities where it occurs, but some evidence indicates that higher-wage jobs often go to people who either move to the area or commute, rather than to long-term residents.

- Growth in oil and gas production brings new revenues to local governments, but it can also bring additional burdens such as increased emergency services and police, expansion of water and wastewater infrastructure, and potential damage due to increased heavy road usage.
- Mineral rights owners receive royalties from oil and gas production, though such recipients are not always local residents.
- Quality of life impacts from natural gas development include noise, light pollution, dust, increased traffic, crime, and social disruptions due to the cyclical nature of an industry oriented toward commodity production.

The purpose of this Notice is to notify the public of the availability of the 2024 LNG Export Study and to enter the Study into the administrative record of the above listed non-FTA export application proceedings.⁷ DOE invites comments on the Study and how it may inform DOE’s public interest analysis. DOE does not intend to revise the 2024 Study upon receipt of comments. Instead, both the 2024 LNG Export Study, and the comments that DOE/FECM receives in response to this Notice, will inform DOE’s determination

⁷ For the purpose of this Notice, DOE is including non-FTA export application proceedings that are currently pending, where either (i) the environmental review under the National Environmental Protection Act (NEPA) led by other Federal agencies is underway or complete, or (ii) the application involves an extra-territorial proceeding where the NEPA review is led by DOE.

of the public interest in each of the above listed non-FTA export application proceedings and future non-FTA export application proceedings.

Request for Comment

DOE welcomes comments related to how the Study should be applied to DOE's public interest determinations going forward, as well as comments on any aspects of the analyses and findings in 2024 Study.

In particular, DOE solicits comment on the methods and findings in Appendix C. Appendix C provides a method of estimating the emissions intensity and SC-GHG for individual U.S. LNG projects, and of estimating a breakeven rate, which is the percent change difference between an individual project's emissions intensity and the default assumptions that would result in consequential GHG intensity of zero for the project. DOE seeks comment on this method of estimating project-specific emissions intensity and the breakeven rate. DOE seeks comment on what existing or developing technologies would allow U.S. LNG developers to achieve a breakeven rate, and how developers have used these technologies to reduce emissions.

DOE also seeks comment on whether and how the 2024 Export Study might support imposing LNG cargo or facility-level reporting requirements or other conditions related to emissions on authorization holders. To what extent do recent changes to the Environmental Protection Agency's GHG reporting rules ease the incremental burden that would be associated with facility-level or cargo-level emissions intensity reporting? Relatedly, could such reporting requirements support the determination of equivalence of methane monitoring, reporting and verification measures for purposes of European Union Regulation 2024/1787?⁸

Additionally, DOE seeks comment on whether Appendix D adequately and comprehensively considered the impacts of LNG exports on the local communities and regions where LNG exports occur (*i.e.*, communities where LNG exports and LNG export-related activities occur).⁹ Among other topics related to Appendix D, DOE seeks

comment on whether Appendix D adequately addressed:

- The economic profiles of the region, or local communities within the region, including changes over time.
- Employment related to LNG exports in the region and in the U.S. more generally, including employment opportunities for local residents and/or members of underserved or disadvantaged communities in the region related to LNG exports. What barriers, if any, exist that limit or prevent local residents in the region from taking advantage of these employment opportunities? What are some of the ways LNG companies and the businesses that support them have enabled, or could enable, local residents in the region to be a part of their workforce, either directly or indirectly?
- The effects of LNG exports on other local industries in the region, including, but not limited to, fishing and tourism.
- The effects of LNG exports on property values and/or housing costs and availability in the region, and on public finances in the region, including tax revenue and/or additional spending on public services.
- The effects that air emissions from LNG exports (*e.g.*, nitrogen dioxide, particulate matter, volatile organic compounds, and other hazardous air pollutants) and other aspects of LNG exports may have on public health in the region, including physical and mental health, and the cumulative effects on regional public health of LNG exports occurring alongside multiple other industrial activities, including refining and petrochemicals. How do the effects of LNG exports compare with effects from other industries as they relate to regional public health?
- The effects of LNG exports on regional quality of life, including effects on traffic, noise levels, odors, visual effects, community safety, and/or neighborhood character.
- Whether local community members in the region have opportunities to engage with LNG exporters or agencies with LNG regulatory responsibilities on issues of concern.

DOE is aware of and has consulted with a wide body of published scientific literature regarding the effects of upstream natural gas production and midstream transportation of natural gas on local communities in Appendix D; however, given that LNG exports from the United States are a recent phenomenon, only a small amount of published scientific literature exists regarding the effects of LNG exports on local communities. Accordingly, in response to Appendix D, DOE seeks comment in particular from members of

those communities where LNG exports occur.

Public Comment Procedures

In response to this Notice, any person may file comments addressing the 2024 LNG Export Study. Comments may include, among other things, data, reports, studies, or personal testimony. Comments submitted in compliance with the procedures in this Notice will be placed in the administrative record for all of the above-referenced proceedings and need only be submitted once.

DOE is not establishing a new proceeding or docket in this Notice. Additionally, the submission of comments in response to this Notice will not make commenters parties to any of the affected dockets. Persons with an interest in the outcome of one or more of the affected dockets have been given an opportunity to intervene in or protest those matters by complying with the procedures established in the notice of application issued in each respective docket and published in the **Federal Register**.¹⁰

Comments may be submitted using one of the following methods:

- (1) Submitting the comments using the online form at <https://fossil.energy.gov/app/docketindex/docket/index/30>;
- (2) Mailing the filing to the Office of Regulation, Analysis, and Engagement at the address listed in **ADDRESSES** section; or
- (3) Hand delivering the filing to the Office of Regulation, Analysis, and Engagement at the address listed in **ADDRESSES** section.

¹⁰ Notices of application in the affected dockets were published in the **Federal Register** as follows: *Venture Global Calcasieu Pass, LLC*, Docket Nos. 13–69–LNG, 14–88–LNG, and 15–25–LNG (Consolidated), 87 FR 1131 (Jan. 10, 2022); *Venture Global Plaquemines LNG, LLC*, Docket No. 16–28–LNG, 87 FR 29149 (May 12, 2022); *Commonwealth LNG, LLC*, Docket No. 19–134–LNG, 84 FR 65144 (Nov. 26, 2019); *Port Arthur LNG Phase II, LLC*, Docket No. 20–23–LNG, 85 FR 17568 (Mar. 30, 2020); *Venture Global CP2 LNG, LLC*, Docket No. 21–131–LNG, 87 FR 1133 (Jan. 10, 2022); *New Fortress Energy Louisiana FLNG LLC*, Docket No. 22–39–LNG, 87 FR 29151 (May 12, 2022); *Mexico Pacific Limited LLC*, FECM Docket No. 22–167–LNG, 88 FR 6716 (Feb. 1, 2023); *Gulfstream LNG Development, LLC*, Docket No. 23–34–LNG, 72 FR 23023 (Apr. 14, 2023); *Corpus Christi Liquefaction, LLC*, *CCL Midscale 8–9, LLC*, *Cheniere Marketing, LLC*, Docket No. 23–46–LNG, 88 FR 29662 (May 8, 2023); *Lake Charles Exports, LLC*, Docket No. 23–87–LNG, 88 FR 60670 (Sept. 5, 2023); *Southern LNG Company, L.L.C.*, Docket No. 23–109–LNG, 88 FR 73008 (Oct. 24, 2023); *Magnolia LNG, LLC*, Docket No. 23–137–LNG, 88 FR 88600 (Dec. 22, 2023); *Sabine Pass Liquefaction, LLC* and *Sabine Pass Stage V Liquefaction, LLC*, Docket No. 24–27–LNG, 89 FR 28762 (Apr. 19, 2024); *Gato Negro Permitium Dos, S.A.P.I. de C.V.*, Docket No. 24–87–LNG, 89 FR 78294 (Sept. 25, 2024).

⁸ Regulation (EU) 2024/1787 of the European Parliament and of the Council of 13 June 2024 on the reduction of methane emissions in the energy sector and amending Regulation (EU) 2019/942 (July 15, 2024).

⁹ For the purposes of these requests for comment, communities of interest include the towns, counties, parishes, boroughs, and other municipalities or political subdivisions in or around the geographic area where LNG exports occur, particularly the Gulf Coast region.

For administrative efficiency, DOE/FECM prefers comments to be filed electronically using the online form (method 1). All comments must include a reference to the “2024 LNG Export Study” in the title line. Comments must be limited to the issues and potential impacts addressed in the 2024 LNG Export Study. DOE will review the comments received on a consolidated basis and may disregard comments that are not germane. Reply comments will not be accepted.

The record in the above-referenced proceedings will include all comments received in response to this Notice.

Additionally, all comments filed in response to this Notice will be available on the following DOE/FECM website: <https://fossil.energy.gov/app/docketindex/docket/index/30>.

The 2024 LNG Export Study is available electronically at <https://fossil.energy.gov/app/docketindex/docket/index/30> and for inspection and copying in the Division of Natural Gas Regulation docket room, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Signing Authority

This document of the Department of Energy was signed on December 16, 2024, by Bradford Crabtree, Assistant Secretary, Office of Fossil Energy & Carbon Management, 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.

Treana V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2024–30370 Filed 12–19–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Privacy Act of 1974; System of Records

AGENCY: U.S. Department of Energy.

ACTION: Notice of a modified system of records.

SUMMARY: As required by the Privacy Act of 1974 and the Office of Management and Budget (OMB) Circulars A–108 and A–130, the Department of Energy (DOE or the Department) is publishing notice of a modification to an existing Privacy Act System of Records. DOE proposes to amend System of Records DOE–31 Firearms Qualifications Records. This System of Records Notice (SORN) is being modified to align with new formatting requirements, published by OMB, and to ensure appropriate Privacy Act coverage of business processes and Privacy Act information.

DATES: This modified SORN will become applicable following the end of the public comment period on January 21, 2025 unless comments are received that result in a contrary determination.

ADDRESSES: Written comments should be sent to Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm. 8H–085, Washington, DC 20585, by facsimile at (202) 586–8151, or by email at privacy@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm. 8H–085, Washington, DC 20585, by facsimile at (202) 586–8151, by email at privacy@hq.doe.gov, or by telephone at (240) 686–9485.

SUPPLEMENTARY INFORMATION: On January 9, 2009, DOE published a Compilation of its Privacy Act Systems of Records, which included System of Records DOE–31 Firearms Qualifications Records. This notice proposes the following amendments: National Nuclear Security Administration (NNSA) Headquarters has been added as a system location. The following addresses have been removed as system locations: NNSA Naval Reactors Field Office in Schenectady, New York; NNSA Nevada Site Office in Las Vegas, Nevada; Nonproliferation and National Security Institute in Albuquerque, New Mexico; Argonne National Laboratory–West in Idaho Falls, Idaho; Brookhaven National Laboratory in Upton, New York; and Amarillo Site Office in Amarillo, Texas. The following addresses have been updated: NNSA John A. Gordon Albuquerque Complex, NNSA Los Alamos Site Office, Office of River Protection, Richland Operations Office, and both Office of Science locations. In the “Routine Uses” section, this modified notice deletes a previous

routine use concerning efforts responding to a suspected or confirmed loss of confidentiality of information as it appears in DOE’s compilation of its Privacy Act Systems of Records (January 9, 2009) and replaces it with one to assist DOE with responding to a suspected or confirmed breach of its records of Personally Identifiable Information (PII), modeled with language from OMB’s Memorandum M–17–12, “Preparing for and Responding to a Breach of Personally Identifiable Information” (January 3, 2017). Further, this notice adds one new routine use to ensure that DOE may assist another agency or entity in responding to the other agency’s or entity’s confirmed or suspected breach of PII, as appropriate, as aligned with OMB’s Memorandum M–17–12. This notice deletes a duplicative routine use about sharing the records to a Federal, state, or local agency in order to obtain information relevant to a Departmental decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. This routine use continues to be recognized, singularly, as routine use number two. An administrative change required by the FOIA Improvement Act of 2016 extends the length of time a requestor is permitted to file an appeal under the Privacy Act from 30 to 90 days. Both the “System Locations” and “Administrative, Technical and Physical Safeguards” sections have been modified to reflect the Department’s usage of cloud-based services for records storage. Language throughout the SORN has been updated to align with applicable Federal privacy laws, policies, procedures, and best practices.

SYSTEM NAME AND NUMBER:

DOE–31 Firearms Qualification Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATIONS:

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

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

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

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

U.S. Department of Energy, NNSA Naval Reactors Field Office, Pittsburgh Naval Reactors, P.O. Box 109, Wet Mifflin, PA 15122-0109.

U.S. Department of Energy, Kansas City Site Office, P.O. Box 410202, 2000 E 95th Street, Kansas City, MO 64141-3202.

U.S. Department of Energy, NNSA Los Alamos Site Office, 2900 E Road, Los Alamos, NM 87544.

U.S. Department of Energy, NNSA Sandia Site Office, 1515 Eubank Blvd. SE, Albuquerque, NM 87123.

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

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

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

U.S. Department of Energy, Hanford Field Office, P.O. Box 550, Richland, WA 99352.

U.S. Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC 29801.

SYSTEM MANAGER(S):

Headquarters: Director, Office of Security Operations, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585.

Field Offices: The Security Directors of the "System Locations" listed above are the system managers for their respective portions of this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 7101 *et seq.*; 50 U.S.C. 2401 *et seq.*

PURPOSE(S) OF THE SYSTEM:

Records in this system are maintained to document DOE protective force firearms programs information and training.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOE, including NNSA, Federal and contractor employees who are required to conduct or to maintain firearms qualification, training, and proficiency activities in the performance of their regular duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of an individual's annual qualification scores, approvals of arming authority and issue of Security Police

Officer and Federal Officer Credentials and other firearms accountability and maintenance records.

RECORD SOURCE CATEGORIES:

Arming and arrest credential notifications and firearm qualifications results from individuals and training personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. A record from this system may be disclosed as a routine use to the appropriate local, tribal, state, or Federal agency when records, alone or in conjunction with other information, which indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program pursuant thereto.

2. A record from this system may be disclosed as a routine use to a Federal, state, tribal, or local agency to facilitate the requesting agency's decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. The Department must deem such disclosure to be compatible with the purpose for which the Department collected the information.

3. A record from this system may be disclosed as a routine use for the purpose of an investigation, settlement of claims, or the preparation and conduct of litigation to (1) persons representing the Department in the investigation, settlement or litigation, and to individuals assisting in such representation; (2) others involved in the investigation, settlement, and litigation, and their representatives and individuals assisting those representatives; (3) witnesses, potential witnesses, or their representatives and assistants; and (4) any other persons who possess information pertaining to the matter when it is relevant and necessary to obtain information or testimony relevant to the matter.

4. A record from this system may be disclosed as a routine use in court or administrative proceedings to the tribunals, counsel, other parties, witnesses, and the public (in publicly available pleadings, filings, or discussion in open court) when such disclosure: (1) is relevant to, and necessary for, the proceeding; (2) compatible with the purpose for which

the Department collected the records; and (3) the proceedings involve:

a. The Department, its predecessor agencies, current or former contractor of the Department, or other United States Government agencies and their components, or

b. A current or former employee of the Department and its predecessor agencies, current or former contractors of the Department, or other United States Government agencies and their components, who is acting in an official capacity or in any individual capacity where the Department or other United States Government agency has agreed to represent the employee.

5. A record from this system may be disclosed as a routine use to DOE contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties. Those provided information under this routine use are subject to the same limitations applicable to Department officers and employees under the Privacy Act.

6. A record from this system may be disclosed as a routine use to a member of Congress submitting a request involving a constituent when the constituent has requested assistance from the member concerning the subject matter of the record. The member of Congress must provide a copy of the constituent's signed request for assistance.

7. A record from this system may be disclosed to training, administrative, and operations personnel of local law enforcement agencies in the performance of their regular duties in order to process and to maintain documentation for protective force personnel who have been commissioned as reserve officers or deputies.

8. A record from this system may be disclosed as a routine use to appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOE (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

9. A record from this system may be disclosed as a routine use to another Federal agency or Federal entity, when

the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records may be stored as paper records or electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Retention and disposition of these records is in accordance with the National Archives and Records Administration-approved records disposition schedule with a retention of 250 years.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Electronic records may be secured and maintained on a cloud-based software server and operating system that resides in Federal Risk and Authorization Management Program (FedRAMP) and Federal Information Security Modernization Act (FISMA) hosting environment. Data located in the cloud-based server is firewalled and encrypted at rest and in transit. The security mechanisms for handling data at rest and in transit are in accordance with DOE encryption standards. Records are protected from unauthorized access through the following appropriate safeguards:

- *Administrative:* Access to all records is limited to lawful government purposes only, with access to electronic records based on role and either two-factor authentication or password protection. The system requires passwords to be complex and to be changed frequently. Users accessing system records undergo frequent training in Privacy Act and information security requirements. Security and privacy controls are reviewed on an ongoing basis.

- *Technical:* Computerized records systems are safeguarded on Departmental networks configured for role-based access based on job responsibilities and organizational affiliation. Privacy and security controls are in place for this system and are

updated in accordance with applicable requirements as determined by NIST and DOE directives and guidance.

- *Physical:* Computer servers on which electronic records are stored are located in secured Department facilities, which are protected by security guards, identification badges, and cameras. Paper copies of all records are locked in file cabinets, file rooms, or offices and are under the control of authorized personnel. Access to these facilities is granted only to authorized personnel and each person granted access to the system must be an individual authorized to use or administer the system.

RECORD ACCESS PROCEDURES:

The Department follows the procedures outlined in title 10 CFR 1008.4. Valid identification of the individual making the request is required before information will be processed, given, access granted, or a correction considered, to ensure that information is processed, given, corrected, or records disclosed or corrected only at the request of the proper person.

CONTESTING RECORD PROCEDURES:

Any individual may submit a request to the System Manager and request a copy of any records relating to them. In accordance with 10 CFR 1008.11, any individual may appeal the denial of a request made by him or her for information about or for access to or correction or amendment of records. An appeal shall be filed within 90 calendar days after receipt of the denial. When an appeal is filed by mail, the postmark is conclusive as to timeliness. The appeal shall be in writing and must be signed by the individual. The words “PRIVACY ACT APPEAL” should appear in capital letters on the envelope and the letter. Appeals relating to DOE records shall be directed to the Director, Office of Hearings and Appeals (OHA), 1000 Independence Avenue SW, Washington, DC 20585.

NOTIFICATION PROCEDURES:

In accordance with the DOE regulation implementing the Privacy Act, 10 CFR part 1008, a request by an individual to determine if a system of records contains information about themselves should be directed to the U.S. Department of Energy, Headquarters, Privacy Act Officer. The request should include the requester's complete name and the time period for which records are sought.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This SORN was last published in the **Federal Register**, 74 FR 1030–1032, on January 9, 2009.

Signing Authority

This document of the Department of Energy was signed on December 13, 2024, by Ann Dunkin, Senior Agency Official for Privacy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on December 17, 2024.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2024–30472 Filed 12–19–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Nuclear Energy Advisory Committee

AGENCY: Office of Nuclear Energy, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open virtual meeting of the Nuclear Energy Advisory Committee. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, January 16, 2025; 11 a.m.–12:30 p.m. EST.

ADDRESSES: Virtual via Teams. Members of the public are encouraged to participate virtually. To participate virtually, please register by sending an email to robert.rova@nuclear.energy.gov. You must register to receive the Teams meeting invitation. Please use as the subject, “Nuclear Energy Advisory Committee January 2025 Meeting”.

FOR FURTHER INFORMATION CONTACT: Bob Rova, Alternate Designated Federal Officer, Office of Nuclear Energy, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874; phone: 301–903–9096 or email: robert.rova@nuclear.energy.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The Nuclear Energy Advisory Committee provides advice and recommendations to the Assistant Secretary for Nuclear Energy on national policy and scientific aspects of nuclear issues of concern to DOE; provides periodic reviews of the various program elements within DOE's nuclear programs and recommendations based thereon; ascertains the needs, views, and priorities of DOE's nuclear programs; advises on long-range plans, priorities, and strategies to address more effectively the technical, financial, and policy aspects of such programs; and advises on appropriate levels of resources to develop those plans, priorities, and strategies. The committee is composed of 10 individuals of diverse backgrounds selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues that pertain to nuclear energy.

Purpose of Meeting: The Nuclear Energy Advisory Committee will hold a meeting on Thursday, January 16, 2025, to provide recommendations to the Office of Nuclear Energy.

Tentative Agenda:

11–11:15 a.m. Welcome and Opening Remarks
11:15 a.m.–12 p.m. NEAC Recommendations Discussion
12–12:15 p.m. Public Comments
12:15–12:30 p.m. Wrap-up and adjourn the January 2025 Meeting of the NEAC

Public Participation: The NEAC welcomes the attendance of the public at its meetings. Individuals who wish to offer public comments at the NEAC meeting may do so on January 16, 2025, but must register in advance by 12 p.m. Eastern time on January 15, 2025, by sending a written request identified by "Nuclear Energy Advisory Committee January 2025 Meeting," to Mr. Bob Rova at robert.rova@nuclear.energy.gov. Approximately 15 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but is not expected to exceed three minutes. Anyone who is not able to attend the meeting, or for whom the allotted public comments time is insufficient to address pertinent issues with the NEAC, is invited to send a written statement identified by "Nuclear Energy Advisory Committee January 2025 Meeting," to Mr. Bob Rova at robert.rova@nuclear.energy.gov.

Minutes: Minutes will be available by contacting Bob Rova at the address or phone number listed above. Minutes will also be available at the following website: <https://www.energy.gov/ne/nuclear-energy-advisory-committee>.

Signing Authority: This document of the Department of Energy was signed on December 17, 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 17, 2024.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2024–30428 Filed 12–19–24; 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 accounting Request filings:

Docket Numbers: AC25–37–000.

Applicants: The Potomac Edison Company.

Description: The Potomac Edison Company submits final accounting entries to account for the Transaction re transferring ownership of the Mechanicstown 138kV Substation.

Filed Date: 12/16/24.

Accession Number: 20241216–5144.

Comment Date: 5 p.m. ET 1/6/25.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG25–61–000.

Applicants: Pontotoc Wind, LLC, Bracewell LLP.

Description: Pontotoc Wind, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 12/16/24.

Accession Number: 20241216–5229.

Comment Date: 5 p.m. ET 1/6/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1585–022; ER10–2480–012; ER10–1594–022; ER16–733–013; ER10–1617–022; ER16–1148–013; ER18–1960–006; ER12–60–

024; ER10–1632–024; ER10–1626–014; ER10–1628–022.

Applicants: Texas Electric Marketing, LLC, Tenaska Virginia Partners, L.P., Tenaska Power Services Co., Tenaska Power Management, LLC, Tenaska Pennsylvania Partners, LLC, Tenaska Energia de Mexico, S. de R. L. de C.V., New Mexico Electric Marketing, LLC, LQA, LLC, California Electric Marketing, LLC, Berkshire Power Company, LLC, Alabama Electric Marketing, LLC.

Description: Response to November 5, 2024 Deficiency Letter of Alabama Electric Marketing, LLC et al.

Filed Date: 12/5/24.

Accession Number: 20241205–5183.

Comment Date: 5 p.m. ET 12/26/24.

Docket Numbers: ER10–2042–046; ER10–1944–012; ER10–2051–014; ER23–944–004; ER10–1942–038; ER17–696–026; ER14–2931–012; ER10–2043–014; ER10–2029–016; ER10–2041–014; ER18–1321–007; ER10–2040–014; ER20–1939–005; ER10–1938–041; ER10–2036–015; ER10–1934–040; ER10–1893–040; ER10–3051–045; ER10–2985–044; ER10–3049–045; ER10–1889–012; ER10–3260–014; ER10–1895–012; ER10–1870–012; ER11–4369–025; ER16–2218–026; ER10–1862–040; ER10–1858–012; ER13–1401–012; ER10–2044–014.

Applicants: Zion Energy LLC, Westbrook Energy Center, LLC, TBG Cogen Partners, Power Contract Financing, L.L.C., North American Power Business, LLC, North American Power and Gas, LLC, Nissequoque Cogen Partners, KIAC Partners, Granite Ridge Energy, LLC, CPN Bethpage 3rd Turbine, Inc., Champion Energy Services, LLC, Champion Energy Marketing LLC, Champion Energy, LLC, CES Marketing X, LLC, CES Marketing IX, LLC, Calpine Vineland Solar, LLC, Calpine Power America—CA, LLC, Calpine Northeast Development, LLC, Calpine New Jersey Generation, LLC, Calpine Mid-Merit II, LLC, Calpine Mid Merit, LLC, Calpine Mid-Atlantic Marketing, LLC, Calpine Mid-Atlantic Generation, LLC, Calpine Fore River Energy Center, LLC, Calpine Energy Solutions, LLC, Calpine Construction Finance Co., L.P., Calpine Community Energy, LLC, Calpine Bethlehem, LLC, Bethpage Energy Center 3, LLC, Calpine Energy Services, L.P.

Description: Response to November 5, 2024 Deficiency Letter of Calpine Energy Services, L.P. et al.

Filed Date: 12/5/24.

Accession Number: 20241205–5136.

Comment Date: 5 p.m. ET 12/26/24.

Docket Numbers: ER13–77–014.

Applicants: Tucson Electric Power Company.

Description: Compliance filing: Order 1000 Attachment K Compliance Filing to be effective 12/17/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5126.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER13–78–015.

Applicants: UNS Electric, Inc.

Description: Compliance filing: Order 1000 Attachment K Compliance Filing to be effective 12/17/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5129.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER13–82–013.

Applicants: Arizona Public Service Company.

Description: Compliance filing: Compliance with FERC Order on Remand—Revisions to Attachment E to be effective 12/17/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5241.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER13–91–012.

Applicants: El Paso Electric Company.

Description: Compliance filing: OATT Attachment K Compliance Filing to Comply with Oct 17, 2024 Order on Remand to be effective 12/17/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5212.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER13–96–013.

Applicants: Black Hills Power, Inc.

Description: Compliance filing: Compliance Filing in Response to October 17, 2024 Order on Remand to be effective 12/17/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5195.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER13–97–013.

Applicants: Black Hills/Colorado

Electric Utility Company, LP.

Description: Compliance filing: Black Hills Colorado Electric, LLC submits tariff filing per 35: Compliance Filing in Response to October 17, 2024 Order on Remand to be effective 12/17/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5194.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER13–120–013.

Applicants: Cheyenne Light, Fuel and Power Company.

Description: Compliance filing: Compliance Filing in Response to October 17, 2024 Order on Remand to be effective 12/17/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5176.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER15–411–010.

Applicants: Arizona Public Service Company.

Description: Compliance filing: Compliance with FERC Order on

Remand—Revisions to Rate Schedule No. 274 to be effective 12/17/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5244.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER16–2130–001.

Applicants: Public Service Company of New Mexico.

Description: Compliance filing: Compliance Filing in Response to October 17, 2024 Order on Remand to be effective 12/17/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5260.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER22–1089–006.

Applicants: Jackson Generation, LLC.

Description: Compliance filing: Informational Filing Regarding Transfer of Ownership to be effective N/A.

Filed Date: 12/16/24.

Accession Number: 20241216–5245.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER25–709–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC.

Description: § 205(d) Rate Filing: MAIT submits Amended IA, SA No. 4578 to be effective 2/12/2025.

Filed Date: 12/13/24.

Accession Number: 20241213–5227.

Comment Date: 5 p.m. ET 1/3/25.

Docket Numbers: ER25–710–000.

Applicants: Entergy Arkansas, LLC.

Description: § 205(d) Rate Filing: Quartz Solar, LLC LBA Agreement to be effective 1/1/2025.

Filed Date: 12/13/24.

Accession Number: 20241213–5231.

Comment Date: 5 p.m. ET 1/3/25.

Docket Numbers: ER25–711–000.

Applicants: Powell Creek Solar, LLC.

Description: Initial Rate Filing: Application for Market-Based Rate Authorization, Request for Related Waivers to be effective 1/10/2025.

Filed Date: 12/13/24.

Accession Number: 20241213–5239.

Comment Date: 5 p.m. ET 1/3/25.

Docket Numbers: ER25–712–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Tariff Revisions for Reliability Resource Initiative to be effective 12/14/2024.

Filed Date: 12/13/24.

Accession Number: 20241213–5271.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER25–714–000.

Applicants: Deseret Generation & Transmission Co-operative, Inc.

Description: Compliance filing: WestConnect Compliance Filing to be effective 12/17/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5065.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER25–715–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation—WMPA Service Agreement No. 7007; Queue No. AF1–104 to be effective 2/15/2025.

Filed Date: 12/16/24.

Accession Number: 20241216–5067.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER25–716–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: BPA NITSA (UIUC) Rev 11 (R.S. No. 229) to be effective 12/1/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5068.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER25–717–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: BPA NITSA (SVEC Load) Rev 2 (S.A. No. 865) to be effective 12/1/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5076.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER25–718–000.

Applicants: EXUS NM Data Center II, LLC.

Description: § 205(d) Rate Filing: EXUS NM Data Center II Notice of Succession to be effective 11/14/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5078.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER25–719–000.

Applicants: EXUS NM Data Center III, LLC.

Description: § 205(d) Rate Filing: EXUS NM Data Center III Notice of Succession to be effective 11/14/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5081.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER25–720–000.

Applicants: Michigan Electric Transmission Company, LLC.

Description: § 205(d) Rate Filing: Filing of a Joint Ownership Agreement—METC Rate Schedule No. 84 to be effective 2/15/2025.

Filed Date: 12/16/24.

Accession Number: 20241216–5132.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER25–721–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original GIA Service Agreement No. 7434; Project Identifier No. AF2–086 to be effective 11/15/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5158.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER25–722–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 4346 WAPA/Black Hills Electric/Rushmore Electric Inter Agr to be effective 12/16/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5220.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER25–723–000.

Applicants: Basin Electric Power Cooperative.

Description: § 205(d) Rate Filing: Basin Electric Submission of Revisions to Attachment K Trans. Planning Process to be effective 12/17/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5232.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER25–724–000.

Applicants: Public Service Company of Colorado.

Description: Compliance filing: 2024–12–16 Att R Revisions to be effective 12/17/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5251.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER25–725–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2024–12–16 Amendment to the COI–POA & Request for Waiver to be effective 1/1/2025.

Filed Date: 12/16/24.

Accession Number: 20241216–5257.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER25–726–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Compliance filing: Compliance Filing in Response to October 17, 2024 Order on Remand to be effective 12/17/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5261.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: ER25–727–000.

Applicants: Cascade Energy Storage, LLC, Bracewell LLP.

Description: § 205(d) Rate Filing: Cascade Energy Storage, LLC submits tariff filing per 35.13(a)(2)(iii): Shared Facilities Agreement to be effective 12/17/2024.

Filed Date: 12/16/24.

Accession Number: 20241216–5262.

Comment Date: 5 p.m. ET 1/6/25.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18

CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: December 16, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–30469 Filed 12–19–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM19–12–000]

Revisions to the Filing Process for Commission Forms; Notice of eForms Updates

Notice is hereby given that, on March 28, 2025, the eXtensible Business Reporting Language (XBRL) taxonomies, validation rules, and rendering files needed to file the FERC Form Nos. 1, 1–F, 2, 2–A, 3–Q electric, 3–Q natural gas, 6, 60, and 714,¹ will be updated to Version 2025–04–01.² Version 2025–04–

¹ The Commission adopted the XBRL process for filing these forms in Order No. 859. *Revisions to the Filing Process for Comm'n Forms*, Order No. 859, 167 FERC ¶ 61,241 (2019).

² The Commission adopted the final XBRL taxonomies, protocols, implementation guide, and other supporting documents, and established the implementation schedule for filing the Commission Forms following a technical conference in this proceeding. *Revisions to the Filing Process for Comm'n Forms*, 172 FERC ¶ 61,059 (2020). The Commission also stated that technical updates, such as the updates referenced here, will not take effect until at least 60 days after issuance of a notice from the Office of the Secretary. *Id.* P. 26.

01 will be effective starting with the first quarter 2025.

The draft updated (Version 2025–01–01) taxonomies, validation rules, and rendering files are currently available for download in the eForms portal (<https://ecollection.ferc.gov>) and are available for testing in the eForms portal. Suggestions on the draft Version 2025–01–01 taxonomies can be provided by March 3, 2025, through <https://XBRLview.ferc.gov>. Version 2025–01–01 includes the incorporation of Order No. 898,³ technical edits to the codesets required for updating to Xule v1.2, Arelle v2.35.18, and the adoption of the XBRL Inline Renderer (XENDR) (<https://xbrl.us/xule/xendr/>) to render the human readable HTML documents.

The following FERC Form filings due after March 28, 2025, must be filed using the Version 2025–04–01 taxonomies, validation rules, and rendering files: (1) the 2024 FERC Form Nos. 60 and 714⁴ and; (2) the 2025 FERC Form Nos. 1, 1–F, 2, 2–A, 3–Q electric, 3–Q natural gas, and 6. Please see the Taxonomy History page (<https://ecollection.ferc.gov/taxonomyHistory>) for detailed version information organized by form.

Dated: December 16, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–30474 Filed 12–19–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1988–104]

Pacific Gas & Electric Company; Notice of Application for a Variance Under Article 402 Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Application for Temporary Variance of Minimum Flow Releases into Dinkey Creek.

b. *Project No:* 1988–104.

c. *Date Filed:* November 8, 2024.

d. *Applicant:* Pacific Gas & Electric Company.

e. *Name of Project:* Haas-Kings River Hydroelectric Project.

³ *Acct. & Reporting Treatment of Certain Renewable Energy Assets*, Order No. 898, 183 FERC ¶ 61,205 (2023).

⁴ The changes to FERC Form Nos. 60 and 714 consist of only the technical updates to the codesets.

f. *Location*: The project is located on the North Fork Kings River in Fresno County, California. The project occupies Federal lands managed by the U.S. Forest Service, U.S. Corps of Engineers, and Bureau of Land Management.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact*: Tiffany Begaye; P.O. Box 28209, Oakland, California 94604; T9BC@pge.com; and (559) 955–7135.

i. *FERC Contact*: Katherine Schmidt; (415) 369–3348; and katherine.schmidt@ferc.gov.

j. *Cooperating Agencies*: With this notice, the Commission is inviting Federal, State, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests*: January 15, 2025.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <https://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P–1988–104. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on

each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request*: The licensee requests a temporary variance of the release requirements under Article 402 that require it, in part, to release from the Kings penstock into Dinkey Creek a minimum flow in dry water years of 15 cubic feet per second (cfs), and from December 1 through May 31 in wet or normal water year types, as measured at gaging station the discharge point (KI–31), and to ensure a minimum of 25 cfs in the North Fork Kings River downstream of Dinkey Creek. With the variance, the licensee proposes to eliminate the 15 cfs supplemental flow releases from January 6 through May 31, 2025, to dewater the Kings River tunnel and penstock to enable the replacement and testing of a turbine shut-off valve. The licensee states that natural flows will still be present in Dinkey Creek through this time and that it will ensure the minimum requirement of 25 cfs in the North Fork Kings River will be maintained during the variance period.

m. *Locations of the Application*: 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. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene*: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or

motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents*: Any filing must (1) bear in all capital letters the title “COMMENTS”, “PROTEST”, or “MOTION TO INTERVENE” as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: December 16, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024–30467 Filed 12–19–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Pick-Sloan Missouri Basin Program— Eastern Division—Rate Order No. WAPA–217

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of rate order.

SUMMARY: The extension of the Upper Great Plains (UGP) region's existing Pick-Sloan Missouri Basin Program—Eastern Division (P–SMBP—ED) transmission and ancillary services formula rates has been confirmed, approved, and placed into effect on an interim basis. The existing formula rates under Rate Schedules WAUGP–ATTR (Annual Transmission Revenue

Requirement), WAUGP-AS1 (Scheduling, System Control, and Dispatch Service), WAUW-AS3 (Regulation and Frequency Response Service), WAUW-AS4 (Energy Imbalance Service), WAUW-AS5 (Operating Reserve—Spinning Reserve Service), WAUW-AS6 (Operating Reserve—Supplemental Reserve Service), and WAUW-AS7 (Generator Imbalance Service) are set to expire on September 30, 2025. This rate extension makes no changes to the existing formula rates and extends them through September 30, 2030.

DATES: The extended formula rates under Rate Schedules WAUGP-ATRR, WAUGP-AS1, WAUW-AS3, WAUW-AS4, WAUW-AS5, WAUW-AS6 and WAUW-AS7 will be placed into effect on an interim basis on October 1, 2025.

FOR FURTHER INFORMATION CONTACT: Mr. Lloyd Linke, Regional Manager, Upper Great Plains Region, Western Area Power Administration, 2900 4th Avenue North, Billings, MT 59101-1266; (406) 255-2800; email: lloyd@wapa.gov, or Linda Cady-Hoffman, Rates Manager, Upper Great Plains Region, telephone: (406) 255-2920; email: cady@wapa.gov.

SUPPLEMENTARY INFORMATION: Western Area Power Administration (WAPA) published a **Federal Register** notice (Proposed FRN) on August 26, 2024 (89 FR 68432), proposing to extend the existing formula rates under Rate Schedules WAUGP-ATRR, WAUGP-AS1, WAUW-AS3, WAUW-AS4, WAUW-AS5, WAUW-AS6 and WAUW-AS7. The Proposed FRN also initiated a 30-day public consultation and comment period.

Legal Authority

By Delegation Order No. S1-DEL-RATES-2016, effective November 19, 2016, the Secretary of Energy delegated: (1) the authority to develop power and transmission rates to the WAPA Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, or to remand or disapprove such rates, to the Federal Energy Regulatory Commission (FERC). By Delegation Order No. S1-DEL-S3-2024, effective August 30, 2024, the Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary for Infrastructure. By Redelegation Order No. S3-DEL-WAPA1-2023, effective April 10, 2023, the Under Secretary for Infrastructure further redelegated the authority to confirm, approve, and place

such rates into effect on an interim basis to WAPA's Administrator. This extension is issued under Redelegation Order No. S3-DEL-WAPA1-2023 and Department of Energy rate extension procedures set forth in 10 CFR part 903.¹

Following review of UGP's proposal, Rate Order No. WAPA-217 is hereby confirmed, approved, and placed into effect on an interim basis. This extends, without adjustment, the existing Rate Schedules WAUGP-ATRR, WAUGP-AS1, WAUW-AS3, WAUW-AS4, WAUW-AS5, WAUW-AS6, and WAUW-AS7 through September 30, 2030. WAPA will submit Rate Order No. WAPA-217 and the extended rate schedules to FERC for confirmation and approval on a final basis.

Department of Energy

Administrator, Western Area Power Administration

In the Matter of: Western Area Power Administration, Extension for the Pick-Sloan Missouri Basin Program—Eastern Division Transmission and Ancillary Services Formula Rates, Rate Order No. WAPA-217

Order Confirming, Approving, and Placing the Transmission and Ancillary Services Formula Rates for the Pick-Sloan Missouri Basin Program—Eastern Division Into Effect on an Interim Basis

The formula rates in Rate Order No. WAPA-217 are established following section 302 of the Department of Energy (DOE) Organization Act (42 U.S.C. 7152).¹

By Delegation Order No. S1-DEL-RATES-2016, effective November 19, 2016, the Secretary of Energy delegated: (1) the authority to develop power and transmission rates to the Western Area Power Administration (WAPA) Administrator; (2) the authority to confirm, approve, and place into effect such rates on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve on a final basis, or to remand or disapprove such rates to the Federal Energy Regulatory Commission (FERC). By Delegation Order No. S1-DEL-S3-2024, effective

August 30, 2024, the Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary of Infrastructure. By Redelegation Order No. S3-DEL-WAPA1-2023, effective April 10, 2023, the Under Secretary for Infrastructure further redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to WAPA's Administrator. This extension is issued under the Redelegation Order No. S3-DEL-WAPA1-2023 and DOE rate extension procedures set forth at 10 CFR part 903.²

Background

On October 1, 2020, FERC approved and confirmed Rate Schedules WAUGP-ATRR (Annual Transmission Revenue Requirement), WAUGP-AS1 (Scheduling, System Control, and Dispatch Service), WAUW-AS3 (Regulation and Frequency Response Service), WAUW-AS4 (Energy Imbalance Service), WAUW-AS5 (Operating Reserve-Spinning Reserve Service), WAUW-AS6 (Operating Reserve-Supplemental Reserve Service), and WAUW-AS7 (Generator Imbalance Service) under Rate Order No. WAPA-188 on a final basis for a 5-year period through September 30, 2025.³ These rate schedules apply to Pick-Sloan Missouri Basin Program—Eastern Division (P-SMBP—ED) transmission and ancillary services formula rates. Details about the rate schedules and the formula rates are viewable on UGP's Rates website at: www.wapa.gov/about-wapa/regions/ugp/ugp-rates/. The rates continue the formula-based methodology that includes an annual update to the data in the rate formulas, which provide adequate revenue to recover annual expenses, including interest expense, and repay capital investments within allowable time periods. This ensures repayment within the cost recovery criteria set forth in DOE Order RA 6120.2.

Discussion

In accordance with 10 CFR 903.23(a), UGP filed a notice in the **Federal Register** on August 26, 2024, proposing to extend, without adjustment, Rate Schedules WAUGP-ATRR, WAUGP-AS1, WAUW-AS3, WAUW-AS4, WAUW-AS5, WAUW-AS6, and WAUW-AS7 under Rate Order No. WAPA-217.⁴ UGP determined it was

¹ 50 FR 37835 (Sept. 18, 1985) and 84 FR 5347 (Feb. 21, 2019).

² This Act transferred to, and vested in, the Secretary of Energy the power marketing functions of the Secretary of the Department of the Interior and the Bureau of Reclamation (Reclamation) under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s); and other acts that specifically apply to the projects involved.

³ 50 FR 37835 (Sept. 18, 1985) and 84 FR 5347 (Feb. 21, 2019).

⁴ *Order Confirming and Approving Rate Schedules on a Final Basis*, FERC Docket No. EF20-3-000 and EF20-3-001 (2020).

⁵ 89 FR 68432 (2024).

not necessary to hold public information or public comment forums on the proposed formula rate extension, but provided a 30-day consultation and comment period to give the public an opportunity to comment on the proposed extension. The consultation and comment period ended on September 25, 2024, and UGP received no comments on the proposed formula rate extension.

Rate-making Procedure Requirements

Environmental Compliance

A categorical exclusion determination was previously issued for these rates under the following categorical exclusion listed in appendix B to subpart D of 10 CFR part 1021: B4.3 (Electric power marketing rate changes).⁵ That categorical exclusion determination is also applicable to this rate action. A copy of the categorical exclusion determination is available on WAPA's website at: www.wapa.gov/wp-content/uploads/2024/10/Rate-Extension-RO-WAPA-217-CX-09272024.pdf.

Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Submission to the Federal Energy Regulatory Commission

The provisional formula rates herein confirmed, approved, and placed into effect on an interim basis, together with supporting documents, will be submitted to FERC for confirmation and final approval.

Order

In view of the above and under the authority delegated to me, I hereby confirm, approve, and place into effect, on an interim basis, Rate Order No. WAPA-217, which extends the existing UGP transmission and ancillary services formula rates under Rate Schedules WAUGP-ATRR, WAUGP-AS1, WAUW-AS3, WAUW-AS4, WAUW-AS5, WAUW-AS6, and WAUW-AS7 through September 30, 2030. The rates will remain in effect on an interim basis until: (1) FERC confirms and approves of this extension on a final basis; (2) subsequent rates are confirmed and

approved; or (3) such rates are superseded.

Signing Authority

This document of the Department of Energy was signed on December 16, 2024, by Tracey A. LeBeau, Administrator, Western Area Power Administration, 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.

Rate Schedule WAUGP-ATRR, October 1, 2025

(Supersedes Rate Schedule WAUGP-ATRR Dated October 1, 2020, Through September 30, 2025)

**United States Department of Energy
Western Area Power Administration
Upper Great Plains Region Pick-Sloan
Missouri Basin Program—Eastern
Division**

Annual Transmission Revenue Requirement for Transmission Service

(Approved Under Rate Order No. WAPA-188)

Effective

Beginning on October 1, 2020, and remaining in effect through September 30, 2025, or until superseded by another rate schedule, whichever occurs earlier. Notification of the effective date of the formula rates will be published in the **Federal Register**. [Note: This rate schedule was extended by Rate Order No. WAPA-217 through September 30, 2030.]

Applicable

Western Area Power Administration-Upper Great Plains (Western-UGP) region's formula based Annual Transmission Revenue Requirement (ATRR) for its eligible transmission related facilities included under the Southwest Power Pool, Inc. (SPP) Tariff will be calculated using the formula outlined below.

Formula Rate

Define

A = Operation & Maintenance allocated to transmission (\$)
B = Depreciation allocated to transmission (\$)
C = Interest Expense allocated to transmission (\$)
D = Revenue Credits (\$)
E = Scheduling, System Control, and Dispatch costs (\$)
F = Prior Period True-up (\$)
ATRR = A + B + C - D - E + F

Note: Western-UGP will identify any portion(s) of the ATRR eligible for recovery under SPP Schedule 11 pursuant to the SPP Tariff in its Rate Formula Template submitted under Attachment H of the SPP Tariff.

A recalculated annual revenue requirement will go into effect every January 1 based on the above formula and updated financial data. Western-UGP will annually notify SPP and make data and information available to interested parties for review and comment related to the recalculated annual revenue requirement on or shortly after September 1 of the preceding year. Data used and the charges resulting from using this formula will be posted on the applicable SPP website and Western-UGP's Open Access Same-Time Information System (OASIS).

Rate Schedule WAUGP-AS1, October 1, 2025

(Supersedes Rate Schedule WAUGP-AS1 Dated October 1, 2020, Through September 30, 2025)

**United States Department of Energy
Western Area Power Administration
Upper Great Plains Region Pick-Sloan
Missouri Basin Program—Eastern
Division**

Scheduling, System Control, and Dispatch Service

(Approved Under Rate Order No. WAPA-188)

Effective

Beginning on October 1, 2020, and remaining in effect through September 30, 2025, or until superseded by another rate schedule, whichever occurs earlier. Notification of the effective date of the formula rates will be published in the **Federal Register**. [Note: This rate schedule was extended by Rate Order No. WAPA-217 through September 30, 2030.]

Applicable

Scheduling, System Control, and Dispatch Service (SSCD) is required to

⁵ The determination was done in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4321-4347, the Council on Environmental Quality Regulations for implementing NEPA (40 CFR parts 1500-1508); and DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021).

schedule the movement of power through, out of, within, or into the Southwest Power Pool, Inc. (SPP) Balancing Authority Area and/or the Western Area Power Administration, Upper Great Plains West Balancing Authority Area (WAUW). Western Area Power Administration-Upper Great Plains (Western-UGP) region's annual revenue requirement for SSCD will be used by SPP to calculate the regional SPP Schedule 1 rate for SPP through and out transactions, and also to calculate the zonal SPP Schedule 1 rate for the Upper Missouri Zone (UMZ or Zone 19). This rate will also be charged by SPP for SPP Transmission Service provided within the UMZ in the Western Interconnection.

Formula Rate

Define

A = Operation & Maintenance for SSCD (\$)

B = Administrative and General Expense for SSCD (\$)

C = Depreciation for SSCD (\$)

D = Taxes Other than Income Taxes for Transmission (\$)

E = Allocation of General Plant for SSCD (\$)

F = Cost of Capital for SSCD (\$)

G = SSCD Revenue from non-Transmission facilities (\$)

H = Prior Period True-up (\$)

SSCD Annual Revenue Requirement = A + B + C + D + E + F - G + H

A recalculated annual revenue requirement will go into effect every January 1 based on the above formula and updated financial data. Western-UGP will annually notify SPP and make data and information available to interested parties for review and comment related to the recalculated annual revenue requirement on or shortly after September 1 of the preceding year. Data used and the charges resulting from using this formula will be posted on the applicable SPP website and Western-UGP's Open Access Same-Time Information System (OASIS).

Rate Schedule WAUW-AS3, October 1, 2025

(Supersedes Rate Schedule WAUW-AS3 Dated October 1, 2020, Through September 30, 2025)

United States Department of Energy
Western Area Power Administration

Upper Great Plains Region Pick-Sloan
Missouri Basin Program—Eastern
Division

Regulation and Frequency Response
Service—WAUW

(Approved Under Rate Order No.
WAPA-188)

Effective

Beginning on October 1, 2020, and remaining in effect through September 30, 2025, or until superseded by another rate schedule, whichever occurs earlier. Notification of the effective date of the formula rates will be published in the **Federal Register**. [Note: This rate schedule was extended by Rate Order No. WAPA-217 through September 30, 2030.]

Applicable

This Rate Schedule applies to the Western Area Power Administration, Upper Great Plains West Balancing Authority Area (WAUW). Regulation and Frequency Response Service (Regulation) is necessary to provide for the continuous balancing of resources, generation, and interchange with load and for maintaining scheduled interconnection frequency at 60 cycles per second (60 Hz). Regulation is accomplished by committing on-line generation whose output is raised or lowered, predominantly through the use of automatic generating control equipment, as necessary, to follow the moment-by-moment changes in load. The obligation to maintain this balance between resources and load lies with the Western Area Power Administration-Upper Great Plains (Western-UGP) region as the WAUW operator. The SPP Transmission Customer must either purchase this service from SPP or make alternative comparable arrangements pursuant to the SPP Tariff to satisfy its Regulation obligation. Western-UGP's annual revenue requirement for Regulation (outlined below) will be used by SPP to calculate the WAUW charges for Regulation.

Western-UGP supports the installation of renewable sources of energy but recognizes that certain operational constraints exist in managing the significant fluctuations that are a normal part of their operation. When Western-UGP purchases power

resources to provide Regulation to intermittent resources serving load within Western-UGP's WAUW, costs for these regulation resources will become part of Western's Regulation revenue requirement, which will be billed by SPP, as the Transmission Provider, to a SPP Transmission Customer along with the associated transmission service provided by SPP under the SPP Tariff. However, Western-UGP will not regulate for the difference between the output of an intermittent resource located within Western-UGP's WAUW and a delivery schedule from that generator serving load located outside of Western-UGP's WAUW. Intermittent resources serving load outside Western-UGP's WAUW will be required to be pseudo-tied or dynamically scheduled to another Balancing Authority Area.

An intermittent resource, for the limited purpose of this Rate Schedule, is an electric generator that is not dispatchable and cannot store its fuel source and, therefore, cannot respond to changes in demand or respond to transmission security constraints.

Formula Rate

Define

A = U.S. Army Corps of Engineers (Corps) Fixed Charge Rate (%)

B = Corps Generation Net Plant Costs (\$)

C = Plant Capacity (kW)

D = Capacity Used for Regulation (kW-year)

E = Capacity Purchases for Regulation (\$)

F = Prior Period True-up

Regulation Annual Revenue

Requirement = (A * B/C) * D + E + F

A recalculated revenue requirement will go into effect every January 1 based on the above formula and updated financial data. Western-UGP will annually notify SPP and make data and information available to interested parties for review and comment related to the recalculated annual revenue requirement on or shortly after September 1 of the preceding year. Data used and the charges resulting from using this formula will be posted on the applicable SPP website and Western-UGP's Open Access Same-Time Information System (OASIS).

Rate Schedule WAUW-AS4, October 1, 2025**(Supersedes Rate Schedule WAUW-AS4 Dated October 1, 2020, Through September 30, 2025)****United States Department of Energy
Western Area Power Administration****Upper Great Plains Region Pick-Sloan
Missouri Basin Program—Eastern
Division****Energy Imbalance Service—WAUW***(Approved Under Rate Order No.
WAPA-188)**Effective*

Beginning on October 1, 2020, and remaining in effect through September 30, 2025, or until superseded by another rate schedule, whichever occurs earlier. Notification of the effective date of the formula rates will be published in the **Federal Register**. [Note: This rate schedule was extended by Rate Order No. WAPA-217 through September 30, 2030.]

Applicable

This Rate Schedule applies to the Western Area Power Administration, Upper Great Plains West Balancing Authority Area (WAUW). Energy Imbalance Service is provided when a difference occurs between scheduled and actual delivery of energy to a load located within Western Area Power Administration-Upper Great Plains (Western-UGP) region's WAUW over a single hour (or different dispatch interval for energy imbalance service market, if applicable). Given the Southwest Power Pool, Inc. (SPP) Integrated Marketplace does not extend into the Western Interconnection, Western-UGP, as the Balancing Authority, will offer to provide Energy Imbalance Service in the WAUW at the request of SPP, if it is capable of doing so, from its own resources or from resources available to it including possible participation in a Western Interconnection energy imbalance service market. SPP is the Transmission Provider for the eligible Western-UGP facilities transferred to the functional control of SPP in the WAUW. Energy Imbalance Service is needed when transmission service is provided by SPP and used to serve load within the WAUW, or when a difference occurs between the expected and actual delivery of energy to/from the WAUW over a single hour (or different dispatch interval for energy imbalance service market, if applicable) in the event that Western-UGP participates in a Western Interconnection energy imbalance service market in the WAUW as the

Balancing Authority. Energy Imbalance Service in the WAUW will be billed by SPP to the SPP Transmission Customer along with the associated transmission service provided by SPP. The SPP Transmission Customer must either purchase this service from SPP, or make alternative comparable arrangements pursuant to the SPP Tariff to satisfy its Energy Imbalance Service obligation.

The SPP Transmission Customer will incur a charge for either hourly energy imbalances under this Schedule, WAUW-AS4, or hourly generator imbalances under Rate Schedule WAUW-AS7 for imbalances occurring during the same hour, but not both, unless the imbalances aggravate rather than offset each other.

Formula Rate

(A) In the event that Western-UGP does not participate in a Western Interconnection energy imbalance service market in the WAUW as the Balancing Authority, or such energy imbalance market is unable to provide the total energy imbalance requirements for certain loads and generation within the Balancing Authority Area:

For deviations within ± 1.5 percent (with a minimum of 2 MW) of the scheduled transaction to be applied hourly to any energy imbalance that occurs as a result of the SPP Transmission Customer's scheduled transaction(s) will be netted on a monthly basis and settled financially, at the end of the month, at 100 percent of the average incremental cost.

Deviations greater than ± 1.5 percent up to 7.5 percent (or greater than 2 MW up to 10 MW) of the scheduled transaction to be applied hourly to any energy imbalance that occurs as a result of the SPP Transmission Customer's scheduled transaction(s) will be settled financially, at the end of each month. When energy taken in a schedule hour is greater than the energy scheduled, the charge is 110 percent of incremental cost. When energy taken is less than the scheduled amount, the credit is 90 percent of the incremental cost.

Deviations greater than ± 7.5 percent (or 10 MW) of the scheduled transaction to be applied hourly to any energy imbalance that occurs as a result of the SPP Transmission Customer's scheduled transaction(s) will be settled at 125 percent of Western-UGP's incremental cost when energy taken in a schedule hour is greater than the energy scheduled or 75 percent of Western-UGP's incremental cost when energy taken by a SPP Transmission Customer is less than the scheduled amount.

Western-UGP's incremental cost will be based upon a representative hourly energy index or combination of indexes. The index to be used will be posted on the applicable SPP website and Western-UGP's Open Access Same-Time Information System (OASIS) at least 30 days before use for determining the Western-UGP incremental cost and will not be changed more often than once per year unless Western-UGP determines that the existing index is no longer a reliable price index.

The pricing and charge for deviations in the above deviation bandwidths is as specified above. Data used and the charges resulting from using this formula will be posted on the applicable SPP website and Western-UGP's OASIS.

(B) In the event that Western-UGP participates in a Western Interconnection energy imbalance service market in the WAUW as the Balancing Authority:

Charges to the SPP Transmission Customer will reflect only the pass-through of the applicable charges associated with the Western Interconnection energy imbalance service market assessed to Western-UGP as the WAUW Balancing Authority for embedded load and/or generation in the WAUW of such SPP Transmission Customer that does not make adequate alternate arrangements in such Western Interconnection energy imbalance service market or other alternative comparable arrangements pursuant to the SPP Tariff to satisfy its Energy Imbalance Service obligation.

Western-UGP will post notice on the applicable SPP website and Western-UGP's OASIS, and also notify existing SPP Transmission Customers, at least 30 days before Western-UGP participates in a Western Interconnection energy imbalance service market, as the Balancing Authority. Western-UGP will also post information related to the charges assessed by the market operator for Energy Imbalance Service in the WAUW under such Western Interconnection energy imbalance service market.

Data used and the charges resulting from using this formula will be posted on the applicable SPP website and Western-UGP's OASIS.

Rate Schedule WAUW-AS5, October 1, 2025

(Supersedes Rate Schedule WAUW-AS5 Dated October 1, 2020, Through September 30, 2025)

**United States Department of Energy
Western Area Power Administration**

**Upper Great Plains Region Pick-Sloan
Missouri Basin Program—Eastern
Division**

**Operating Reserve—Spinning Reserve
Service—WAUW**

*(Approved Under Rate Order No.
WAPA-188)*

Effective

Beginning on October 1, 2020, and remaining in effect through September 30, 2025, or until superseded by another rate schedule, whichever occurs earlier. Notification of the effective date of the formula rates will be published in the **Federal Register**. [Note: This rate schedule was extended by Rate Order No. WAPA-217 through September 30, 2030.]

Applicable

This Rate Schedule applies to the Western Area Power Administration, Upper Great Plains West Balancing Authority Area (WAUW). Operating Reserve-Spinning Reserve Service (Spinning Reserves) is needed to serve load immediately in the event of a system contingency. Spinning Reserves may be provided by generating units that are on-line and loaded at less than maximum output. Given the Southwest Power Pool, Inc. (SPP) Integrated Marketplace does not extend into the Western Interconnection, Western Area Power Administration-Upper Great Plains (Western-UGP) region, as the Balancing Authority, will offer to provide Spinning Reserves, if available, at the request of SPP as the Transmission Provider in the WAUW. Operating Reserve-Spinning Reserve Service in the WAUW will be billed by SPP to the SPP Transmission Customer along with the associated transmission service provided by SPP. The SPP Transmission Customer must either purchase this service from SPP or make alternative comparable arrangements pursuant to the SPP Tariff to satisfy its Spinning Reserves obligation. Western-UGP's annual revenue requirement for Spinning Reserves (outlined below) will be utilized by SPP to calculate the WAUW charges for Spinning Reserves.

Formula Rate**Define**

A = U.S. Army Corps of Engineers (Corps) Fixed Charge Rate (%)
B = Corps Generation Net Plant Costs (\$)
C = Plant Capacity (kW)
D = Maximum Load in the WAUW (kW)
E = Maximum Generation in the WAUW (kW)
F = Reserve Sharing Program Requirement based upon Load (%)—See Note 1
G = Reserve Sharing Program Requirement based upon Generation (%)—See Note 2
H = Prior Period True-up
I = Annual cost associated with Western-UGP's current reserve sharing group membership
Note 1: Currently 3% in the Northwest Power Pool (NWPP) Reserve Sharing Program
Note 2: Currently 3% in the NWPP Reserve Sharing Program
Spinning Reserves Annual Revenue Requirement = $(A * B/C) * ((D * F) + (E * G)) + H + I$

A recalculated revenue requirement will go into effect every January 1 based on the above formula and updated financial, load/generation, and Reserve Sharing Program requirements data. Western-UGP will annually notify SPP and make data and information available to interested parties for review and comment related to the recalculated annual revenue requirement on or shortly after September 1 of the preceding year. Data used and the charges resulting from using this formula will be posted on the applicable SPP website and Western-UGP's Open Access Same-Time Information System (OASIS).

If resources are not available from a Western-UGP resource, Western-UGP, at the request of SPP as the Transmission Provider, will offer to purchase the Spinning Reserves and pass through the costs, plus an amount for administration, to SPP for the SPP Transmission Customer.

In the event that Spinning Reserves are called upon for emergency use, the SPP Transmission Customer will be assessed a charge for energy used at the prevailing market energy rate in the WAUW. The prevailing market energy rate will be based upon a representative hourly energy index or combination of indexes. The index to be used will be posted on the applicable SPP website and Western-UGP's OASIS at least 30 days before use for determining the prevailing market energy rate and will not be changed more often than once per year unless Western-UGP determines that the existing index is no

longer a reliable price index. The SPP Transmission Customer would be responsible for providing transmission service to get the Spinning Reserves to its destination.

Rate Schedule WAUW-AS6, October 1, 2025

(Supersedes Rate Schedule WAUW-AS6 Dated October 1, 2020, Through September 30, 2025)

**United States Department of Energy
Western Area Power Administration**

**Upper Great Plains Region Pick-Sloan
Missouri Basin Program—Eastern
Division**

**Operating Reserve—Supplemental
Reserve Service—WAUW**

*(Approved Under Rate Order No.
WAPA-188)*

Effective

Beginning on October 1, 2020, and remaining in effect through September 30, 2025, or until superseded by another rate schedule, whichever occurs earlier. Notification of the effective date of the formula rates will be published in the **Federal Register**. [Note: This rate schedule was extended by Rate Order No. WAPA-217 through September 30, 2030.]

Applicable

This Rate Schedule applies to the Western Area Power Administration, Upper Great Plains West Balancing Authority Area (WAUW). Operating Reserve-Supplemental Reserve Service (Supplemental Reserves) is needed to serve load in the event of a system contingency; however, it is not available immediately to serve load but rather within a short period of time.

Supplemental Reserves may be provided by generating units that are on-line but unloaded, by quick-start generation, or by interruptible load. Given the Southwest Power Pool, Inc. (SPP) Integrated Marketplace does not extend into the Western Interconnection, Western Area Power Administration-Upper Great Plains (Western-UGP) region, as the Balancing Authority, will offer to provide Supplemental Reserves, if available, at the request of SPP as the Transmission Provider, in the WAUW. Operating Reserve-Supplemental Reserve Service in the WAUW will be billed by SPP to the SPP Transmission Customer along with the associated transmission service provided by SPP. The SPP Transmission Customer must either purchase this service from SPP or make alternative comparable arrangements pursuant to the SPP Tariff to satisfy its

Supplemental Reserves obligation. Western-UGP's annual revenue requirement for Supplemental Reserves (outlined below) will be utilized by SPP to calculate the WAUW charges for Supplemental Reserves.

Formula Rate

Define

A = U.S. Army Corps of Engineers (Corps) Fixed Charge Rate (%)
 B = Corps Generation Net Plant Costs (\$)
 C = Plant Capacity (kW)
 D = Maximum Load in the WAUW (kW)
 E = Maximum Generation in the WAUW (kW)

F = Reserve Sharing Program Requirement based upon Load (%)—See Note 1

G = Reserve Sharing Program Requirement based upon Generation (%)—See Note 2

H = Prior Period True-up

I = Annual cost associated with Western-UGP's current reserve sharing group membership

Note 1: Currently 3% in the Northwest Power Pool (NWPP) Reserve Sharing Program

Note 2: Currently 3% in the NWPP Reserve Sharing Program

Supplemental Reserves Annual Revenue Requirement = $(A * B/C) * ((D * F) + (E * G)) + H + I$

A recalculated revenue requirement will go into effect every January 1 based on the above formula and updated financial, load/generation, and Reserve Sharing Program requirements data. Western-UGP will annually notify SPP and make data and information available to interested parties for review and comment related to the recalculated annual revenue requirement on or shortly after September 1 of the preceding year. Data used and the charges resulting from using this formula will be posted on the applicable SPP website and Western-UGP's Open Access Same-Time Information System (OASIS).

If resources are not available from a Western-UGP resource, Western-UGP, at the request of SPP as the Transmission Provider, will offer to purchase the Supplemental Reserves and pass through the costs, plus an amount for administration, to SPP for the SPP Transmission Customer.

In the event Supplemental Reserves are called upon for emergency use, the SPP Transmission Customer will be assessed a charge for energy used at the prevailing market energy rate in the WAUW. The prevailing market energy rate will be based upon a representative hourly energy index or combination of indexes. The index to be used will be

posted on the applicable SPP website and Western-UGP's OASIS at least 30 days before use for determining the prevailing market energy rate and will not be changed more often than once per year unless Western-UGP determines that the existing index is no longer a reliable price index. The SPP Transmission Customer would be responsible for providing transmission service to get the Supplemental Reserves to its destination.

Rate Schedule WAUW-AS7, October 1, 2025

(Supersedes Rate Schedule WAUW-AS7 Dated October 1, 2020, Through September 30, 2025)

United States Department of Energy Western Area Power Administration

Upper Great Plains Region Pick-Sloan Missouri Basin Program—Eastern Division

Generator Imbalance Service—WAUW

(Approved Under Rate Order No. WAPA-188)

Effective

Beginning on October 1, 2020, and remaining in effect through September 30, 2025, or until superseded by another rate schedule, whichever occurs earlier. Notification of the effective date of the formula rates will be published in the **Federal Register**. [Note: This rate schedule was extended by Rate Order No. WAPA-217 through September 30, 2030.]

Applicable

This Rate Schedule applies to the Western Area Power Administration, Upper Great Plains West Balancing Authority Area (WAUW). Generator Imbalance Service is provided when a difference occurs between the output of a generator located within Western Area Power Administration-Upper Great Plains (Western-UGP) region's WAUW and a delivery schedule from that generator to (1) another Balancing Authority Area or (2) a load within Western-UGP's WAUW over a single hour (or different dispatch interval for energy imbalance service market, if applicable). Given the Southwest Power Pool, Inc. (SPP) Integrated Marketplace does not extend into the Western Interconnection, Western-UGP, as the Balancing Authority, will offer to provide this service at the request of SPP, if it is capable of doing so, from its own resources or from resources available to it including possible participation in a Western Interconnection energy imbalance service market. SPP is the Transmission

Provider for the eligible Western-UGP facilities transferred to the functional control of SPP in the WAUW. Generator Imbalance Service is needed when transmission service is provided by SPP and used to deliver energy from a generator located within the WAUW, or when a difference occurs between the expected and actual delivery of energy to/from the WAUW over a single hour (or different dispatch interval for energy imbalance service market, if applicable) in the event that Western-UGP participates in a Western Interconnection energy imbalance service market in the WAUW as the Balancing Authority. Generator Imbalance Service in the WAUW will be billed by SPP to the SPP Transmission Customer along with the associated transmission service provided by SPP. The SPP Transmission Customer must either purchase this service from SPP or make alternative comparable arrangements pursuant to the SPP Tariff, to satisfy its Generator Imbalance Service obligation. The SPP Transmission Customer will incur a charge for either hourly generator imbalances under this Schedule, WAUW-AS7, or hourly energy imbalances under Rate Schedule WAUW-AS4 for imbalances occurring during the same hour, but not both, unless the imbalances aggravate rather than offset each other.

Western-UGP supports the installation of renewable sources of energy but recognizes that certain operational constraints exist in managing the significant fluctuations that are a normal part of their operation. Western-UGP has marketed the maximum practical amount of power from each of its projects, leaving little or no flexibility for provision of additional power services. Consequently, Western-UGP will not regulate for the difference between the output of an intermittent resource located within the WAUW and a delivery schedule from that generator serving load located outside of the WAUW. Intermittent resources serving load outside Western-UGP's WAUW will be required to be pseudo-tied or dynamically scheduled to another Balancing Authority Area.

An intermittent resource, for the limited purpose of this Rate Schedule, is an electric generator that is not dispatchable and cannot store its fuel source and, therefore, cannot respond to changes in demand or respond to transmission security constraints.

Formula Rate

(A) In the event that Western-UGP does not participate in a Western Interconnection energy imbalance

service market in the WAUW as the Balancing Authority, or such energy imbalance market is unable to provide the total energy imbalance requirements for certain loads and generation within the Balancing Authority Area:

For deviations within ± 1.5 percent (with a minimum of 2 MW) of the scheduled transaction to be applied hourly to any generator imbalance that occurs as a result of the SPP Transmission Customer's scheduled transaction(s) will be netted on a monthly basis and settled financially, at the end of the month, at 100 percent of the average incremental cost.

Deviations greater than ± 1.5 percent up to 7.5 percent (or greater than 2 MW up to 10 MW) of the scheduled transaction to be applied hourly to any generator imbalance that occurs as a result of the SPP Transmission Customer's scheduled transaction(s) will be settled financially, at the end of each month. When energy delivered in a schedule hour from the generation resource is less than the energy scheduled, the charge is 110 percent of incremental cost. When energy delivered from the generation resource is greater than the scheduled amount, the credit is 90 percent of the incremental cost.

Deviations greater than ± 7.5 percent (or 10 MW) of the scheduled transaction to be applied hourly to any generator imbalance that occurs as a result of the SPP Transmission Customer's scheduled transaction(s) will be settled at 125 percent of Western-UGP's highest incremental cost for the day when energy delivered in a schedule hour is less than the energy scheduled or 75 percent of Western-UGP's lowest daily incremental cost when energy delivered from the generation resource is greater than the scheduled amount. As an exception, an intermittent resource will be exempt from this deviation band and will pay the deviation band charges for all deviations greater than the larger of 1.5 percent or 2 MW.

Deviations from scheduled transactions responding to directives by the Transmission Provider, a Balancing Authority, or a reliability coordinator will not be subject to the deviation bands identified above and, instead, will be settled financially, at the end of the month, at 100 percent of incremental cost. Such directives may include instructions to correct frequency decay, respond to a reserve sharing event, or change output to relieve congestion.

Western-UGP's incremental cost will be based upon a representative hourly energy index or combination of indexes.

The index to be used will be posted on the applicable SPP website and Western-UGP's Open Access Same-Time Information System (OASIS) at least 30 days before use for determining the Western-UGP incremental cost and will not be changed more often than once per year unless Western-UGP determines that the existing index is no longer a reliable price index.

The pricing and charge for deviations in the deviation bandwidths is as specified above. Data used and the charges resulting from using this formula will be posted on the applicable SPP website and Western-UGP's OASIS.

(B) In the event that Western-UGP participates in a Western Interconnection energy imbalance service market in the WAUW as the Balancing Authority:

Charges to the SPP Transmission Customer will reflect only the pass-through of the applicable charges associated with the Western Interconnection energy imbalance service market assessed to Western-UGP as the WAUW Balancing Authority for embedded load and/or generation in the WAUW of such SPP Transmission Customer that does not make adequate alternate arrangements in such Western Interconnection energy imbalance service market or other alternative comparable arrangements pursuant to the SPP Tariff to satisfy its Generator Imbalance Service obligation.

Western-UGP will post notice on the applicable SPP website and Western-UGP's OASIS, and also notify existing Transmission Customers, at least 30 days before Western-UGP participates in a Western Interconnection energy imbalance service market, as the Balancing Authority. Western-UGP will also post information related to the charges assessed by the market operator for Generator Imbalance Service in the WAUW under such Western Interconnection energy imbalance service market.

Data used and the charges resulting from using this formula will be posted on the applicable SPP website and Western-UGP's OASIS.

[FR Doc. 2024-30361 Filed 12-19-24; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP-OFA-157]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202-564-5632 or <https://www.epa.gov/nepa>.

Weekly receipt of Environmental Impact Statements (EIS)

Filed December 9, 2024 10 a.m. EST
Through December 16, 2024 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search>.

EIS No. 20240236, Draft, USA, NC, MOTSU Real Property Master Plan Implementation, Comment Period Ends: 02/04/2025, Contact: Adrienne Rogers 571-644-8909.

EIS No. 20240237, Final, DOE, AK, ADOPTION—Angoon Hydroelectric Project Construction and Operation Special-Use-Authorization Thayer Creek Admiralty Island National Monument Tongass National Forest AK, Review Period Ends: 01/21/2025, Contact: Gretchen Applegate 240-252-0399.

The Department of Energy (DOE) has adopted the Forest Service's Final EIS No. 20090068 filed 03/11/2009 with the Environmental Protection Agency. The DOE was not a cooperating agency on this project. Therefore, republication of the document is necessary under Section 1506.3(b)(1) of the CEQ regulations.

EIS No. 20240238, Final, USFS, NM, South Sacramento Restoration Project, Review Period Ends: 02/18/2025, Contact: David Baker 541-671-1023.

EIS No. 20240239, Draft, BLM, ID, Caldwell Canyon Revised Mine and Reclamation Plan, Comment Period Ends: 02/03/2025, Contact: Barry Myers 208-559-3662.

EIS No. 20240240, Revised Draft, USACE, NJ, New Jersey Back Bays Coastal Storm Risk Management Supplemental Draft Integrated Feasibility Report and Environmental Impact Statement, Comment Period Ends: 02/18/2025, Contact: Steven D. Allen 215-656-6559.

Dated: December 16, 2024.

Mark Austin,

Acting Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2024-30399 Filed 12-19-24; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**[EPA-HQ-OAR-2023-0460; FRL-11946-03-OAR]****Release of Volumes 1 and 2 of the Integrated Review Plan for the National Ambient Air Quality Standards for Ozone and Related Photochemical Oxidants****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of availability and public comment period.

SUMMARY: On or about December 20, 2024, the Environmental Protection Agency (EPA) is making available to the public Volumes 1 and 2 of the *Integrated Review Plan for the National Ambient Air Quality Standards for Ozone and Related Photochemical Oxidants* (IRP). The national ambient air quality standards (NAAQS) from photochemical oxidants are set to protect public health and public welfare from these pollutants in ambient air. Volume 1 of the IRP contains contextual background material for the current review of the air quality criteria and the NAAQS. Volume 2 identifies policy-relevant issues in the review and describes key considerations in the EPA's development of the Integrated Science Assessment (ISA). The ISA provides the scientific basis for the EPA's decisions, in conjunction with additional technical and policy assessments, for the review of the NAAQS, as described in sections 108 and 109 of the Clean Air Act.

DATES: Comments must be received on or before January 21, 2025.**ADDRESSES:** You may send comments on Volume 2 of the IRP, identified by Docket ID No. EPA-HQ-OAR-2023-0460, by any of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov/> (our preferred method). Follow the online instructions for submitting comments.
- **Mail:** U.S. Environmental Protection Agency, EPA Docket Center, Office of Air and Radiation Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- **Hand Delivery or Courier:** EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this notice. Comments received may be posted without change to [https://](https://www.regulations.gov/)

www.regulations.gov, including any personal information provided. For detailed instructions on sending comments, see the **SUPPLEMENTARY INFORMATION** section of this document. The two volumes described here will be available on the EPA's website at <https://www.epa.gov/naaqs/ozone-o3-air-quality-standards>. The documents will be accessible under "Planning Documents" for the current review.

FOR FURTHER INFORMATION CONTACT: Dr. Mary Hutson, Office of Air Quality Planning and Standards, (Mail Code C504-06), U.S. Environmental Protection Agency, 109 T.W. Alexander Drive, P.O. Box 12055, Research Triangle Park, NC 27711; telephone number: 919-541-0715; or email: hutson.mary@epa.gov.

SUPPLEMENTARY INFORMATION:**I. General Information***Written Comments*

Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2023-0460, at https://www.regulations.gov (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> any information you consider Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include a discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). Please visit <https://www.epa.gov/dockets/commenting-epa-dockets> for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

II. Information About the Documents

Two sections of the Clean Air Act (CAA or the Act) govern the establishment and revision of the NAAQS. Section 108 directs the Administrator to identify and list certain air pollutants and then issue "air quality criteria" for those pollutants. The air quality criteria are to "accurately reflect the latest scientific

knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of such pollutant in the ambient air . . ." (CAA section 108(a)(2)). Under section 109 of the Act, the EPA is then to establish primary (health-based) and secondary (welfare-based) NAAQS for each pollutant for which the EPA has issued air quality criteria. Section 109(d)(1) of the Act requires periodic review and, if appropriate, revision of existing air quality criteria. Revised air quality criteria are to reflect advances in scientific knowledge on the effects of the pollutant on public health and welfare. Under the same provision, the EPA is also to periodically review and, if appropriate, revise the NAAQS based on the revised air quality criteria.

The Act additionally requires the appointment of an independent scientific review committee that is to periodically review the existing air quality criteria and NAAQS and to recommend any new standards and revisions of existing criteria and standards as may be appropriate (CAA section 109(d)(2)(A)–(B)). Since the early 1980s, the Clean Air Scientific Advisory Committee (CASAC) has fulfilled the requirement for an independent scientific review committee.

Presently, the EPA is reviewing the air quality criteria and NAAQS for O₃ and related photochemical oxidants.¹ The documents announced in this notice have been developed as part of the integrated review plan (IRP) which is developed in the planning phase for the review. The documents have been prepared jointly by the EPA's Center for Public Health and Environmental Assessment within the Office of Research and Development and the Office of Air Quality Planning and Standards within the Office of Air and Radiation. These documents will be available on the EPA's website: <https://www.epa.gov/naaqs/ozone-o3-air-quality-standards>, accessible under "Planning Documents" for the current review.

The IRP for the current review of the O₃ NAAQS will be comprised of three volumes. Volumes 1 and 2 are the subject of this notice. Volume 1 provides background information on the air quality criteria and O₃ NAAQS and may serve as a reference by the public and the CASAC in their consideration of the subsequent two volumes. Volume 2 addresses the general approach for the review and planning for the integrated

¹ The EPA's call for information for this review was issued on August 21, 2023 (88 FR 58264).

science assessment (ISA). Comments are solicited from the public on Volume 2, which will also be the subject of a consultation with the CASAC Ozone Panel, to be announced in a separate **Federal Register** notice. This volume identifies policy-relevant issues in the review and describes key considerations in the EPA's development of the ISA. Volume 3, which is not yet completed, is the planning document for quantitative analyses to be considered in the policy assessment (PA), including exposure and risk analyses, as warranted. In order that consideration of the availability of new evidence in the review can inform these plans, the development and public availability of Volume 3 will generally coincide with that of the draft ISA, and it will be the subject of a consultation with the CASAC Ozone Panel at that time. These documents do not represent and should not be construed to represent any final EPA policy, viewpoint, or determination.

As described above, comments on Volume 2 of the IRP should be submitted to the docket by January 21, 2025. A separate **Federal Register** notice will provide details about the CASAC Ozone Panel consultation meeting and the process for public participation in the consultation. The EPA will consider the consultation comments and public comments on the IRP, Volume 2, in preparation of the ISA for O₃ and related photochemical oxidants. Volume 1 of the IRP, also being made available, provides background or contextual and historical material for this NAAQS review.

Erika N. Sasser,
Director, Health and Environmental Impacts Division.

[FR Doc. 2024-30507 Filed 12-19-24; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[OIA Docket No. 24-30; DA 24-1242; FR ID 268497]

Meeting of the 2027 World Radiocommunication Conference Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This notice advises interested persons that Informal Working Group 1 (IWG-1), Informal Working Group 2 (IWG-2), Informal Working Group 3 (IWG-3), and Informal Working Group 4 (IWG-4) of the 2027 World

Radiocommunication Conference Advisory Committee (WRC-27 Advisory Committee) have scheduled meetings as set forth below. The meetings are open to the public.

DATES:

14 January 2025 IWG-3 and IWG-4
15 January 2025 IWG-1 and IWG-2
28 January 2025 IWG-3 and IWG-4
29 January 2025 IWG-1 and IWG-2
18 February 2025 IWG-3 and IWG-4
26 February 2025 IWG-1 and IWG-2
04 March 2025 IWG-3 and IWG-4
12 March 2025 IWG-1 and IWG-2
18 March 2025 IWG-3 and IWG-4
25 March 2025 IWG-3 and IWG-4
26 March 2025 IWG-1 and IWG-2

ADDRESSES: The meetings will be held virtually.

FOR FURTHER INFORMATION CONTACT:

Gregory Baker, Designated Federal Official, World Radiocommunication Conference Advisory Committee, FCC Office of International Affairs, Global Strategy and Negotiation Division, at Gregory.Baker@fcc.gov, (202) 919-0758 or WRC-27@fcc.gov.

SUPPLEMENTARY INFORMATION: The FCC established the Advisory Committee to provide advice, technical support and recommendations relating to the preparation of United States proposals and positions for the 2027 World Radiocommunication Conference (WRC-27).

In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, this notice advises interested persons of the IWG-1, IWG-2, IWG-3 and IWG-4 of the WRC-27 Advisory Committee scheduled meetings. The Commission's WRC-27 website (www.fcc.gov/wrc-27) contains the latest information on all scheduled meetings, meeting agendas, and WRC-27 Advisory Committee matters.

Below is additional IWG meeting information:

WRC-27 Advisory Committee

Schedule of Meetings of Informal Working Groups 1, 2, 3 and 4

Informal Working Group 1: Maritime, Aeronautical and Radar Services

Chair—Kim Kolb, kim.1.kolb@boeing.com (703) 220-2438

Vice Chair—Nicholas Shrout, njs@asri.aero (443) 951-0335

FCC Representatives: Louis Bell, louis.bell@fcc.gov, telephone: (202) 418-1641; Allen Yang, allen.yang@fcc.gov, telephone: (202) 418-0738; Dante Ibarra, dante.ibarra@fcc.gov, telephone: (202) 418-0610; Gregory Baker, Gregory.Baker@fcc.gov, (202) 919-0758

IWG-1—Meetings

Dates: January 15, 2025; January 29, 2025; February 26, 2025; March 12, 2025; and March 26, 2025

Time: 11:00 a.m. ET

Join ZoomGov Meeting: <https://fcc-gov.zoomgov.com/j/1600529540?pwd=KJkOIAlvxMhKUuqmMw2WJb0b6omj16.1>

Meeting ID: 160 052 9540

Passcode: 064497

One tap mobile: +16692545252,, 1600529540#,,, *064497# US (San Jose)

Informal Working Group 2: Mobile and Fixed Services

Chair—Daudeline Meme, daudeline.meme@verizon.com, (202) 253-8362

Vice Chair—Reza Arefi, rezaa@apple.com, (202) 235-7298

FCC Representatives: Louis Bell, louis.bell@fcc.gov, telephone: (202) 418-1641; Dante Ibarra, dante.ibarra@fcc.gov, telephone: (202) 418-0610; Gregory Baker, Gregory.Baker@fcc.gov, (202) 919-0758

IWG-2—Meetings

Dates: January 15, 2025; January 29, 2025; February 26, 2025; March 12, 2025; and March 26, 2025

Time: 2:00 p.m. ET

Join ZoomGov Meeting: <https://fcc-gov.zoomgov.com/j/1600529540?pwd=KJkOIAlvxMhKUuqmMw2WJb0b6omj16.1>

Meeting ID: 160 052 9540

Passcode: 064497

One tap mobile: +16692545252,, 1600529540#,,, *064497# US (San Jose)

Informal Working Group 3: Fixed-Satellite Service and Regulatory Matters

Chair—Alex Epshteyn, epshteyn@amazon.com, (703) 963-6136

Vice Chair—Ryan Henry, ryan.henry@ses.com, (202) 878-9360

FCC Representatives: Clay DeCell, clay.decell@fcc.gov, telephone: (202) 418-0803; Kathryn Medley, kathryn.medley@fcc.gov, telephone: (202) 418-1211; Eric Grodsky, eric.grodsky@fcc.gov, telephone: (202) 418-0563; Dante Ibarra, dante.ibarra@fcc.gov, telephone: (202) 418-0610; Gregory Baker, Gregory.Baker@fcc.gov, (202) 919-0758

IWG-3—Meetings

Dates: January 14, 2025; January 28, 2025; February 18, 2025; March 04, 2025; March 18, 2025; and March 25, 2025

Time: 2:00 p.m. ET

Join ZoomGov Meeting: <https://fcc.gov.zoomgov.com/j/1609262841?pwd=J36aWoQ62Dv29yaqE2tivXXXWh5sqb.1>

Meeting ID: 160 926 2841

Passcode: 391180

One tap mobile: +16692545252,, 1609262841#,,,,*391180# US (San Jose)

Informal Working Group 4: Mobile Satellite and Space Science Services

Chair—Damon Ladson dladson@hwglaw.com, (202) 730-1315

Vice Chair—George John, george.john@hoganlovells.com, (202) 673-6989

FCC Representatives: Dante Ibarra, dante.ibarra@fcc.gov, telephone: (202) 418-0610; Clay DeCell, clay.decell@fcc.gov, telephone: (202) 418-0803; Gregory Baker, Gregory.Baker@fcc.gov, (202) 919-0758

IWG-4—Meetings

Dates: January 14, 2025; January 28, 2025; February 18 2025; March 4, 2025; March 18, 2025; and March 25 2025

Time: 11:00 a.m. ET

Join ZoomGov Meeting: <https://fcc.gov.zoomgov.com/j/1609262841?pwd=J36aWoQ62Dv29yaqE2tivXXXWh5sqb.1>

Meeting ID: 160 926 2841

Passcode: 391180

One tap mobile: +16692545252,, 1609262841#,,,,*391180# US (San Jose)

Federal Communications Commission.

Nese Guendelsberger,

Deputy Office Chief, Office of International Affairs.

[FR Doc. 2024-30391 Filed 12-19-24; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained

on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551-0001, not later than January 6, 2025.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166-2034. Comments can also be sent electronically to

Comments.applications@stls.frb.org:

1. *Richard and Beth Wright Trust, Richard Wright and Beth Wright as trustees, all of Iberia, Missouri*; to join a group acting in concert, to retain voting shares of Milco Bancorporation, Inc., and thereby indirectly retain voting shares of Bank of Iberia, both of Iberia, Missouri.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2024-30450 Filed 12-19-24; 8:45 am]

BILLING CODE 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 Dallas (Karen Smith, Assistant Vice President, Mergers & Acquisitions and Enforcement) 2200 North Pearl Street Dallas, Texas 75201-2272. Comments can also be sent electronically to Comments.applications@dal.frb.org:

1. *F&M Bancshares, Inc., De Leon, Texas*; to acquire Newcastle Bancshares, Inc., and thereby indirectly acquire Farmers State Bank of Newcastle, both of Newcastle, Texas.

2. *LevelField Financial, Inc., Houston, Texas*; to become a bank holding company by acquiring Burling Bank, Chicago, Illinois.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2024-30451 Filed 12-19-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

[OMB Control No. 9000–0189; Docket No. 2024–0053; Sequence No. 21]

**Information Collection; Certain Federal
Acquisition Regulation Part 4
Requirements**

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning certain Federal Acquisition Regulation (FAR) part 4 requirements and a revision to address existing Commercial and Government Entity code requirements. DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through March 31, 2025. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by February 18, 2025.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through <https://www.regulations.gov> and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or GSARegSec@gsa.gov.

Instructions: All items submitted must cite OMB Control No. 9000–0189,

Certain Federal Acquisition Regulation Part 4 Requirements. Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check www.regulations.gov, approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT:

Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or zenaida.delgado@gsa.gov.

SUPPLEMENTARY INFORMATION:**A. OMB Control Number, Title, and
Any Associated Form(s)**

9000–0189, Certain Federal Acquisition Regulation Part 4 Requirements.

B. Need and Uses

This clearance covers the information that offerors and contractors must submit to comply with the following FAR requirements:

1. FAR 52.204–3, and 52.212–3(l)—Taxpayer Identification Number (TIN) Information. When there is not a requirement to be registered in the System for Award Management (SAM), offerors are required to submit their TIN information by the provision at FAR 52.204–3, Taxpayer Identification, for other than commercial acquisitions, and by paragraph (l) of the provision at FAR 52.212–3, Offeror Representations and Certifications—Commercial Products and Commercial Services, for commercial acquisitions.

The TIN information may be used by the Government to collect and report on any delinquent amounts arising out of the offeror's relationship with the Government (31 U.S.C. 7701(c)(3)). If a contract is subject to the payment reporting requirements in FAR 4.904, the TIN may be matched with the Internal Revenue Service records to verify the accuracy of the TIN submitted by the offeror.

2. FAR 52.204–6, 52.212–1(j), and 52.204–12—Unique Entity Identifier. When there is not a requirement to be registered in SAM, offerors are required to submit their unique entity identifier by the provision at FAR 52.204–6, Unique Entity Identifier, for other than commercial acquisitions, and by paragraph (j) of the provision at FAR 52.212–1, Instructions to Offerors—Commercial Products and Commercial Services, for commercial acquisitions. The clause at FAR 52.204–12, Unique Entity Identifier Maintenance, requires contractors to maintain their unique

entity identifier with the organization designated in SAM to issue such identifiers, for the life of the contract. The clause also requires contractors to notify contracting officers of any changes to the unique entity identifier.

The Government uses the unique entity identifier to identify contractors in reporting to the Federal Procurement Data System (FPDS). FPDS provides a comprehensive mechanism for assembling, organizing, and presenting contract placement data for the Federal Government. Contracting officers use a notification provided under FAR 52.204–12 regarding any change to the unique entity identifier to modify contracts to reflect the updated unique entity identifier.

3. FAR 52.204–7, 52.204–13, and 52.212–3(b)—SAM Registration and Maintenance. The provision at FAR 52.204–7, System for Award Management, requires offerors to be registered in SAM when submitting an offer or quotation and at time of award, except in certain limited cases, and to continue to be registered through final payment of any award that results from such offer. The clause at FAR 52.204–13, System for Award Management Maintenance, requires contractors to make sure their SAM data is kept current, accurate, and complete throughout contract performance and final payment; this maintenance is, at a minimum, to be done through an annual review and update of the contractor's SAM registration. Paragraph (b) of the provision at FAR 52.212–3 contains the equivalent of FAR 52.204–7 and 52.204–13, for commercial acquisitions.

The Government use the collected information to establish a common source of vendor data to increase visibility of vendor sources (including their geographical locations) for specific supplies and services.

4. FAR 52.204–14, and 52.204–15—Service Contract Reporting Requirements. The clauses at FAR 52.204–14, Service Contract Reporting Requirements, and FAR 52.204–15, Service Contract Reporting Requirements for Indefinite-Delivery Contracts, require contractors to report the following information in SAM annually:

(a) Contract number and, as applicable, order number.

(b) The total dollar amount invoiced for services performed during the previous Government fiscal year under each contract.

(c) The number of contractor direct labor hours expended on the services performed during the previous Government fiscal year.

(d) Data reported by each first-tier subcontractor providing services under the contract if required to do so.

Section 743 of Division C of the Consolidated Appropriations Act, 2010 (Pub. L. 111–117) requires executive agencies covered by the Federal Activities Inventory Reform Act (Pub. L. 105–270), except DoD, to submit to OMB an annual inventory of activities performed by service contractors. DoD is exempt from this reporting requirement because 10 U.S.C. 4505(c) already require DoD to develop an annual service contract inventory. Civilian agencies use the service contract information provided by FAR clauses 52.204–14 and 52.204–15 to supplement agency annual service contract reporting requirements with the contractor-provided service contract reporting information.

5. FAR 52.204–16 and 52.204–18, Commercial and Government Entity (CAGE) Code Reporting and Maintenance. The provision at FAR 52.204–16, Commercial and Government Entity Code Reporting, require offerors to provide their CAGE code, including name and location address, with their offer. The CAGE code must be for that name and location address. The CAGE code is required prior to award. The clause at FAR 52.204–18, Commercial and Government Entity Code Maintenance, requires contractors to maintain their CAGE code throughout the life of the contract for each location of contract, including subcontract, performance.

For contractors registered in SAM, the Defense Logistics Agency (DLA) CAGE Branch shall only modify data received from SAM in the CAGE master file if the contractor initiates those changes via update of its SAM registration. Contractors undergoing a novation or change-of-name agreement shall notify the contracting officer in accordance with FAR subpart 42.12. The contractor shall communicate any change to the CAGE code to the contracting officer within 30 days after the change, so that a modification can be issued to update the CAGE code on the contract. Contractors located in the U.S. or its outlying areas that are not registered in SAM shall submit written change request to the DLA CAGE Branch. Contractors located outside the U.S. and its outlying areas that are not registered in SAM shall contact the appropriate National Codification Bureau points of contact to request CAGE changes.

6. FAR 52.204–17, Ownership or Control of Offeror. This provision requires offerors to represent whether they are owned or controlled by another

entity, and if so, to provide the CAGE code and name of such entity.

The CAGE code system may be used, among other things, to—

(a) Exchange data with another contracting activity, including contract administration activities and contract payment activities;

(b) Exchange data with another system that requires the unique identification of a contractor entity; or

(c) Identify when offerors are owned or controlled by another entity.

7. FAR 52.204–20, Predecessor of Offeror. This provision requires offerors to identify if the offeror is, within the last three years, a successor to another entity that received a Federal Government award and, if so, to provide the CAGE code and legal name of the predecessor.

The information on predecessors is used to identify such entities in the Federal Awardee Performance and Integrity Information System (FAPIS) to allow retrieval of integrity and performance data on the most recent predecessor of an apparent successful offeror to whom award is anticipated. FAR 9.104–6 requires contracting officers to consult FAPIS before awarding a contract that exceeds the simplified acquisition threshold.

8. FAR 52.204–23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab Covered Entities. This clause requires contractors to report, in writing, to the contracting officer or, in the case of DoD, to the website at <https://dibnet.dod.mil>, any instance when the contractor identifies a covered article provided to the Government during contract performance, or if contractors are notified of such an event by subcontractors at any tier or any other source.

Agency personnel will use the collected information to identify and remove prohibited hardware, software, or services from Government use. This information collection is required to comply with section 1634 of Division A of the National Defense Authorization Act for Fiscal Year 2018 (Pub. L. 115–91).

C. Annual Burden

Respondents: 353,291.

Total Annual Responses: 843,253.

Total Burden Hours: 387,083.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing GSARegSec@gsa.gov. Please cite OMB Control No. 9000–0189, Certain Federal

Acquisition Regulation Part 4 Requirements.

Janet Fry,

*Director, Federal Acquisition Policy Division,
Office of Governmentwide Acquisition Policy,
Office of Acquisition Policy, Office of
Governmentwide Policy.*

[FR Doc. 2024–30452 Filed 12–19–24; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency For Healthcare Research and Quality

Notice of Meeting

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) announces a Special Emphasis Panel (SEP) meeting on “Implementing and Evaluating Patient-Centered Clinical Decision Support Strategies in Real-World Settings(U18)”

DATES: January 10th, 2025

ADDRESSES: Agency for Healthcare Research and Quality (Video Assisted Review), 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Jenny Griffith, Committee Management Officer, Office of Extramural Research, Education and Priority Populations, Division of Policy, Coordination, and Analysis, Agency for Healthcare Research and Quality, (AHRQ), 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 427–1557.

SUPPLEMENTARY INFORMATION: A Special Emphasis Panel is a group of experts in fields related to health care research who are invited by AHRQ, and agree to be available, to conduct on an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not attend regularly scheduled meetings and do not serve for fixed terms or a long period of time. Rather, they are asked to participate in particular review meetings which require their type of expertise.

The SEP meeting referenced above will be closed to the public in accordance with the provisions set forth in 5 U.S.C. 1009(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6). Grant applications for “Implementing and Evaluating Patient-Centered Clinical Decision Support Strategies in Real-World Settings(U18)” are to be reviewed and discussed at this meeting. 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.

Agenda items for this meeting are subject to change as priorities dictate.

Dated: December 16, 2024.

Marquita Cullom,
Associate Director.

[FR Doc. 2024–30336 Filed 12–19–24; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Information collection notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project (new): “Supporting and Evaluating AHRQ’s Long COVID Care Network.”

DATES: Comments on this notice must be received by February 18, 2025.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at REPORTSCLEARANCEOFFICER@ahrq.hhs.gov.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at REPORTSCLEARANCEOFFICER@ahrq.hhs.gov.

SUPPLEMENTARY INFORMATION:

Proposed Project

Supporting and Evaluating AHRQ’s Long COVID Care Network

Long COVID is a chronic condition in which people continue to experience persistent, varying, and potentially disabling impacts after the acute COVID–19 illness. Up to one third of people with COVID–19 experience Long COVID with the numbers higher in females, transgender and bisexual people, people without a college degree,

and people with disability. Some of these groups often face barriers that can worsen the impact of Long COVID on their lives and complicate recovery. Some of the barriers they face include difficulty with healthcare access, communication and internet accessibility, lack of health insurance, lower health literacy, greater difficulty using patient portals and telemedicine, and greater medical and social vulnerabilities.

Clinics to provide outpatient Long COVID care have emerged across the country to offer coordinated, multidisciplinary care that meets the complex, diverse, multi-system, and specialized needs of people with Long COVID. There are some Long COVID clinic models that share common elements including care coordination and access to multidisciplinary care. Though these clinics meet critical needs in the healthcare system, they face significant challenges including staffing shortages; long patient waitlists; lack of funding or reimbursement for some services; lack of clear treatment protocols; limited capacity to provide timely, comprehensive, coordinated, and person-centered care; and limited clinician knowledge and training in Long COVID management. Other barriers these clinics face include the limited number of Long COVID clinics and specialists, concentration of clinics in academic centers and urban areas, late recognition of Long COVID symptoms by clinicians, and delayed referral to Long COVID clinics or appropriate specialists.

In response, AHRQ awarded grants to 12 multidisciplinary Long COVID clinics across the country (the “AHRQ Long COVID Care Network”) with the goal to expand access to comprehensive, coordinated, and person-centered care for people with Long COVID, particularly underserved populations that are disproportionately impacted by the effects of Long COVID. Specifically, the grants are designed to expand access and care, develop and implement new or improved care delivery models, foster best practices for Long COVID management, and support the primary care community in Long COVID education and management.

The information and data collected for this study will facilitate an evaluation of the outcomes of AHRQ’s Long COVID Care Network. The evaluation reflects AHRQ’s mission to produce evidence to make healthcare safer, higher quality, more accessible, equitable, and affordable; and to work within the U.S. Department of Health and Human Services and with other partners to make sure that the evidence

is understood and used. This study is a new data collection request, and the data to be collected are not available elsewhere unless obtained through this data collection.

This project seeks to assess the following:

(1) How is the AHRQ Long COVID Care Network implementing strategies to:

- (a) expand access to comprehensive, coordinated, person-centered care,
- (b) engage clinicians in Long COVID education and management, and
- (c) educate patients and communities about Long COVID?

(2) What was the reach of the AHRQ Long COVID Care Network strategies, especially to underserved populations that are disproportionately impacted by the effects of Long COVID?

- (3) What were the patterns of:
 - (a) service utilization,
 - (b) patient outcomes and experiences,
 - (c) referral streams, and
 - (d) primary care communication and coordination within the AHRQ Long COVID Care Network?

To answer these research questions AHRQ will implement two new data collections that require OMB approval. These data collections include:

(1) *Grantee Interviews*—Conducted during annual site visits. At each site visit, up to five 90-minute interviews will be conducted—for a total of 60 interviews across the 12 sites. Each interview will include up to two respondents—for a total of 120 respondents across the sites. The interview respondents will include grantee principal investigators, research and clinical staff at grantee Long COVID clinics, and representatives from grantee partner organizations (such as primary care practices and community organizations). The primary purpose of the interviews is to query about how the grantees developed and implemented new or improved care delivery models, implementation strategies, and operational workflows; identified barriers and facilitators to implementation and mitigation strategies for implementation challenges; and considered the potential sustainability of their program when AHRQ funding ends.

(2) *Grantee Survey*—The survey will be administered to each grantee annually. Each grantee’s assigned evaluation liaison, or their designated representative, will respond to the survey. The primary purpose of the survey is to collect data on the services and personnel at grantee Long COVID clinics and the costs and resources associated with the implementation of the grant.

This study is being conducted by AHRQ through its contractor, 2M Research Services (2M), pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of health care services and with respect to quality measurement and improvement [42 U.S.C 299a(a)(1) and (2)].

Method of Collection

The Grantee Survey will be delivered via a web form to the evaluation liaison of each grantee. The evaluation liaison will have the option to designate another person to complete sections of or the entire survey if needed. The contractor will develop a unique survey link for each grantee. The evaluation

team will disseminate the findings from the grantee interviews and Grantee Survey that answer the evaluation questions through evaluation reports developed for AHRQ and through other dissemination products (e.g., newsletters, blogs, conference presentations and papers, etc.) to a learning community of the grantees; an external contributor group consisting of health system leaders, payers and policymakers, people with lived experience, professional association representatives, and subject matter experts; and to the general public.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in this data collection. The total annual burden hours are estimated to be 186 hours.

The Grantee Interviews and Grantee Survey will be conducted with healthcare providers and grantee program staff and partners.

1. Grantee Interviews—Completed once by 120 respondents. The interview takes 1.5 hours to complete.

2. Grantee Survey—Completed once by 12 respondents. The survey takes 30 minutes to complete.

Exhibit 2 shows the estimated annual cost burden associated with the respondents' time to participate in this data collection. The annual cost burden is estimated to be \$21,390. Although the education level of respondents may vary, we anticipate many of them will have a medical degree and be employed as a physician or a related occupation. The average hourly wage for Physicians as reported by the Bureau of Labor Statistics (\$115.00) was used.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Grantee Interviews	120	1	90/60	180
Grantee Survey	12	1	30/60	6
Total	132	1	.....	186

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Total burden hours	Average hourly wage rate ^a	Total cost burden
Grantee Interviews	180	^a \$115.00	\$20,700
Grantee Survey	6	^b 115.00	690
Total	186	.....	21,390

^{*} National Compensation Survey: Occupational wages in the United States May 2023, "U.S. Department of Labor, Bureau of Labor Statistics." https://www.bls.gov/oes/current/oes_nat.htm.

^a Based on the median wages for *Physicians 29–1210*.

^b Based on the median wages for *Physicians 29–1210*.

Request for Comments

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, comments on AHRQ's information collection are requested with regard to any of the following: (a) whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the

respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: December 16, 2024.

Marquita Cullom,

Associate Director.

[FR Doc. 2024–30337 Filed 12–19–24; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–25–1352]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled "Operational Readiness Review 2.0" to the Office of Management and Budget (OMB) for review and approval. CDC previously published a "Proposed Data Collection Submitted for Public Comment and

Recommendations” notice on June 17, 2024 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open

for Public Comments” or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

Proposed Project

Operational Readiness Review 2.0 (OMB Control No. 0920-1352)—Reinstatement—Office of Readiness and Response (ORR), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

To help evaluate the country’s public health emergency preparedness and response capacity, the Centers for Disease Control and Prevention’s Division of State and Local Readiness (DSLRL) administers the Public Health Emergency Preparedness (PHEP) cooperative agreement. The PHEP program is a critical source of funding for 62 state, local, and territorial jurisdictions including four major metropolitan areas (Chicago, Los Angeles County, New York City, and Washington, DC) to build and strengthen their ability to respond to and recover from public health emergencies. The Operational Readiness Review (ORR) is a rigorous, evidence-based assessment used to evaluate PHEP recipients’ planning and operational functions. The purpose of the ORR 2.0 is to expand measurement and evaluation to all 15 Public Health Emergency Preparedness and Response Capabilities, which serve as national standards for public health preparedness planning: 1—Community Preparedness; 2—Community Recovery; 3—Emergency Operations Coordination;

4—Emergency Public Information and Warning; 5—Fatality Management; 6—Information Sharing; 7—Mass Care; 8—Medical Countermeasure Dispensing and Administration; 9—Medical Materiel Management and Distribution; 10—Medical Surge; 11—Nonpharmaceutical Intervention; 12—Public Health Laboratory Testing; 13—Public Health Surveillance and Epidemiological Investigation; 14—Responder Safety and Health; 15—Volunteer Management.

These capabilities serve as national standards for public health preparedness planning. The ORR 2.0 has three modules: Descriptive, Planning, and Operational, which will allow DSLRL to analyze the data for the development of descriptive statistics and to monitor the progress of each recipient towards performance goals. The intended outcome of the ORR 2.0 is to assist CDC to identify strengths and challenges facing preparedness programs across the nation and to identify opportunities for improvement and further technical support.

Information will be collected from respondents using the new Operational Readiness Review (ORR) 2.0 platform but a backup paper option may be available for jurisdictions that require it. Information collected from respondents is a requirement of the PHEP Cooperative Agreement for participants to receive funding. This Reinstatement will allow PHEP recipients to complete their reporting requirements for the five-year time period of 2019–2024 PHEP Cooperative Agreement. CDC is requesting a three-year approval for this information collection. The total annualized burden hour estimate is 3055 burden hours. There is no cost to respondents other than their time.

Estimated Annualized Burden Hours

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
PHEP Recipients	Critical contact sheet (CCS)	62	1	80/60
PHEP Recipients	Jurisdictional data sheet (JDS)	62	1	255/60
PHEP Recipients	Receive, stage, store (RSS) warehouse (x2, primary and alternate).	62	1	4
PHEP Recipients	Partner form/spreadsheet	62	1	8
PHEP Recipients	Workforce development and training	62	1	1.5
PHEP Recipients	Capability 1—Community Preparedness	62	1	1
PHEP Recipients	Capability 2—Community Recovery	62	1	1
PHEP Recipients	Capability 3—Emergency Operations Coordination.	62	1	2
PHEP Recipients	Capability 4—Emergency Public Information and Warning.	62	1	1.5
PHEP Recipients	Capability 5—Fatality Management	62	1	2.5
PHEP Recipients	Capability 6—Information Sharing	62	1	1
PHEP Recipients	Capability 7—Mass Care	62	1	2
PHEP Recipients	Capability 8—Medical Countermeasure Dispensing and Administration.	62	1	3

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
PHEP Recipients	Capability 9—Medical Materiel Management and Distribution.	62	1	195/60
PHEP Recipients	Capability 10—Medical Surge	62	1	2
PHEP Recipients	Capability 11—Nonpharmaceutical Intervention.	62	1	1.5
PHEP Recipients	Capability 12—Public Health Laboratory Testing.	62	1	1.5
PHEP Recipients	Capability 13—Public Health Surveillance and Epidemiological Investigation.	62	1	2.5
PHEP Recipients	Capability 14—Responder Safety and Health	62	1	1.5
PHEP Recipients	Capability 15—Volunteer Management	62	1	75/60
PHEP Recipients	Multiyear training and exercise plans (MYTEP)—training and exercise planning workshop.	62	1	1
PHEP Recipients	MYTEP—training and exercise planning (annual).	62	1	2
PHEP Recipients	Capability 13—Quality improvement process	62	1	20/60
PHEP Recipients	PHEP functional exercise (FE), full-scale exercise (FSE) or incident—annual PHEP exercise.	62	1	20/60
PHEP Recipients	PHEP FE, FSE, or incident—annual staff notification and assembly performance measure.	62	1	1.5
Directly Funded Localities	Facility setup drill	4	1	45/60
Directly Funded Localities	Site activation drill	4	1	1
PHEP Recipients	EOC activation	62	2	30/60
PHEP Recipients	PHEP FE, FSE, or incident—Five-year joint exercise.	62	1	20/60
PHEP Recipients	Five-year Distribution FSE OR Five-year Pan-flu FSE.	62	1	0.5
PHEP Recipients	Five-year Dispensing FSE	* 4	1	0.5
PHEP Recipients	Five-year pan flu functional exercise	62	1	45/60
PHEP Recipients	Tabletop exercise (TTX)—Administrative or fiscal preparedness.	62	1	20/60
PHEP Recipients	TTX—Continuity of Operations	62	1	20/60
Directly Funded Localities and Freely Associated States.	Dispensing Throughput Drill	12	1	20/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2024–30483 Filed 12–19–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–25–24IV]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled

“Comprehensive Evaluation of the Implementation and Uptake of the CDC Clinical Practice Guideline for Prescribing Opioids for Pain” to the Office of Management and Budget

(OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on October 1, 2024, to obtain comments from the public and affected agencies. There were two public comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570.

Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Direct written comments and/or suggestions regarding

the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Comprehensive Evaluation of the Implementation and Uptake of the CDC Clinical Practice Guideline for Prescribing Opioids for Pain—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Beginning in the 1990s, opioid prescribing rates for pain management steadily increased until 2010, remained steady until 2012, and have declined since then. The increase in opioid prescribing rates corresponded with increases in opioid-involved overdose deaths, which initially primarily involved prescription opioids (natural and semi-synthetic opioids and methadone). In response to this

emerging crisis, CDC issued the CDC Guideline for Prescribing Opioids for Chronic Pain—United States, 2016 (2016 CDC Guideline). Implementing the 2016 CDC Guideline was associated with reductions in opioid prescribing and increases in use of non-opioid medications for pain. At the same time, laws and policies related to prescribing opioids were instituted that misapplied or were inconsistent with the 2016 CDC Guideline, potentially contributing to patient harm. In 2022, CDC released the CDC Clinical Practice Guideline for Prescribing Opioids for Pain—United States, 2022, (2022 CDC Clinical Practice Guideline) which provided up to date evidence regarding pain management approaches and re-emphasizes the need for prescribers to be focused on patient-centered care to provide effective pain management. CDC is comprehensively evaluating the uptake, implementation, and outcomes of the 2022 CDC Clinical Practice Guideline on evidence-based care for pain management to understand its impact.

To meet CDC's goal for a rigorous, comprehensive evaluation, this collection is proposing a mixed-method quasi-experimental approach to evaluate the 2022 CDC Clinical Practice Guideline. The evaluation includes dissemination and impact of the 2022 CDC Clinical Practice Guideline through population-wide changes in prescribing practices for opioids and medications for opioid use disorder. Also, evaluation of the implementation of the 2022 CDC Clinical Practice Guideline comes from perspectives of patients, caregivers, clinicians; and leaders from health systems, payers, professional associations, and medical boards.

CDC will use this information collection to evaluate the dissemination, impact, and implementation of the 2022 CDC Clinical Practice Guideline to ensure that Americans have access to safer, effective ways of managing their pain. CDC requests OMB approval for an estimated 310 annual burden hours. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Clinicians	Clinician Survey	200	1	10/60
	Invitation	1000	1	5/60
	Follow up Emails	1000	1	5/60
	Clinician Interview	10	1	1
Dentists	Dentist Interview	2	1	1
Health System Leaders	Health System Leaders Interview	3	2	1
Payers	Payer Interview	3	2	1
Professional Association Leaders	Professional Association Leaders Interview ..	3	2	1
Medical Board Leaders	Medical Board Leaders Interview	3	2	1
Patients	Patient Focus Groups	15	3	1
Caregivers	Caregiver Focus Groups	15	2	1

Jeffrey M. Zirger,

Lead, Information Collection Review Office,
Office of Public Health Ethics and
Regulations, Office of Science, Centers for
Disease Control and Prevention.

[FR Doc. 2024–30482 Filed 12–19–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–25–0234]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork
Reduction Act of 1995, the Centers for

Disease Control and Prevention (CDC) has submitted the information collection request titled “National Ambulatory Medical Care Survey (NAMCS)” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on September 20, 2024 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget

is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

Proposed Project

National Ambulatory Medical Care Survey (NAMCS) (OMB Control No. 0920-0234, Exp. 11/30/2025)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Ambulatory Medical Care Survey (NAMCS) was conducted intermittently from 1973 through 1985, and annually since 1989. The survey is conducted under authority of Section 306 of the Public Health Service Act (42 U.S.C. 242k). NAMCS is part of the Ambulatory Care Component of the

National Health Care Surveys (NHCS), a family of provider-based surveys that capture health care utilization from a variety of settings, including hospital inpatient and long-term care facilities. NHCS surveys of health care providers include NAMCS, the National Electronic Health Records Survey (NEHRS, OMB Control No. 0920-1015), the National Hospital Care Survey (OMB Control No. 0920-0212), and the National Post-acute and Long-term Care Study (OMB Control No. 0920-0943).

An overarching purpose of NAMCS is to meet the needs and demands for statistical information about the provision of ambulatory medical care services in the United States. This fulfills one of NCHS missions; to monitor the nation's health. In addition, NAMCS provides ambulatory medical care data to study: (1) the performance of the U.S. health care system; (2) care for the rapidly aging population; (3) changes in services such as health insurance coverage change; (4) the introduction of new medical technologies; and (5) the use of electronic health records (EHRs). Ongoing societal changes have led to considerable diversification in the organization, financing, and technological delivery of ambulatory medical care. This diversification is evidenced by the proliferation of insurance and benefit alternatives for individuals, the development of new forms of physician group practices and practice arrangements (such as office-based practices owned by hospitals), the increasing role of advanced practice providers delivering clinical care, and growth in the number of alternative sites of care.

Ambulatory services are rendered in a wide variety of settings, including physician/provider offices and hospital outpatient and emergency departments. Since more than 65% of ambulatory medical care visits occur in physician offices, NAMCS provides data on the majority of ambulatory medical care services. In addition to health care provided in physician offices and outpatient and emergency departments, health centers (HCs) play an important role in the health care community by providing care to people who might not be able to afford it otherwise. HCs are local, non-profit, community-owned health care settings, which serve approximately over 30 million individuals throughout the United States.

This Revision seeks approval to conduct changes to all three components of NAMCS. We plan to adjust the HC Component and Provider Survey Component sample sizes. In 2025 the goal is to sample 10,000 advanced practice providers and up to 151 HCs. In 2026 CDC plans to sample up to 10,000 physicians and up to 171 HCs. Lastly, if funds allow, in 2027 we will sample up to 10,000 advanced practice providers and up to 191 HCs. For 2025–2027, there will be an additional 3,000 providers sampled yearly for the Provider Electronic Component. Additionally, questions on the Provider Facility Interview, Health Center Facility Interview and the Ambulatory Care Provider Interview will be modified. CDC requests OMB approval for an estimated annual 22,107 burden hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in hrs.)
HC's Staff	HC Facility Interview Questionnaire (Survey year: 2024).	84	1	45/60
	Prepare and transmit EHR for Visit Data (quarterly) (Survey year: 2024).	50	4	60/60
	Set-up Fee Questionnaire (Survey year: 2024)	17	1	15/60
Provider or Staff	ACPI (Survey year: 2026)	3,333	1	30/60
	Contact Tracing (Survey year: 2026)	3,333	1	10/60
Advanced Practice Provider or Staff	ACPI (Survey year: 2025 & 2027)	6,667	1	30/60
	Contact Tracing (Survey year: 2025 & 2027)	6,667	1	10/60
Ambulatory Care Provider's or Group's or Conglomerate's Staff.	PFI (Survey year: 2025–2027)	3000	1	45/60
	Prepare and transmit Electronic Visit Data (quarterly) (Survey year: 2025–2027).	3000	4	60/60
HC's Staff	HC Facility Interview Questionnaire (Survey year: 2025–2027).	221	1	45/60
	Prepare and transmit EHR for Visit Data (quarterly) (Survey year: 2025–2027).	188	4	60/60
	Set-up Fee Questionnaire (Survey year: 2025–2027)	17	1	15/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office,
Office of Public Health Ethics and
Regulations, Office of Science, Centers for
Disease Control and Prevention.

[FR Doc. 2024-30480 Filed 12-19-24; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Safety and Occupational Health Study Section; Notice of Solicitation of Nominations for Appointment; Correction

AGENCY: Centers for Disease Control and
Prevention (CDC), Department of Health
and Human Services (HHS).

ACTION: Notice; correction.

SUMMARY: In accordance with the
Federal Advisory Committee Act, the
Centers for Disease Control and
Prevention (CDC), within the
Department of Health and Human
Services (HHS), is seeking nominations
for membership on the Safety and
Occupational Health Study Section
(SOHSS). SOHSS consists of 20 experts
in fields associated with occupational
medicine and nursing, industrial
hygiene, occupational safety and
engineering, toxicology, chemistry,
safety and health education,
ergonomics, epidemiology, economic
science, psychology, pulmonary
pathology/physiology, and social
science.

DATES: Nominations for membership on
SOHSS must be received no later than
January 31, 2025. Packages received
after this time will not be considered for
the current membership cycle.

ADDRESSES: All nominations should be
mailed to Dr. Michael Goldcamp, 1095
Willowdale Road, Morgantown, West
Virginia 26505 or emailed to
MGoldcamp@cdc.gov.

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.

SUPPLEMENTARY INFORMATION:

Correction

Notice is hereby given of a correction
in the **SUPPLEMENTARY INFORMATION**
section of the original solicitation of
nominations notice, which was

published in the **Federal Register** on
December 2, 2024, 89 FR 95214.

The notice is being amended to
remove the sentence concerning Special
Government Employees, since members
of the Safety and Occupational Health
Study Section serve as Peer Review
Consultants. The **SUPPLEMENTARY
INFORMATION** section should read as
follows:

SUPPLEMENTARY INFORMATION:

Nominations are sought for individuals
who have the expertise and
qualifications necessary to contribute to
the accomplishment of the objectives of
the Safety and Occupational Health
Study Section (SOHSS). Nominees will
be selected based on expertise in the
fields of occupational medicine and
nursing, industrial hygiene,
occupational safety and engineering,
toxicology, chemistry, safety and health
education, ergonomics, epidemiology,
economic science, psychology,
pulmonary pathology/physiology, and
social science. Members may be invited
to serve up to four-year terms. Selection
of members is based on candidates'
qualifications to contribute to the
accomplishment of SOHSS objectives
(<https://www.cdc.gov/faca/committees/sohss.html>).

Department of Health and Human
Services (HHS) policy stipulates that
committee membership be balanced in
terms of points of view represented and
the committee's function. Appointments
shall be made without discrimination
on the basis of age, race, ethnicity,
gender, sexual orientation, gender
identity, HIV status, disability, and
cultural, religious, or socioeconomic
status. Nominees must be U.S. citizens
and cannot be full-time employees of
the U.S. Government. Current
participation on Federal workgroups or
prior experience serving on a Federal
advisory committee does not disqualify
a candidate; however, HHS policy is to
avoid excessive individual service on
advisory committees and multiple
committee memberships. The Centers
for Disease Control and Prevention
(CDC) reviews potential candidates for
SOHSS membership each year and
provides a slate of nominees for
consideration to the Secretary of HHS
for final selection. HHS notifies selected
candidates of their appointment near
the start of the term in October 2025, or
as soon as the HHS selection process is
completed. Note that the need for
different expertise varies from year to
year and a candidate who is not selected
in one year may be reconsidered in a
subsequent year.

Candidates should submit the
following items:

- Current curriculum vitae, including
complete contact information
(telephone numbers, mailing address,
email address).

- At least one letter of
recommendation from person(s) not
employed by HHS. Candidates may
submit letter(s) from current HHS
employees if they wish, but at least one
letter must be submitted by a person not
employed by an HHS agency (e.g., CDC,
National Institutes of Health, Food and
Drug Administration).

Nominations may be submitted by the
candidate or by the person/organization
recommending the candidate.

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. 2024-30410 Filed 12-19-24; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Sole Source Cooperative Agreement to Fund Secretaría Ejecutiva del Consejo de Ministros de Salud de Centroamérica y República Dominicana (SE-COMISCA)

AGENCY: Centers for Disease Control and
Prevention (CDC), Department of Health
and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease
Control and Prevention (CDC), located
within the Department of Health and
Human Services (HHS), announces the
award of approximately \$5,000,000,
with an expected total funding of
approximately \$25,000,000 over a 5-year
period, to SE-COMISCA. The award
will build upon previous efforts by the
CDC in collaboration with Ministries of
Health of Central America and the
Dominican Republic (SE-COMISCA).

DATES: The period for this award will be
September 30, 2025 through September
29, 2030.

FOR FURTHER INFORMATION CONTACT:

Broderick Yoerg, Division of Global Health Protection, Global Health Center, Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta, GA 30329, email: DGHPNOFOs@cdc.gov, telephone: 404–234–0666.

SUPPLEMENTARY INFORMATION: The sole source award will target increased capacity at the national and subnational level to implement and achieve outbreak/epidemic/pandemic control in line with US Government (USG) and CDC strategy. This collaborative effort has led to significant progress in various areas under the Global Health Strategic Framework, including One Health workshops in multiple countries to prioritize zoonotic diseases and the development of a joint action plan for Central America.

SE-COMISCA is the only entity that can carry out this work, as it will improve outbreak control capacity, better integration between health systems, and increased equity in healthcare access for all populations, especially those historically marginalized.

Summary of the Award

Recipient: SE-COMISCA

Purpose of the Award: The purpose of this award is to support Global Health Security goals in Central America and the Dominican Republic by collaborating with MOH and other partners. Efforts will focus on reaching underserved populations, prioritizing equity to build resilient health systems that protect vulnerable groups.

Amount of Award: \$5,000,000 in Federal Fiscal Year (FFY) 2025 funds, with a total estimated \$25,000,000 for the 5-year period of performance, subject to availability of funds.

Authority: This program is authorized under section 307 of the Public Health Service Act [42 U.S.C. 24I] and Section 301(a)[42 U.S.C. 24I(a)] of the Public Health Service Act.

Period of Performance: September 30, 2025 through September 29, 2030.

Dated: December 10, 2024.

Terrance Perry,

*Acting Director, Office of Grants Services,
Centers for Disease Control and Prevention.*
[FR Doc. 2024–30223 Filed 12–19–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention**

[Docket No. CDC–2020–0046; NIOSH–233–C]

Hazardous Drugs: NIOSH List of Hazardous Drugs in Healthcare Settings, 2024 and Final Reevaluation Determinations for Liraglutide and Pertuzumab

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: General notice.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), in the Department of Health and Human Services (HHS), announces the publication of the *NIOSH List of Hazardous Drugs in Healthcare Settings, 2024*, as well as final reevaluation determinations removing the drugs liraglutide and pertuzumab from the *NIOSH List of Hazardous Drugs in Healthcare Settings*.

DATES: The documents announced in this notice are available on December 20, 2024.

ADDRESSES: The documents announced in this notice are available in the docket at www.regulations.gov and through the NIOSH Hazardous Drug Exposures in Healthcare website at <https://www.cdc.gov/niosh/healthcare/hazardous-drugs/index.html>.

FOR FURTHER INFORMATION CONTACT:

Jerald Ovesen, NIOSH, Robert A. Taft Laboratories, 1090 Tusculum Avenue, MS–C15, Cincinnati, OH 45226, telephone: (513)533–8472 (not a toll-free number), email: jovesen@cdc.gov.

SUPPLEMENTARY INFORMATION: This notice is organized as follows:

- I. Public Participation
- II. Background
- III. NIOSH Response to Public Comment in the May 2020 **Federal Register** Notice and Request for Comment
 - A. General Characteristics of the List
 1. Timing of the List
 2. Drugs That Did Not Meet the NIOSH Hazardous Drug Criteria
 - B. General Drug Descriptors
 1. Unique Identifiers
 2. Use of AHFS Classifications
 3. Use of AHFS Code for Hormone Drug Classification
 4. Monoclonal Antibodies as a Class of Drugs
 5. Progestins
 6. Additional Information Requested
 - C. General Reorganization of the List
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2. DailyMed and DrugBank Links
- D. Drugs Not on the Draft 2020 List
 1. Drugs Proposed in February 2018 and Not Added to the Draft 2020 List
 2. Bacillus Calmette-Guerin (BCG)
 3. Botulinum Toxins
- E. Requests for Specific Drugs To Be Removed From the List
 1. Blinatumomab
 2. Carfilzomib
 3. Eslicarbazepine, Lomitapide, Mifepristone
 4. Hazardous Drugs Listed for Reproductive and Developmental Effects: Cabergoline, Clonazepam, Fluconazole, Plerixafor, Riociguat, and Ziprasidone
 5. Icatibant
 6. Leuprolide
 7. Olaparib and Teriflunomide
 8. Oxytocin and Other Oxytocic Drugs
 9. Paroxetine
 10. Spironolactone
 11. Topiramate
 12. Ulipristal
 13. Vigabatrin
- F. Placement of Specific Drugs Within the List
 1. Carfilzomib
 2. Dasatinib and Imatinib
 3. Eribulin
 4. Exenatide
 5. Ganciclovir and Valganciclovir
 6. Hormonal Agents: Goserelin, Degarelix, Leuprolide, Estrogens, and Progesterone
 7. Mycophenolate Mofetil and Mycophenolic Acid
 8. Sirolimus and Other Related mTOR Targeting Drugs
 9. Thalidomide, Lenalidomide, and Pomalidomide
 10. Vandetanib
- G. Specific Drugs Classification/Identification
 1. Triptorelin
 2. Ziv-Aflibercept, Ado-Trastuzumab Emtansine, Fam-Trastuzumab Deruxtecan
- H. Suggested Copyedits
- IV. NIOSH Response to Public Comment and Peer Review in the January 2024 Federal Register Notice and Request for Comment on Proposed Removal of Liraglutide and Pertuzumab From the List
 - A. Public Comment
 1. General Comments
 2. Liraglutide
 3. Pertuzumab
 - a. Is this an appropriate method for evaluating the potential for exposure to pertuzumab?
 - b. Is oligohydramnios the best health effect to evaluate? If not, what other health effect(s) should be evaluated and why?
 - c. Is a needlestick injury the only reasonable route of exposure for healthcare workers?
 - d. Are the assumptions about the amount of exposure to pertuzumab in a healthcare setting reasonable?
 - i. Inhalation
 - ii. Percutaneous Exposure
 - iii. Oral exposure
 - e. What alternatives could be considered to this approach for monoclonal antibodies to characterize the potential hazard to workers?

- f. Additional Pertuzumab Comments
- B. Peer Review
- 1. Liraglutide Peer Review
- a. Are the evaluated health effects the appropriate health effects to consider? If not, what other health effect(s) should be evaluated and why?
- b. Are the assumptions about the potential occupational exposures to liraglutide in a healthcare setting reasonable?
- c. Is the determination that the amount of exposure to liraglutide in a healthcare setting does not constitute a hazard for healthcare workers reasonably supported by the available scientific information?
- d. What alternative approaches could be considered to characterize the potential hazard to workers from peptide-based drugs?
- e. Is there any additional information that NIOSH should consider in its reevaluation of liraglutide?
- 2. Pertuzumab Peer Review
- a. Reviewer 1
- b. Reviewer 2
- c. Reviewer 3
- V. Summary of Updates and Changes to the NIOSH List of Hazardous Drugs in Healthcare Settings

I. Public Participation

In a **Federal Register** notice (notice published on May 1, 2020 (85 FR 25439), NIOSH invited the public to participate in the development and reorganization of the *NIOSH List of Hazardous Drugs in Healthcare Settings*. The *NIOSH List of Hazardous Drugs in Healthcare Settings (List)* assists employers in providing safe and healthy workplaces by identifying drugs approved by the Food and Drug Administration (FDA) Center for Drug Evaluation and Research (CDER) that meet the NIOSH definition of a hazardous drug and that may pose hazards to healthcare workers who handle, prepare, dispense, administer, or dispose of these drugs.

The public was invited to submit written comments regarding the draft *List*, as well as views, opinions, recommendations, and/or data on any topic related to the drugs reviewed by NIOSH for possible placement on the *List*. The public comment period for the May 2020 notice was initially open until June 30, 2020 (85 FR 25439), and later extended until July 30, 2020 (85 FR 37101), to ensure commenters had adequate time to comment.

One hundred thirty-two submissions were received from commenters in Docket CDC–2020–0046 (NIOSH–233–C). Commenters consisted of nurses; pharmacists; safety personnel; a veterinarian; healthcare, business, and government administrators and committees; and anonymous and unaffiliated individuals. The commenters represented a wide range of institutions, including academic and

general medical centers and healthcare systems; hospital, commercial drug store, and compounding pharmacies; manufacturers of pharmaceuticals and medical devices; professional, healthcare, and veterinary organizations and associations; home infusion organizations; suppliers of cleanroom products; boards of pharmacy; and consultant companies for healthcare improvement and the performance of healthcare facilities, risk assessment, and waste management. Public comments on the *List* and two other documents discussed in the May 2020 notice are available in the docket for this activity.

NIOSH carefully considered all public comments and peer reviews concerning the draft *List* resulting from the 2020 notice and determined that some clarifications and changes should be made to the draft *List*. Public comments on the draft *List* and specific drugs are summarized and answered in section III. These changes are summarized in section V. of this notice and are reflected in the final document described in this notice.

In a January 16, 2024, **Federal Register** notice (89 FR 2614), NIOSH sought public comment and peer review on the reevaluation of two drugs requested to be removed from the *List* by their respective manufacturers: liraglutide and pertuzumab. Responses to public and peer review comments on the reevaluations of the placements of liraglutide and pertuzumab on the *List* are in section IV. These changes to the *List* are summarized in section V.

The *NIOSH List of Hazardous Drugs in Healthcare Settings, 2024 (2024 List)*¹ is published on the NIOSH website and is also available in the docket for this activity.

II. Background

In 2004, NIOSH published the *NIOSH Alert: Preventing Occupational Exposures to Antineoplastic and Other Hazardous Drugs in Health Care Settings (Alert)*, which contained a compilation of lists of drugs considered to be hazardous to workers' health. NIOSH periodically updates this list,

¹ NIOSH [2024]. *NIOSH List of Hazardous Drugs in Healthcare Settings, 2024*. By Ovesen JL, Sammons D, Connor TH, MacKenzie BA, DeBord DG, Trout DB, O'Callaghan JP, Whittaker C. Cincinnati, OH: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, DHHS (NIOSH) Publication Number 2025–103 (Supersedes 2016–161), <https://www.cdc.gov/niosh/docs/2025-103>. NB: NIOSH has periodically updated the *List* from 2010 through 2016; prior to the 2024 update to the *List*, it was named the *NIOSH List of Antineoplastic and Other Hazardous Drugs in Healthcare Settings*.

now named the *NIOSH List of Hazardous Drugs in Healthcare Settings (List)*, to assist employers in providing safe and healthful workplaces by identifying drugs that meet the NIOSH definition of a hazardous drug. The *List* is informational in nature and confers no requirements or legal obligations on users.

In 2017, NIOSH began developing a document to make the process used to guide the addition of hazardous drugs to the *List* more transparent, entitled the *Policy and Procedures for Developing the NIOSH List of Antineoplastic and Other Hazardous Drug in Healthcare Settings (Policy and Procedures)*. The *Policy and Procedures* document was created to formalize NIOSH's methodology and establish a process for requesting the addition of a drug to, the removal of a drug from, or relocation of a drug within the *List*. This document was reviewed by four peer reviewers and eight interested parties before NIOSH made the document available for public comment in a February 14, 2018, notice (83 FR 6563). The peer reviewers and interested parties also provided input on the drugs considered for placement on the *List*.

Consistent with the draft *Policy and Procedures*, NIOSH proposed the addition of 20 drugs and one class of drugs to the *List* in the framework for the draft *List* in the February 2018 notice. Public comments were invited regarding any topic related to drugs identified in the notice, the draft *Policy and Procedures*, and the framework for the February 2018 update to the *List*, as well as the following questions related to this activity:

1. Has NIOSH appropriately identified and categorized the drugs considered for placement on the *NIOSH List of Antineoplastic and Other Hazardous Drugs in Healthcare Settings, 2018*?

2. Is information available from FDA or other Federal agencies or in the published, peer-reviewed scientific literature about a specific drug or drugs identified in this notice that would justify the reconsideration of NIOSH's categorization decision?

3. Does the draft *Policy and Procedures for Developing the NIOSH List of Antineoplastic and Other Hazardous Drugs in Healthcare Settings* include a methodology for reviewing toxicity information that is appropriate for this activity?

Fifty-five public comments were submitted in response to the February 2018 notice and summarized with NIOSH responses in a May 2020 notice (85 FR 25439). Those comments are available in Docket CDC–2018–0004. The substantive input provided by peer

reviewers, interested parties, and public commenters on the February 2018 notice caused NIOSH to reconsider certain aspects of the draft *Policy and Procedures* and the draft framework for the *List*. As a result, NIOSH revised and updated the draft *Policy and Procedures*, renamed “*Procedures*,” as well as the draft list of drugs proposed for placement on the *List*. This collective input also contributed to the development of the draft document *Managing Hazardous Drug Exposures: Information for Healthcare Settings* (Managing Exposures), also announced in the May 2020 notice. Comments resulting from the May 2020 notice are available at www.regulations.gov in Docket CDC–2020–0046.

In April 2023, NIOSH published a notice in the **Federal Register** (88 FR 25642) that announced the publication of the final versions of the “*Procedures*” and “*Managing Exposures*” documents. The April 2023 notice summarized and responded to public input on the “*Procedures*” and “*Managing Exposures*” documents. Those changes were reflected in the finalized documents, *Procedures for Developing the NIOSH List of Hazardous Drugs in Healthcare Settings* [NIOSH 2023a] and *Managing Hazardous Drugs Exposures: Information for Healthcare Settings* [NIOSH 2023b], which are available on the NIOSH website at <https://www.cdc.gov/niosh/healthcare/hazardous-drugs/publications.html>.

In January 2024, pursuant to the *Procedures*, NIOSH conducted peer reviews and sought public comment on initial recommendations to change the status of the drugs liraglutide and pertuzumab, added to the *NIOSH List of Antineoplastic and Other Hazardous Drugs in Healthcare Settings* in 2014 and 2016, respectively. NIOSH published its charge to peer reviewers and public commenters in a **Federal Register** notice on January 16, 2024 (89 FR 2614), requesting feedback on NIOSH’s initial recommendations to remove the drugs liraglutide and pertuzumab from the *NIOSH List of Antineoplastic and Other Hazardous Drugs in Healthcare Settings*. The two initial recommendations and summaries of evidence, *NIOSH Reevaluation of Liraglutide on the NIOSH List of Antineoplastic and Other Hazardous Drugs in Healthcare Settings* and *NIOSH Reevaluation of Pertuzumab on the NIOSH List of Antineoplastic and Other Hazardous Drugs in Healthcare Settings*, were made available to peer reviewers and public commenters in the docket for this activity.

III. NIOSH Response to Public Comment in the May 2020 Federal Register Notice and Request for Comment

The public comments received in response to the draft *NIOSH List of Hazardous Drugs in Healthcare Settings*, proposed in the May 2020 notice and available in the docket, are summarized below, followed by NIOSH responses.

A. General Characteristics of the List

1. Timing of the List

Public comment: Several commenters mentioned that the NIOSH review has created a long gap between *List* updates and would like for NIOSH to have more frequent updates.

NIOSH response: NIOSH received a substantial response to its proposed revisions of the organization of the *List* in 2018 and has worked diligently to provide thorough and transparent responses to those comments. This notice is the finalization of that process. Moving forward, NIOSH intends to publish periodic updates to the *List* while maintaining the rigor of review by multiple scientists, outside experts, and public comment. Because the delay between the final date of drugs being approved to market and the publication of updates to the *List* is unavoidable, it is important for employers to review all relevant potential hazard information on the drugs being used in their facility, especially newly FDA-approved drugs that are new to the facility’s formulary and which have not yet been publicly evaluated by NIOSH.

2. Drugs That Did Not Meet the NIOSH Hazardous Drug Criteria

Public comment: Two commenters requested that NIOSH publish a list of which drugs did not meet the NIOSH criteria of a hazardous drug, so that employers can avoid unnecessary reviews of drugs that do not appear on the *NIOSH List*.

NIOSH response: NIOSH does not identify the drugs that have been reviewed and have failed to meet the NIOSH criteria because doing so might be interpreted as indicating those drugs are free of potential hazards. In fact, even drugs that are not on the *List* may have some hazards associated with exposure. In addition, NIOSH repeatedly reviews drugs as new information and warnings are added to their package inserts, so publishing the names of reviewed drugs would be potentially confusing, as information changes. Moreover, some drugs do not meet the criteria due to a lack of data. Therefore, to be clear that NIOSH is not making an affirmative statement that

drugs reviewed and not added to the *List* have no associated hazards, NIOSH does not publish such a list. No change to the 2024 *List* has been made in response to this comment.

B. General Drug Descriptors

1. Unique Identifiers

Public comment: In the May 2020 notice, NIOSH asked “Which unique ingredient identifier is the most useful for users of the *List*?” Among the six responses NIOSH received, there was broad agreement that the most useful identifier is the generic name of the drug. One reviewer suggested also including the brand name(s) of the drug, citing recognizability by staff unaccustomed to drug names.

NIOSH response: NIOSH agrees with the majority of commenters that generic drug names are preferred because of the potential volatility of brand names and the entry of generics once patents expire. No changes were made in response to these comments.

2. Use of AHFS Classifications

Public comment: Some commenters stated that the use of AHFS (formerly called the American Hospital Formulary Service) classifications on the *List* leads to imprecise or incorrect classification of drugs and should be discontinued.

NIOSH response: NIOSH does not use the AHFS classification to determine hazard, nor does the AHFS classification influence placement of a drug on a particular table. The AHFS classifications are provided only as information for users to aid in identifying the drugs and their potential therapeutic uses.

3. Use of AHFS Code for Hormone Drug Classification

Public comment: One commenter on the *List* noted that the use of AHFS classification for hormones led to some nomenclature concerns.

NIOSH response: The AHFS identifier is provided to give users some information on how the listed drugs are classified and utilized. Some drugs may be classified in more than one category, and AHFS may have used the same classification codes for drugs that have different mechanisms of actions or uses. Further information on the drugs may be found in their respective AHFS monograph.²

4. Monoclonal Antibodies as a Class of Drugs

Public comment: Several commenters suggested NIOSH reconsider listing the monoclonal antibodies as a class of

² See www.ahfsdruginformation.com.

drugs largely based on the high molecular weight of these compounds as an exclusionary factor or based on data from in vitro systems.

NIOSH response: NIOSH considers each drug based on the potential hazard each active pharmaceutical ingredient poses. Each is reviewed individually, and classes of drugs are not excluded *a priori*. Monoclonal antibodies may generally have lower systemic availability via inhalation, ingestion, and dermal absorption through intact skin, but that availability is not zero and not all workers have intact skin. NIOSH intends to continue reviewing each drug individually and considering the intrinsic hazard that each drug poses, including molecular properties, such as molecular weight, which may change the likelihood of occupational exposure.

NIOSH encourages employers to examine the potential hazards posed by all the therapies handled in their facility and evaluate the risk associated with occupational exposures. NIOSH encourages workplaces to take the appropriate risk management strategies for the risk related for their specific workplace handling of the hazardous drugs in their facility. The *List* is informational in nature and confers no legal obligations. How facilities implement risk management strategies should be reflective of the risk they identify in their handling scenarios. No change to the 2024 *List* was made in response to this comment.

5. Progestins

Public comment: One commenter suggested that the term “progestins” does not provide sufficient information about what exactly constitutes a progestin.

NIOSH response: Progestins are synthetic hormones that target the progesterone receptor. The AHFS identifier—AHFS classification code “68:32: Progestins”—is provided in the 2024 *List* to give users some information on how the listed drugs are classified and utilized.

6. Additional Information Requested

Public comment: Some commenters requested that NIOSH include more specific information about the relevant hazards posed to healthcare workers in the *List* to provide healthcare workers access to more information and improve safety.

NIOSH response: The *List* identifies drugs that meet the criteria specified in the *Procedures*. It is not intended to be a comprehensive review of every hazard potentially posed by a drug. Drugs are repeatedly reviewed as new information and warnings are added to their package

inserts, and some drugs do not meet the criteria due to a current lack of data. NIOSH suggests that workplaces review the potentially hazardous drugs handled in their facilities to identify specific details on the hazard of those drugs.

C. General Reorganization of the List

1. Content of Tables

Public comment: More than a dozen commenters voiced opinions on the reorganization of Table 1. Table 1 was formerly focused on antineoplastic drugs. NIOSH has dropped this nomenclature and reorganized Table 1 in the 2024 *List* to include only “[d]rugs with MSHI [manufacturer’s special handling information] in the package insert and/or those that meet the NIOSH definition of a hazardous drug and one or more of the following criteria: are classified by NTP (National Toxicology Program) as *known to be a human carcinogen* or are classified by IARC (International Agency for Research on Cancer) as Group 1 *carcinogenic to humans* or Group 2A *probably carcinogenic to humans*.” Eight commenters suggested that the reorganization of Table 1 was appropriate, but some commenters were concerned that the change would confuse some users and that some drugs with shared mechanism of action ended up on different tables. In summary, commenters expressed agreement with the proposal to remove the AHFS therapeutic descriptor “antineoplastic” as a criterion for placement in Table 1 and base drug placement in Table 1 on drugs with manufacturer’s special handling information (MSHI) and/or those that are carcinogenic to humans or probably carcinogenic to humans. Other commenters were less supportive of the changes, citing potential end-user confusion, and perceived conflict with United States Pharmacopeia (USP) <800> requirements.

NIOSH response: NIOSH has reorganized the tables with an understanding that all antineoplastic drugs do not carry the same hazard. As discussed above, the new organization creates a Table 1 in the 2024 *List* that includes “[d]rugs that have MSHI in the package insert and/or meet the NIOSH definition of a hazardous drug and one or more of the following criteria: are classified by NTP as *known to be a human carcinogen* or are classified by IARC as Group 1 *carcinogenic to humans* or Group 2A *probably carcinogenic to humans*.” Table 1 does not contain all drugs that are used in the treatment of cancer, which may carry different types of potential occupational hazards because of their mechanism of

action. This aligns more with the NIOSH goal of providing a list that helps identify potential workplace hazards. To alleviate some confusion, NIOSH has maintained the AHFS classification of drugs so that antineoplastic drugs on both tables can be identified. In June 2020, USP revised Chapter <800> to clarify that the chapter’s requirements for antineoplastic drugs apply only to those antineoplastic drugs found in Table 1 of the *List*.³ Questions concerning the language of USP Chapter <800> should be directed to USP.

Public comment: Several commenters noted concerns about combining Tables 2 and 3 into one table. Table 3, included in previous iterations of the *List* but removed in the 2020 draft, addressed only those non-antineoplastic drugs that have adverse reproductive effects. Concerned commenters thought that not enough was done to identify drugs that were only reproductive or developmental hazards, citing challenges for healthcare workers in adequately identifying drugs with reproductive and/or developmental risks. In addition, a commenter expressed concern that the information on reproductive and developmental hazards was not clearly identified in Table 2.

NIOSH response: NIOSH has reorganized Table 2 in the 2024 *List* to include “[d]rugs that meet the NIOSH definition of a hazardous drug and do not have MSHI, are not classified by NTP as *known to be a human carcinogen*, and are not classified by IARC as Group 1, *carcinogenic to humans*, or Group 2A, *probably carcinogenic to humans*. (Some may also have adverse developmental and/or reproductive effects.)”

NIOSH recognizes that there is an important interest in identifying drugs that pose a developmental and reproductive hazard so that risk management strategies can be tailored to the situation and has revised Table 2 in the 2024 *List* to include a new column to allow readers to find those drugs more easily on the *List*. In addition, NIOSH worked with its visual information specialists to ensure that the information is clear and easy to find.

With regard to the concern that some Table 2 drugs are more toxic than Table 1 drugs, it is important to note that placement of a drug on Table 1 or Table 2 does not indicate relative potency or relative hazard of the drugs. All drugs

³ U.S. Pharmacopeia [June 2020], Revision Bulletin, https://www.uspnf.com/sites/default/files/usp_pdf/EN/USPNF/revisions/gc-800-rb-notice-20200626.pdf.

on the *List* have been determined by NIOSH to meet the definition of a hazardous drug. The *List* is intended to identify potential hazards in the healthcare workplace so that workplaces can further consider what risk management strategies are appropriate for their specific needs. The drugs are separated into two tables based on type of hazard. The word “only” in the notation regarding reproductive and developmental toxicity allows for identification of drugs that met just one or both of these NIOSH toxicity criteria for inclusion on the *List*. Pointing out that a drug met just one or both of these criterion helps management tailor strategies to the hazard. However, this designation does not indicate the severity of the hazard.

2. DailyMed and DrugBank Links

Public comment: Two commenters requested that NIOSH keep the links to DailyMed and DrugBank on the NIOSH *List*.

NIOSH response: Because internet links change frequently and links in the PDF of the *List* cannot be updated once published, NIOSH has removed the DailyMed and DrugBank links. However, users are encouraged to access these databases to find more information about drugs of interest.

D. Drugs Not on the Draft 2020 List

1. Drugs Proposed in February 2018 and Not Added to the Draft 2020 List

Public comment: One commenter noted some drugs proposed for placement on the *List* in February 2018 were no longer proposed for placement in the May 2020 draft *List*.

NIOSH response: In response to public and interested party comments to the proposals published in the February 2018 *notice*, NIOSH clarified the *Procedures* for developing the *List* and reevaluated specific drugs in drafts published for public comment in the May 2020 *notice*. After consideration of the revised draft *Procedures* and the public comments, NIOSH ultimately determined that several drugs proposed to be placed on the *List* in the February 2018 *notice* either did not meet the NIOSH criteria or were identified as needing additional review to be considered for future *List* updates. Accordingly, the following drugs proposed in 2018 were not included on the draft 2020 *List*: bevacizumab, botulinum toxins, darbepoetin alfa, interferon beta-1b, osimertinib, trastuzumab, and triazolam.

2. Bacillus Calmette-Guerin (BCG)

Public comment: Several commenters requested that NIOSH relist BCG and

suggested NIOSH broaden its definition of a hazardous drug to include drugs approved by FDA Center for Biologics Evaluation and Research (CBER). The major issue was that by excluding drugs approved by CBER, healthcare workers would not be apprised of occupational hazards that may occur from exposure to those drugs.

NIOSH response: BCG is an infectious agent approved for use by the FDA CBER. It was included in the 2004 *Alert* as part of the compiled list of drugs sourced from other external hazardous drug lists. It was maintained on the *List* from that time. While BCG is an infectious agent and should be handled appropriately, it does not fall under the NIOSH definition of a hazardous drug for evaluation for placement on the *List* and has thus been removed. Healthcare workplaces should review the potential hazards of all treatments utilized in their facilities, including potentially infectious agents, gene therapy treatments, radiological treatments, and experimental treatments that may not be evaluated by NIOSH and identify the proper strategies to reduce the risk of worker exposure to those hazards.

3. Botulinum Toxins

Public comment: NIOSH received four comments in response to its request for information on botulinum toxins. Comments included requests for clarification of the criteria to place drugs on the *List* and a request for additional information about how NIOSH considers balancing the hazard with other considerations.

NIOSH response: In response to comments, NIOSH determined that additional review of the issues raised by commenters on the toxicity data on botulinum toxins would be beneficial. Therefore, as stated in the May 2020 *notice*, NIOSH is not adding botulinum toxins to the 2024 *List* at this time. One of the issues with botulinum toxins is whether the molecular weight of the molecule precludes consideration of the drugs as an occupational hazard. NIOSH intends to apply those concepts as described in the *Procedures* to the botulinum toxins in a future reevaluation of the drugs.

As to the issue of whether NIOSH considers balancing the hazard with other considerations, NIOSH reminds readers that the *List* is a hazard identification tool. It should be used to identify drugs that may pose an occupational hazard in healthcare settings. However, NIOSH does not conduct risk assessment for these drugs. NIOSH recommends that employers familiarize themselves with the toxicity of the drugs in their formularies,

considering factors such as use, dosage form, engineering controls, work practices, and personal protective equipment (PPE) in developing risk mitigation strategies for their workplace.

E. Requests for Specific Drugs To Be Removed From the List

1. Blinatumomab

Public comment: Some commenters suggested that NIOSH remove the recombinant therapeutic protein-based drug blinatumomab from the *List*. This was primarily based on molecular size and related bioavailability. With regard to the observed neurological effects of blinatumomab, one commenter suggested that these effects may be caused by a response of lymphoma cells present in the brain and may not be relevant in healthy people exposed to blinatumomab.

Alternatively, one commenter noted that the manufacturer of blinatumomab has provided the statements “[e]nsure that personnel are appropriately trained in aseptic manipulations and admixing of oncology drugs” and “[e]nsure that personnel wear appropriate protective clothing and gloves.” The commenter indicated that such warnings are similar to MSHI and therefore the drug warrants inclusion in Table 1.

NIOSH response: Blinatumomab has been found to have neurological effects at low doses. NIOSH intends to review the information available on the role of lymphoma cells present in the brain and is considering reevaluating blinatumomab in a future update of the *List*. For now, no change to the 2024 *List* was made in response to these comments.

Regarding the issue of large molecules, NIOSH considers each drug based on the potential hazard posed intrinsically. Each is reviewed individually. NIOSH recognizes that large molecules may have lower systemic availability via inhalation, ingestion, and dermal absorption through intact skin, and takes that into account in its assessment. However, the systemic availability of these drugs, though low, is not zero, and not all workers have intact skin. In response to comments, NIOSH has added a column to both tables in the 2024 *List* that allows for identification of drugs that have been approved by CDER under a biologics license application (BLA). These drugs are often large protein/peptide-based drugs. Identifying drugs that are approved by CDER under BLAs will make it easier for users to identify drugs that are large peptides and make the appropriate risk management strategies.

With regard to the statements from the manufacturer that appear similar to MSHI, NIOSH has thus far used manufacturers' identification of cytotoxic/genotoxic hazards and suggestions that special care be taken with these drugs as MSHI. NIOSH continues to review how it considers MSHI with each *List* update to ensure these criteria are applied consistently and appropriately. In any case, NIOSH recommends that employers familiarize themselves with the potential hazards posed by the drugs in their formularies and prepare the appropriate strategies to reduce the risks of occupational exposure.

2. Carfilzomib

Public comment: One commenter suggested that carfilzomib should be removed from the *List* based on recent studies that suggest less than 1 percent bioavailability of the drug via oral and inhalation bioavailability.

NIOSH response: This comment appears to be based on proprietary data that is not currently available to NIOSH, but NIOSH will consider evaluating carfilzomib again in a future update of the *List*.

3. Eslicarbazepine, Lomitapide, Mifepristone

Public comment: A commenter suggested NIOSH remove eslicarbazepine from the *List* because of insufficient human data on the reproductive and developmental effects and no data about occupational exposure and risk. Two commenters suggested that lomitapide be removed from the *List* due to a lack of data on risk associated with occupational exposure. One commenter suggested NIOSH remove mifepristone due to a lack of data identifying a risk associated with occupational exposure.

NIOSH response: Developmental effects were observed in experimental animals exposed to eslicarbazepine at concentrations lower than the maximum recommended human dose (MRHD). Results in humans are inconclusive to rule out the potential for occupational hazard. Therefore, NIOSH is maintaining eslicarbazepine on the 2024 *List*. Lomitapide was observed to be teratogenic in several animal species. Mifepristone has been shown to cause termination of pregnancy and is listed due to potential reproductive and developmental effects. Some reproductive effects are seen in humans and teratogenicity has been observed in rabbits.

NIOSH also notes that sufficient data on health effects related to occupational exposure to individual drugs are very

rarely available. The *List* is intended to identify potential hazards to aid employers in assessing risks to workers, therefore, no change to the 2024 *List* was made in response to these comments.

4. Hazardous Drugs Listed for Reproductive and Developmental Effects: Cabergoline, Clonazepam, Fluconazole, Plerixafor, Riociguat, and Ziprasidone

Public comment: One commenter suggested that NIOSH remove cabergoline from the *List*. They cited data suggesting in humans it does not cause reproductive or developmental harm. They suggested that effects in some tested species are secondary to maternal toxicity and that the effects seen in a rat study on embryo survival were species specific.

Another commenter suggested that clonazepam should be removed from the *List*. The commenter noted that the manufacturer's safety data sheet states that it is neither teratogenic nor embryotoxic. They noted, however, that exposure during late stages of pregnancy can lead to post-natal dependence and withdrawal, while exposures immediately prior to childbirth may lead to adverse outcomes. They also noted some, though inconsistent, evidence of adverse developmental effects in animals and stated that there are no studies of occupational exposures to clonazepam.

Two commenters suggested that fluconazole should be removed from the NIOSH *List*. One commenter noted that teratogenic risk had only been associated with exposures in excess of 400 mg/day. The commenter also noted that data suggested that lower doses were not associated with potential hazard to reproduction or the developing offspring in pregnancy or through breastfeeding. Finally, the commenter noted that no data were available on the health effects of occupational exposures.

One commenter suggested NIOSH remove the drug plerixafor from the NIOSH *List* because no data were identified on occupational exposures leading to reproductive hazards. They also noted that reproductive effects in animals occurred mainly at a dose 10 times the MRHD.

One commenter suggested NIOSH remove riociguat. The commenter noted that the observed developmental and reproductive effects seen in rats and rabbits only occurred at doses that correlated with doses greater than twice the MRHD.

One commenter suggested that NIOSH remove ziprasidone from the *List* because occupational exposures via

dermal or inhalation routes have not been shown to cause teratogenicity. However, animal studies have demonstrated potential embryofetal toxicities without a no-observed-adverse-effect level (NOAEL) as low as 0.2 times the MRHD. The commenter also described two case studies of in utero exposure, one with no adverse outcome and one with cleft palate attributed to ziprasidone exposure.

NIOSH response: In reviewing the totality of the evidence, NIOSH believes the evidence supports listing cabergoline, clonazepam, fluconazole, plerixafor, riociguat, and ziprasidone. In the case of fluconazole, the teratogenic effects observed are consistent with effects seen in animals at similar species at equivalent doses, and in rats at lower doses. In the case of ziprasidone, embryofetal toxicity was observed with a NOAEL as low as 0.2 times the MRHD and at least one case study resulted in a cleft palate in the offspring of an individual exposed to ziprasidone. NIOSH notes that it is not unusual that there are no studies of occupational exposure to these drugs, as there are few occupational studies of hazardous drugs exposure. However, NIOSH intends to reevaluate the evidence on reproductive and developmental hazards for these drugs, along with other potential reproductive and developmental hazards, in a future update of the *List* to assure consistency of application of the criteria. No changes to the 2024 *List* were made in response to these comments.

5. Icatibant

Public comment: One commenter suggested that NIOSH remove icatibant from the NIOSH *List* because the limited case studies and reports have not shown signs of adverse effects in humans.

NIOSH response: The data indicate that in rats, at doses lower than human doses, there is fetal death, preimplantation loss, and delayed parturition. In addition, in rabbits, increased abortion rate, increased fetal death, increased preimplantation loss, and increased preterm births were observed at doses lower than MRHD. Reproductive effects were also seen in dog studies that affected both males and females, though these effects were reversible 4 weeks after exposure ceased. In an occupational setting, where a drug is being used on a regular basis, repeated exposure to the drug or to contaminated surfaces are not unexpected. Therefore, NIOSH has retained icatibant on the 2024 *List*. No change to the 2024 *List* was made in response to this comment.

6. Leuprolide

Public comment: One commenter noted that leuprolide requires continuous systemic exposure for 2–3 weeks to cause the decrease in sex hormones that would lead to either fetal toxicity or reproductive harm. They suggested that occupational exposures would not lead to continuous systemic exposure, and relevant levels of exposure can only occur following injection of the extended-release formulation. They acknowledged that initial exposure may cause a spike in gonadotropin release and sex hormones levels rather than a decrease.

Another commenter suggested that leuprolide should be removed from the *List* because it can be obtained in a kit that decreases the risk of exposure to healthcare workers.

NIOSH response: With regard to occupational exposures not being equivalent to a sustained systemic exposure, NIOSH notes that working in areas with contaminated surfaces or working regularly with hazardous materials may lead to chronic or repeated exposures. However, as with some of the other drugs identified as reproductive or developmental hazards, NIOSH intends to consider reevaluating leuprolide during a future update to the *List* to ensure consistent application of the NIOSH criteria.

Regarding the distribution of leuprolide in a kit that may lower occupational exposure, NIOSH notes that the *List* contains active pharmaceutical ingredients based on the hazards they pose. The *List* does not differentiate based on dosage form. Many things may affect the risk associated with handling hazardous drugs, including drug formulation, proper handling technique, and PPE utilization. In addition, formulations may change, and packaging and delivery mechanisms can be damaged. Therefore, NIOSH identifies the intrinsic hazards of drugs and not the scenario-based risks associated with handling each drug in a specific way. Healthcare workplaces should further consider what risk management strategies are appropriate for their specific needs, given their specific exposure scenarios.

7. Olaparib and Teriflunomide

Public comment: One commenter suggested that NIOSH remove olaparib because the risk of direct occupational exposure is likely low when handling intact olaparib capsules. One commenter noted that while the hazards posed by teriflunomide exposure exist, the risk of exposure due to formulation

and packaging means it should not be on the NIOSH *List*.

NIOSH response: The *List* is intended as a hazard identification tool. The *List* does not differentiate based on dosage form. Many things may affect the risk associated with handling hazardous drugs, including drug formulation, proper handling technique, and PPE utilization. In addition, formulations may change, and packaging and delivery mechanisms can be damaged. Therefore, NIOSH identifies the hazards of drugs and not the scenario-based risks associated with handling each drug in a specific way. Healthcare workplaces should further consider what risk management strategies are appropriate for their specific needs, given their specific exposure scenarios. No change to the 2024 *List* was made in response to these comments.

8. Oxytocin and Other Oxytocic Drugs

Public comment: Many commenters asked NIOSH to remove oxytocin and the other oxytocic drugs ergonovine and methylergonovine from the *List*. Most commenters stated that there are no documented cases where routine handling has resulted in occupational hazard. In addition, some noted that because the mechanism of action of ergonovine, methylergonovine, and oxytocin differs, they should not be treated similarly.

NIOSH response: NIOSH has recognized that the oxytocic drugs were added to the *List* as part of the initial compilation in 2004. They have been maintained as a class on the *List* since that time. In response to comments on the mechanism of action, NIOSH agrees that ergonovine, methylergonovine, and oxytocin do not appear to have the same mechanism of action. Oxytocin and methylergonovine have been observed to pose a hazard to fetuses in the third trimester of pregnancy. Therefore, they are retained on the 2024 *List*. However, NIOSH intends to evaluate oxytocin and methylergonovine in a future *List* update. Ergonovine has never been approved for use in humans by the FDA and therefore does not meet NIOSH's definition as a drug. Therefore, ergonovine has been removed from the 2024 *List*.

9. Paroxetine

Public comment: One commenter suggested NIOSH remove paroxetine from the *List*, stating that the studies are currently inconclusive. The commenter also noted that there are no data on occupational exposures.

NIOSH response: Studies indicate that therapeutic doses are suspected of damaging fertility in males and

increasing congenital malformations in developing fetuses. These effects suggest a potential hazard to workers who are pregnant, trying to conceive, or males who are trying to have children. There are also data suggesting that there are negative adverse effects on neonates exposed during the third trimester of pregnancy. These data clearly support maintaining paroxetine on the 2024 *List*. With regard to the lack of data from occupational exposures, NIOSH notes that this is not uncommon, as there are few studies of occupational exposure to hazardous drugs. However, the totality of the evidence supports maintaining paroxetine on the 2024 *List*. No change to the 2024 *List* was made in response to this comment.

10. Spironolactone

Public comment: Two commenters suggested spironolactone be removed from the NIOSH *List* because the health effects were only observed after long-term relatively high exposures.

NIOSH response: Studies have shown that long-term (18-month) exposures in rats led to significant increases in hepatocellular adenomas. There were also increases in adenoma of the testes in males and proliferative changes in the liver in that study. Doses ranged from 50 to 200 mg/kg/day. In another study, significant increases in hepatocellular adenomas and testicular interstitial cell tumors were observed in rats exposed to 10 mg/kg/day to 100 mg/kg/day; 100 mg/kg/day represents a dose five times the human dose of 200 mg/day.

NIOSH also notes that evidence of changes in estrous cycles, retardation of follicular development, decreased numbers of implanted embryos, and increases in stillborn pups were also observed in some studies. NIOSH has determined that the totality of the evidence supports maintaining spironolactone on the 2024 *List*. However, as with some of the other drugs identified as reproductive and/or developmental hazards, NIOSH intends to consider evaluating spironolactone again in a future *List* update to ensure consistent application of the NIOSH criteria. No change to the 2024 *List* was made in response to these comments.

11. Topiramate

Public comment: One commenter recommended that topiramate be removed from the *List* and noted that no data were identified describing reproductive risk of associated with occupational exposure to topiramate.

NIOSH response: The lack of occupational exposure studies is not unusual. In evaluating the totality of the

available evidence, NIOSH notes that studies have shown limb malformations and reduced fetal body weights in rats exposed to doses half the recommended human dose. In addition, the NOAEL for rats in that study was less than the MRHD. In rabbits, embryofetal effects were seen only at doses greater than human recommended doses.

In a different rat developmental study with administration through the later part of gestation and throughout lactation, it was observed that doses as low as 2 mg/kg/day led to decreased pre- and/or post-weaning body weights. The NOAEL for these studies, 0.2 mg/kg/day, was also below the MRHD. In mice, when topiramate was administered during organogenesis fetal malformations, primarily craniofacial were seen at all tested doses (0, 20, 100, or 500 mg/kg/day) with no NOAEL. The lowest dose tested in this study was lower than the MRHD. Human data from the pregnancy registries suggest that infants exposed in utero are at increased risk for cleft palate and being small at gestational age, the latter seen at all tested doses and appearing to be dose dependent. From this evidence, NIOSH determined that topiramate poses a potential hazard to the development of offspring of workers exposed while pregnant and has maintained it on the 2024 *List*. No change to the 2024 *List* was made in response to these comments.

12. Ulipristal

Public comment: One commenter suggested NIOSH remove ulipristal from the *List*. The commenter noted that the effects after pregnancy are established are insufficient to determine if ulipristal poses a teratogenic/developmental hazard at that time.

NIOSH response: Ulipristal is a progesterone agonist/antagonist indicated for pregnancy prevention within 5 days of unprotected intercourse or contraception failure. Workers may be trying to become pregnant or be pregnant potentially at any time, and the data indicate that there may be a hazard that affects reproductive ability within the first 5 days of attempted conception. Therefore, NIOSH has maintained ulipristal on the 2024 *List*.

13. Vigabatrin

Public comment: One commenter suggested that vigabatrin should be removed from the NIOSH *List* because no adverse effects on fertility have been reported in rats up to a dose of $\frac{1}{2}$ the MRHD. They also stated that the manufacturer notes that changes in post-natal development and male fertility in

rats may be related to the drug-related effects on food intake and weight. When exposed to vigabatrin during development, there was an increase in cleft palate and embryofetal deaths for rabbits but not for rats. In rabbits, the no effect level for development was approximately $\frac{1}{2}$ of the MRHD, and the effects in rabbits were repeated in two studies.

NIOSH response: The manufacturer's package insert notes that exposure throughout organogenesis in rats led to decreased fetal weights and increased fetal anatomical variations with an embryo-fetal NOAEL approximately equivalent to $\frac{1}{5}$ of the MRHD. Additionally, when rats were exposed through the later part of pregnancy throughout lactation, long-term neuro-histopathological changes and neurobehavioral effects were observed. These effects had no NOAEL and a lowest-observed effect level of $\frac{1}{5}$ of the MRHD. Exposure during early post-natal period in rats, a period that is generally thought to correspond with late pregnancy in humans, also resulted in neurobehavioral and neuro-histopathological with a NOAEL that was $\frac{1}{30}$ of the measured plasma exposures in pediatric patients receiving a 50 mg/kg dose. Therefore, NIOSH determined that vigabatrin may pose a potential hazard to the development of unborn offspring when the mother is exposed during pregnancy and has maintained it on the 2024 *List*.

F. Placement of Specific Drugs Within the List

1. Carfilzomib

Public comment: Some commenters noted that carfilzomib is on Table 2 while a similar proteasome inhibitor bortezomib appears on Table 1. One noted that while the manufacturers of bortezomib provide ample identification of bortezomib as a cytotoxic agent and suggest appropriate handling for the protection of healthcare workers, the manufacturers of carfilzomib do not.

NIOSH response: Table 1 of the 2024 *List* includes "[d]rugs that have MSHI in the package insert and/or meet the NIOSH definition of a hazardous drug and one or more of the following criteria: are classified by NTP as *known to be a human carcinogen* or are classified by IARC as Group 1 *carcinogenic to humans* or Group 2A *probably carcinogenic to humans*." The manufacturers of carfilzomib did not provide MSHI. Nor was carfilzomib evaluated by NTP or IARC. Therefore, it was not included on Table 1.

Table 2 of the 2024 *List* includes "[d]rugs that meet the NIOSH definition

of a hazardous drug and do not have MSHI, are not classified by NTP as *known to be a human carcinogen*, and are not classified by IARC as Group 1 *carcinogenic to humans* or Group 2A *probably carcinogenic to humans*. (Some may also have adverse developmental and/or reproductive effects.)" However, NIOSH notes that the tables in the *List* are not hierarchical; Table 1 does not contain inherently more hazardous drugs than Table 2. It is expected that in some cases, drugs in the same class with similar activity could be on different tables because of the information available.

2. Dasatinib and Imatinib

Public comment: One commenter suggested dasatinib and imatinib should be moved to Table 2. They noted similar kinase inhibitors, bosutinib, nilotinib, and ponatinib, are on Table 2.

NIOSH response: In reviewing the package insert, some data suggest that dasatinib and imatinib may be carcinogenic, clastogenic, or genotoxic. The manufacturers of dasatinib and imatinib include MSHI, which provides guidance on appropriately handling these clastogenic and/or genotoxic compounds to protect healthcare workers. At this time, all evaluated drugs with this information are included on Table 1 of the 2024 *List*. However, NIOSH notes that the tables in the *List* are not hierarchical; Table 1 does not contain inherently more hazardous drugs than Table 2. It is expected that in some cases, drugs in the same class with similar activity could be on different tables because of the information available. No change to the 2024 *List* was made in response to this comment.

3. Eribulin

Public comment: One commenter suggested that NIOSH include eribulin on Table 1 because the mechanism of action, mitotic inhibition by suppression of microtubule growth, is similar to those of several other cytotoxic drugs such as vinblastine and paclitaxel, which are located on Table 1.

NIOSH response: Table 1 of the 2024 *List* includes "[d]rugs that have MSHI in the package insert and/or meet the NIOSH definition of a hazardous drug and one or more of the following criteria: are classified by NTP as *known to be a human carcinogen* or by IARC as Group 1 *carcinogenic to humans* or Group 2A *probably carcinogenic to humans*." NIOSH agrees that manufacturers of other genotoxic/cytotoxic drugs that inhibit mitosis via microtubule inhibition have included

MSHI for healthcare workers to handle them appropriately. In 2021 the manufacturers of eribulin updated the eribulin prescribing information noting that it is a cytotoxic drug with the instructions that special handling and disposal procedures should be followed. Because the manufacturer of eribulin suggests special handling it has been placed on Table 1 in the *NIOSH List of Hazardous Drugs, 2024*.

4. Exenatide

Public comment: One commenter suggested that exenatide should be listed on Table 1 because it meets NIOSH criteria as carcinogenic.

NIOSH response: Table 1 of the 2024 *List* includes “[d]rugs that have MSHI in the package insert and/or meet the NIOSH definition of a hazardous drug and one or more of the following criteria: are classified by NTP as *known to be a human carcinogen* or are classified by IARC as Group 1 *carcinogenic to humans* or Group 2A *probably carcinogenic to humans*.” However, NIOSH notes that the tables in the *List* are not hierarchical; Table 1 does not contain inherently more hazardous drugs than Table 2. It is expected that in some cases, drugs in the same class with similar activity could be on different tables because of the information available. In the 2024 *List*, Table 2 includes “[d]rugs that meet the NIOSH definition of a hazardous drug and do not have MSHI, are not classified by NTP as *known to be a human carcinogen* and are not classified by IARC as Group 1 *carcinogenic to humans* or Group 2A *probably carcinogenic to humans*. (Some may also have adverse developmental and/or reproductive effects.)”

5. Ganciclovir and Valganciclovir

Public comment: One commenter suggested NIOSH move these antiviral drugs to Table 2 from Table 1 because of confusion regarding the application of USP <800>.

NIOSH response: Ganciclovir and valganciclovir are listed on Table 1 because these nucleoside drugs have been identified by the manufacturers to pose a hazard to workers handling them and they both have MSHI. According to NIOSH criteria, this warrants placement on Table 1. Table 1 of the 2024 *List* includes “[d]rugs that have MSHI in the package insert and/or meet the NIOSH definition of a hazardous drug and one or more of the following criteria: are classified by NTP as *known to be a human carcinogen* or are classified by IARC as Group 1 *carcinogenic to humans* or Group 2A *probably carcinogenic to humans*.” This means

some drugs listed on Table 1 may not be antineoplastic drugs. The tables comprising the *List* are not intended to stratify levels of hazard, and neither are the inclusion of AHFS classification. The AHFS classifications are included as helpful information for users. NIOSH suggests that concerns with USP <800> standard be addressed with USP. No change to the 2024 *List* was made in response to this comment.

6. Hormonal Agents: Goserelin, Degarelix, Leuprolide, Estrogens, and Progesterone

Public comment: One commenter suggested NIOSH moving the hormonal agents goserelin, degarelix, and leuprolide to Table 3 as they were previously listed under Table 1—Antineoplastic Drugs. Two commenters asked NIOSH to move the estrogens and progesterone drugs from Table 1 to Table 2.

NIOSH response: In the current *List*, leuprolide, goserelin, and degarelix are listed on Table 2. There is no longer a Table 3, and all of these drugs on Table 2 are now described as only having met NIOSH criteria as a developmental or reproductive hazard.

For the estrogens and progesterone, Table 1 of the 2024 *List* includes “[d]rugs that have MSHI in the package insert and/or meet the NIOSH definition of a hazardous drug and one or more of the following criteria: are classified by NTP as *known to be a human carcinogen* or are classified by IARC as Group 1 *carcinogenic to humans* or Group 2A *probably carcinogenic to humans*.” This means some drugs that are potential carcinogens via different mechanisms may be listed on Table 1 because they met one of the criteria for placement on Table 1. The tables comprising the *List* are not intended to stratify risk and NIOSH recommends that facilities evaluate the potential hazards of the drugs in their formulary so they can make the appropriate exposure control management strategies. Specifically, for the estrogens and progesterone, IARC classifies the estrogen/progesterone combination drugs as *carcinogenic to humans* (Group 1) with sufficient evidence that they cause cancer of the breast and endometrium. . While as one commenter noted, the increased risk for estrogen-related endometrial cancer is decreased depending on the number of days that progesterone is included in the treatment, the drugs are still classified as IARC Group 1 and are therefore the appropriate placement according to the NIOSH criteria is on Table 1. No change to the 2024 *List* was made in response to these comments.

7. Mycophenolate Mofetil and Mycophenolic Acid

Public comment: Two commenters requested NIOSH move mycophenolate mofetil and mycophenolic acid to Table 1 because of the potential carcinogenic hazard and because most facilities currently treat them as hazardous antineoplastic drugs.

NIOSH response: Table 1 in the 2024 *List* includes “[d]rugs that have MSHI in the package insert and/or meet the NIOSH definition of a hazardous drug and one or more of the following criteria: are classified by NTP as *known to be a human carcinogen* or are classified by IARC as Group 1 *carcinogenic to humans* or Group 2A *probably carcinogenic to humans*.” This means some drugs that are potential carcinogens and are potential genotoxic/cytotoxic compounds may be on Table 2 because they had not yet been evaluated by IARC or NTP or because the manufacturer has not identified the need for safe handling to protect healthcare workers who may handle the drug. The tables comprising the *List* are not intended to stratify hazard. Some drugs on Table 2 may be more hazardous than those on Table 1. In general, NIOSH recommends that facilities evaluate the potential hazards of the drugs in their formulary so they can make the appropriate exposure control management strategies. Mycophenolate mofetil, while not an antineoplastic, had MSHI added to the prescribing information in 2019 and has been moved to Table 1 in response to this comment.

8. Sirolimus and Other Related mTOR Targeting Drugs

Public comment: One commenter requested NIOSH move sirolimus to Table 1 because of the potential carcinogenic hazard and because the similar drug, tacrolimus, is on Table 1. Another reviewer asked that everolimus and temsirolimus be moved to Table 2 because they are a similar class as sirolimus, which is on Table 2.

NIOSH response: Table 1 in the 2024 *List* includes “[d]rugs that have MSHI in the package insert and/or meet the NIOSH definition of a hazardous drug and one or more of the following criteria: are classified by NTP as *known to be a human carcinogen* or are classified by IARC as Group 1 *carcinogenic to humans* or Group 2A *probably carcinogenic to humans*.” This means some drugs that are in the same class and may carry similar hazards may be listed on different tables because of differences in MSHI and evaluation of the drugs by IARC or NTP. The tables

comprising the *List* are not intended to stratify hazard and NIOSH recommends that facilities evaluate the potential hazards of the drugs in their formulary so they can make the appropriate exposure control management strategies. No change to the 2024 *List* was made in response to these comments.

9. Thalidomide, Lenalidomide, and Pomalidomide

Public comment: One commenter suggested thalidomide and the related analogs lenalidomide and pomalidomide should not be listed on Table 1 because they have only reproductive and developmental effects and have not demonstrated genotoxicity or carcinogenicity.

NIOSH response: Table 1 in the 2024 *List* includes “[d]rugs that have MSHI in the package insert and/or meet the NIOSH definition of a hazardous drug and one or more of the following criteria: are classified by the NTP as *known to be a human carcinogen* or are classified by IARC as Group 1 *carcinogenic to humans* or Group 2A *probably carcinogenic to humans*.” Thalidomide, lenalidomide, and pomalidomide include MSHI with guidance on handling these drugs in a way that protects workers. In the 2024 *List*, not all drugs on Table 1 are genotoxic or carcinogenic. Additionally, drugs that are carcinogenic on Table 1 may not be genotoxic but act through a different mechanism of carcinogenicity. It is important that workplaces identify what the specific hazards are related to the drugs in their facility’s formulary and use the appropriate exposure management strategies for those hazards. No change to the 2024 *List* was made in response to these comments.

10. Vandetanib

Public comment: One commenter suggested that vandetanib should be placed in Table 2 similar to other EGFR tyrosine kinase inhibitors.

NIOSH response: The vandetanib package insert includes MSHI indicating that it be handled and disposed of in a way that protects the healthcare workers. All evaluated drugs with this information are included on Table 1 of 2024 *List*. However, NIOSH notes that the tables in the *List* are not hierarchical; Table 1 does not contain inherently more hazardous drugs than Table 2. It is expected that in some cases, drugs in the same class with similar activity could be on different tables because of the information available. No change to the 2024 *List* was made in response to this comment.

G. Specific Drug Classification/ Identification

1. Triptorelin

Public comment: One commenter suggested that noting the antineoplastic designation for the drug triptorelin will confuse some healthcare professionals and lead them to deny patients needed therapy due to special handling of neoplastic agents.

NIOSH response: Triptorelin is identified on the *List* in Table 2 as having both AHFS classifications “68:18:08 Gonadotropin Agonist/Antagonist” and “10:00 Antineoplastic.” These are offered as information to aid the user. NIOSH suggests that facilities evaluate all the hazards that may be present in their formulary. A designation of antineoplastic by AHFS does not identify some special hazard. Cancer treatments have changed over time and not all drugs utilized in the treatment of cancer have the same hazards. Because of this, NIOSH no longer groups all antineoplastic drugs together on a single table. The tables comprising the *List* are not intended to rank levels of hazard, and neither are the identification of AHFS classifications. These are only intended as potentially useful information for users. No change to the 2024 *List* was made in response to this comment.

2. Ziv-Aflibercept, Ado-Trastuzumab Emtansine, Fam-Trastuzumab Deruxtecan

Public comment: In the draft *List* published in the docket for the May 2020 *notice*, NIOSH removed the prefixes that are part of several generic drug names in an attempt to focus on identifying the active pharmaceutical ingredient. NIOSH was alerted by several commenters that in doing so NIOSH had listed names that were not actual products or were different products than originally intended.

NIOSH response: NIOSH appreciates the commenters who brought up this issue and regrets the confusion that this caused. NIOSH has revised the 2024 *List* to include the FDA assigned prefixes (*i.e.*, ziv-, ado-, and fam-) in the appropriate generic drugs names (ziv-aflibercept, ado-trastuzumab emtansine, fam-trastuzumab deruxtecan) to correct the issue and refer to the appropriate pharmaceutical products.

H. Suggested Copyedits

Public comment: Several commenters noted spelling mistakes, errors in tables, and other editorial improvements.

NIOSH response: NIOSH accepted all editorial, spelling, and correction

comments in the 2024 *List*, as appropriate.

IV. NIOSH Response to Public Comment and Peer Review in the January 2024 Federal Register Notice and Request for Comment on Proposed Removal of Liraglutide and Pertuzumab From the List

As described above, on January 16, 2024, NIOSH published a request for public comment in the **Federal Register**, charging peer reviewers and public commenters with considering five questions about the liraglutide initial recommendation and summary of evidence:

1. Are the evaluated health effects the appropriate health effects to evaluate? If not, what other health effect(s) should be evaluated and why?

2. Are the assumptions about the potential exposures to liraglutide in a healthcare setting reasonable? Please explain.

3. Is the determination that the amount of exposure to liraglutide in a healthcare setting does not constitute a hazard for healthcare workers reasonably supported by the available scientific information? Please explain.

4. What alternative approaches could be considered to characterize the potential hazard to workers from peptide-based drugs?

5. Is there any additional information that NIOSH should consider in its reevaluation of liraglutide?

Peer reviewers and public commenters were also charged with considering six questions about the pertuzumab initial recommendation and summary of evidence:

1. Is this an appropriate method for evaluating the potential for exposure to pertuzumab?

2. Is oligohydramnios the best health effect to evaluate? If not, what other health effect(s) should be evaluated and why?

3. Is a needlestick injury the only reasonable route of exposure for healthcare workers? Please explain.

4. Are the assumptions about the amount of exposure to pertuzumab in a healthcare setting reasonable? Please explain.

5. Is the determination that the amount of exposure to pertuzumab in a healthcare setting does not constitute a hazard for healthcare workers reasonably supported by the available scientific information? Please explain.

6. What alternatives could be considered to this approach for monoclonal antibodies to characterize the potential hazard to workers?

NIOSH received comments from three public commenters on the January 2024

notice, including a trade association, a pharmaceutical manufacturer, and a private individual. One commenter addressed liraglutide and pertuzumab, as well as the process NIOSH used to reevaluate placing liraglutide and pertuzumab on the *List*. Two commenters addressed just pertuzumab. NIOSH received two peer reviews of the proposal to remove liraglutide from the *List* and three peer reviews of the proposal to remove pertuzumab from the *List*.

Following review and consideration of the peer reviews and public comments, and as discussed below, NIOSH has agreed to clarify some points in the initial recommendations and summaries of evidence, *NIOSH Reevaluation of Liraglutide on the NIOSH List of Antineoplastic and Other Hazardous Drugs in Healthcare Settings* and *NIOSH Reevaluation of Pertuzumab on the NIOSH List of Antineoplastic and Other Hazardous Drugs in Healthcare Settings*. Those changes are reflected in the *NIOSH Final Reevaluation Determination of Liraglutide on the NIOSH List of Hazardous Drugs in Healthcare Settings* and *NIOSH Final Reevaluation Determination of Pertuzumab on the NIOSH List of Hazardous Drugs in Healthcare Settings*, available in the docket for this activity. Based on the evaluations described in the initial recommendations and on peer reviews and public comments discussed below, NIOSH has made final determinations to remove both liraglutide and pertuzumab from the *List*.

A. Public Comment

1. General Comments

Public comment: The commenter “expresses concern that the methods used to reevaluate liraglutide and pertuzumab for inclusion in the *List* represent risk assessment, not hazard identification. The physical properties of a drug molecule are not among the six characteristics considered for hazard determination. The purpose of the *NIOSH List* should be to identify hazards so that healthcare settings can assess and mitigate risk. If NIOSH removes these drugs based on risk assessment, healthcare settings may incorrectly think that a hazard does not exist.

While [we] agree[] that a drug’s physical properties may reduce the risk of absorption through common methods of occupational exposure, NIOSH should not assume that all healthcare staff and healthcare environments are the same. Exposure through mucous membranes or other routes may be rare,

but they are still important considerations that healthcare settings should evaluate when performing a risk assessment specific to their environment and to their employees.”

NIOSH response: NIOSH evaluates the hazard to healthcare workers posed by exposure to FDA Center for Drug Evaluation and Research (CDER) approved drugs. NIOSH considers hazards at maximum human recommended dose via all relevant routes of exposure. NIOSH considers the molecular properties as they relate to the specific adverse effects posed by the drug via all relevant routes of exposure. The NIOSH hazardous drugs definition⁴ clarifies that NIOSH considers molecular properties when characterizing the hazard a drug actually poses to healthcare worker after exposure. It recognizes that although a drug may meet the definition of a hazardous drug, the drug may be excluded from the *List* if NIOSH determines that occupational hazards are limited due to the molecular properties of the drug. The purpose of this exclusion is to focus the *List* on drugs that have a potential for toxicity due to occupational exposure, so that workers’ attention is focused on drugs that are likely to be hazardous in occupational settings. This is a way for NIOSH to more specifically characterize the hazard posed by the pharmaceutical ingredients; it is important to note that this is not an automatic exclusion. NIOSH has not established specific molecular properties for which drugs are automatically excluded from the *List*. Instead, NIOSH reviewers look at the totality of the evidence and evaluate whether there is a hazard to healthcare workers. NIOSH considers molecular properties as they relate to the specific adverse effects to characterize those hazards posed by the drug being evaluated.

Public comment: The commenter “also urges caution when making assumptions about occupational exposure based on commercially available dosage forms of a drug. NIOSH should not base hazard identification on a specific route of exposure, such as needlestick injuries. Splashes, leaks, and spills all occur in healthcare settings. While a currently available dosage form (e.g., prefilled syringe or pen) may limit the risk of a splash, leak, or spill, dosage forms available at some time in the future may not offer the same protection.

⁴ The NIOSH definition of a hazardous drug is established in sec. IV of the *Procedures for Developing the NIOSH List of Hazardous Drugs in Healthcare Settings* [2023].

Pharmacy employees may handle bulk active pharmaceutical ingredients when compounding various preparations. In the case of 503B registered outsourcing facilities [FDA 2022], workers may handle a hazardous drug in bulk powder form in higher quantities and with more frequency than a typical healthcare worker might handle a commercial preparation. Duration and intensity of exposure are important factors to consider when assessing and mitigating exposure risk. Individual healthcare settings can evaluate exposure duration and intensity when assessing risk, but that evaluation is unlikely to occur if the hazard has not been recognized.”

NIOSH response: NIOSH agrees that evaluating the hazards of potentially hazardous drugs should not be limited to currently commercially available formulations. NIOSH evaluates how the molecular properties influence hazard potential at occupational exposures to doses equivalent to therapeutic human recommended doses via occupationally relevant routes of exposure. This is true even if a route of exposure is unlikely given currently available formulations. NIOSH understands that formulations may change, and handling needs may be different across facilities. For liraglutide and pertuzumab, NIOSH evaluated how the molecular properties influence bioavailability after exposures via needlesticks, dermal exposure, ingestion, and inhalation. A large peptide molecule, currently only available in liquid formulations, may not lead to exposure equal to a human recommended dose via inhalation of dust or droplets, but NIOSH still considered that potential exposure route in its reevaluations. NIOSH noted in both reevaluations that inhalation of a full therapeutic dose is unlikely to result in systemic exposures that would cause the relevant adverse effects. This is not based on any formulation, but rather on intrinsic molecular properties of the reevaluated pharmaceutical ingredients. The formulations and marketed products that include the pharmaceutical ingredients may decrease the risk of exposure, but they were not part of NIOSH’s characterization of the hazard posed by the active pharmaceutical ingredients, pertuzumab and liraglutide.

NIOSH uses a recommended human dose as a benchmark to indicate the high end of doses of concern. NIOSH would be typically concerned with toxic effects that occurred below this level. NIOSH considers exposures at the human recommended doses to be greater than the expected dose for healthcare workers. In situations where

healthcare workers may be exposed to therapeutic agents at levels greater than what patients are exposed to, then pharmacological effects may occur. Based on this comment, NIOSH made changes in the *NIOSH Final Reevaluation Determination of Liraglutide on the NIOSH List of Hazardous Drugs in Healthcare Settings* and *NIOSH Final Reevaluation Determination of Pertuzumab on the NIOSH List of Hazardous Drugs in Healthcare Settings*.

2. Liraglutide

Public comment: The commenter “agrees that repeated exposure and absorption to peptide-based drugs is not likely in many clinical settings. However, we again stress concern about using physical properties for hazard identification for reasons already mentioned. Since carcinogenic effects and fetal abnormalities cannot be ruled out in humans, liraglutide meets the existing criteria for hazard identification. The duration, intensity, and routes of exposure should be part of a healthcare setting’s risk assessment. [We] disagree[] with removal of liraglutide from the *NIOSH List*.”

NIOSH response: Consideration of intrinsic molecular properties of potentially hazardous drugs is important to characterizing if they pose a hazard to healthcare workers in the workplace. The NIOSH hazardous drugs definition [NIOSH 2023] considers the molecular properties of hazardous drugs because although a drug may meet some criteria as a hazardous drug, those occupational hazards may not be significant due to intrinsic molecular properties of the drug and therefore that drug may be excluded from the *List*. The purpose of this exclusion is to focus the *List* on drugs that have a potential for toxicity due to occupational exposure, so that workers’ attention is focused on drugs that are likely to be hazardous in occupational settings. This is a way for NIOSH to more specifically characterize the hazard posed by the pharmaceutical ingredients; it is important to note that this is not an automatic exclusion. Occupational exposure to liraglutide is unlikely to reach systemic exposure levels that pose a hazard to workers. No changes were made to the *NIOSH Final Reevaluation Determination of Liraglutide on the NIOSH List of Hazardous Drugs in Healthcare Settings* and *NIOSH Final Reevaluation Determination of Pertuzumab on the NIOSH List of Hazardous Drugs in Healthcare Settings* as a result of this comment.

3. Pertuzumab

Public comment: While the commenter “agrees that repeated exposure and absorption of a monoclonal antibody is not likely in many clinical scenarios, we again express concern about assumptions made about healthcare workers and environments when defining a hazard. [We] also [have] concerns with consideration about whether a condition is reversible or not when performing hazard identification. While oligohydramnios may be reversible, the condition can lead to fetal complications [Keilman and Shanks 2022]. [We] question[] whether NIOSH will begin considering whether an adverse effect is reversible when determining other hazard assessments. [We] disagree[] with removal of pertuzumab from the *NIOSH list*.”

Public comment: “I think the biggest issue is whatever is the most fatal or can cause the most damage or permanent damage. While this sounds reversible, I still would not want to risk my fetus through the possibility of exposure.”

NIOSH response: NIOSH agrees that whether a hazard is reversible alone is not enough to determine if a drug is hazardous to healthcare workers. In the case of pertuzumab, data for the related drug trastuzumab show that continuous exposures at therapeutic levels causes delayed-genitourinary development-related oligohydramnios.⁵ If systemic exposure is continuous, that will lead to further fetal complications. However, if treatment is ceased, and oligohydramnios is resolved in the first trimester, further fetal complications are avoided. Oligohydramnios requires continuous systemic exposure to pertuzumab, and continued HER2 inhibition, to occur. As noted in the reevaluation, for the related HER2 inhibitor monoclonal antibody trastuzumab, use during pregnancy showed that patients who had exposure during just the first trimester had babies born with no complications, deaths, or oligohydramnios. There was a trend of increased incidence in oligohydramnios with increased exposure to trastuzumab. In the available studies, it appears that trastuzumab-related oligohydramnios was reversible following cessation of treatment with generally good outcomes

⁵ HER2 inhibition refers to the inhibition of the activation of the Human Epidermal growth factor Receptor 2. Oligohydramnios is the disorder during pregnancy of having a low level of amniotic fluid for gestational age. HER2 inhibitory monoclonal antibodies cause oligohydramnios by causing a delayed development of the urinary tract development of the embryo, leading to decreased amniotic fluid production.

for the fetus, as seen in the Watson [2005] case.

Healthcare workers are unlikely to experience prolonged and consistent exposure to pertuzumab in the workplace that would lead to high levels of systemic exposure. This is due to various factors, such as limited availability of systemic exposure and the rarity of incidental needlestick injuries with significant volumes, which are necessary for sustained high systemic exposures. As a result, the development of oligohydramnios that goes unresolved beyond the first trimester is not expected in healthcare workers. No changes were made in the document based on these comments.

a. Is this an appropriate method for evaluating the potential for exposure to pertuzumab?

Public comment: This commenter “agrees it is appropriate to consider the physicochemical properties of pertuzumab that minimize the potential for adverse health effects from inhalation, dermal, or oral exposure. With regard to potential exposures via inhalation, [We] agree[] there is no scenario in which substantial air concentrations of pertuzumab could be generated while preparing or administering Perjeta® in a healthcare setting. In addition, [We] agree[] it is appropriate to consider the minimal volume that could be delivered to a healthcare worker when evaluating the potential exposure to pertuzumab in a needlestick scenario.

NIOSH response: No changes were made to the *NIOSH Final Reevaluation Determination of Pertuzumab on the NIOSH List of Hazardous Drugs in Healthcare Settings* based on these comments.

b. Is oligohydramnios the best health effect to evaluate? If not, what other health effect(s) should be evaluated and why?

Public comment: “The notable potential health effects in patients treated with Perjeta® (i.e., those described in the Warnings and Precautions section of the prescribing information) include embryo-fetal toxicity, left ventricular dysfunction, infusion-related reactions, and hypersensitivity reactions/anaphylaxis.

Embryo-fetal toxicity and left ventricular dysfunction are recognized as pharmacologically mediated class effects of therapies that target HER-2. In addition to being over-expressed in some tumors, HER2 is expressed in normal renal epithelium and cardiomyocytes. The embryo-fetal effects of HER2 inhibitors are secondary

to delayed fetal kidney development that can result in oligohydramnios and related effects (oligohydramnios sequence). In cardiomyocytes, HER2 activation results in a protective effect that may be inhibited in patients treated with HER2 antagonists [Perez et al. 2008]. In contrast to anthracycline-induced cardiac toxicity, HER2-related cardiac dysfunction does not appear to increase with cumulative dose or to be associated with ultrastructural changes in the myocardium; it is also generally reversible. Both oligohydramnios and left ventricular dysfunction are non-acute effects that would require sustained, biologically significant inhibition of HER2 to manifest. Such exposures can only be reasonably expected to occur via intentional intravenous administration of pertuzumab in a therapeutic context. Consequently, Genentech does not consider oligohydramnios or left ventricular dysfunction to be relevant health effects for the purpose of evaluating potential risks to healthcare workers.

Other notable adverse reactions observed in patients receiving pertuzumab include infusion-related reactions and hypersensitivity reactions/anaphylaxis. Both are common risks of intravenous monoclonal antibody therapies and are not specific to pertuzumab. In addition, the risk of infusion-related reactions is only relevant to patients being treated with pertuzumab via intravenous infusion. Neither of these endpoints would therefore be appropriate to evaluate for the purposes of the *List*.

Because none of the notable adverse reactions associated with therapeutic uses of pertuzumab are considered relevant to healthcare exposure scenarios, it would not be meaningful to consider any of these hazards to be better suited for evaluation for the purpose of the *List*."

NIOSH response: NIOSH agrees that none of these effects posed a hazard to healthcare workers. No changes were made to the *NIOSH Final Reevaluation Determination of Pertuzumab on the NIOSH List of Hazardous Drugs in Healthcare Settings* based on these comments.

Public comment: "We might however, want to think about allergic reactions from exposure? Utilizing less measures than chemo with tubing, gear, and gloving exposes nursing and pharmacy teams to the drugs more because of less need for precautions."

NIOSH response: Sensitization and allergic reaction are not criteria under the *Procedures for Developing the NIOSH List of Hazardous Drugs in*

Healthcare Settings. No changes were made to the *NIOSH Final Reevaluation Determination of Pertuzumab on the NIOSH List of Hazardous Drugs in Healthcare Settings* based on this comment.

c. Is a needlestick injury the only reasonable route of exposure for healthcare workers? Please explain.

Public comment: "There is no scenario in which inhalation, dermal, or oral exposure could be expected to result in a pharmacologically active dose of pertuzumab. [We] therefore agree[] that a needlestick injury is the only relevant route of exposure for Perjeta® for healthcare providers."

NIOSH response: No changes were made to the *NIOSH Final Reevaluation Determination of Pertuzumab on the NIOSH List of Hazardous Drugs in Healthcare Settings* based on this comment.

d. Are the assumptions about the amount of exposure to pertuzumab in a healthcare setting reasonable? Please explain.

One commenter stated their agreement with the general approach and conclusions described for each route.

i. Inhalation

Public comment: "The peer-reviewed publications support the statement that the inhalation bioavailability of monoclonal antibodies such as pertuzumab is minimal. The 5% value utilized in the review is considered to be a conservative, upper-limit estimate for the inhalation bioavailability of an IgG antibody, and the systemically available fraction is more likely <1% [Gould et al. 2018; Pfister et al. 2014]; Perjeta® is supplied as a liquid in vial, is prepared using aseptic techniques, and is not administered as a powder or aerosol. [We] agree[] there is no mechanism by which volumes of pertuzumab dusts or aerosols sufficient to achieve systemic exposures associated with adverse effects could be generated in a healthcare setting."

NIOSH response: When evaluating the potential hazard to healthcare workers, NIOSH does not limit evaluation to just the currently produced commercially available formulations and therefore also considers powders or aerosol exposures. NIOSH based the evaluation on assumptions for exposures that are unlikely in commercially available formulations and on intrinsic properties of the active pharmaceutical ingredients, not on any particular formulation or treatment product. No changes were made to the *NIOSH Final*

Reevaluation Determination of Pertuzumab on the NIOSH List of Hazardous Drugs in Healthcare Settings based on this comment.

Public comment: "[P]harmacy compounds the medication and moving drugs to the nonhazardous list means we use more needles than safety features. Hazardous medications we use items such as chemolock to protect us from needle sticks, we do not with the nonhazardous medications. My concern with medications like this is we can compound these for prolonged times and over days, months, and years. We could expose technicians to the amount listed and harm them and if they were to not know they were pregnant yet or whatever the case this could be an issue."

NIOSH response: NIOSH evaluated how the molecular properties affected bioavailability after exposures via needlesticks, dermal exposure, ingestion, and inhalation. A large molecule currently only available in liquid formulations may not lead to exposure equal to a human recommended dose via inhalation of dust or droplets, but that potential route of exposure was considered.

NIOSH has used the recommended human dose as a benchmark to indicate the high end of doses of concern. NIOSH is typically only concerned with toxic effects that occurred below this level. NIOSH considers exposures at the human recommended doses to be greater than the expected dose for healthcare workers. In situations where healthcare workers may be exposed to therapeutic agents at levels greater than the levels that patients are exposed to, then the pharmacological effects may occur. Some changes were made to the *NIOSH Final Reevaluation Determination of Pertuzumab on the NIOSH List of Hazardous Drugs in Healthcare Settings* to clarify.

ii. Percutaneous Exposure

Public comment: "The published literature on needlestick injuries supports the statement that the volume of Perjeta® delivered from an inadvertent percutaneous exposure is expected to be minimal (e.g., <1 microliter) and would be insufficient to deliver a toxicologically relevant dose. However, the 670 microliter 'human dose,' because needlestick exposures are expected to occur infrequently, it would be more appropriate to compare the <1 microliter needlestick volume to the volume of Perjeta® that would be required to deliver a therapeutic dose (30 mL)."

NIOSH response: NIOSH agrees that the use of a relevant human dose is

highly protective, and an incidental percutaneous exposure is unlikely to result in such a high exposure; however, NIOSH evaluated what was certainly a worst-case scenario. No changes were made to the *NIOSH Final Reevaluation Determination of Pertuzumab on the NIOSH List of Hazardous Drugs in Healthcare Settings* in response to this comment.

iii. Oral Exposure

Public comment: “The peer-reviewed publications support the statement that the oral bioavailability of monoclonal antibodies such as pertuzumab is negligible. In addition, the sterile preparation and administration procedures used to administer pertuzumab further reduce any potential for oral exposure.”

NIOSH response: When evaluating the potential hazard to healthcare workers, NIOSH does not limit its evaluation to just the currently produced commercially available formulations, therefore it also considers powders or aerosol exposures. NIOSH based the evaluation on assuming unlikely exposures in commercially available formulations and considering intrinsic properties of the active pharmaceutical ingredients, rather than focusing on any particular formulation or treatment product. No changes were made to the *NIOSH Final Reevaluation Determination of Pertuzumab on the NIOSH List of Hazardous Drugs in Healthcare Settings* in response to this comment.

e. What alternatives could be considered to this approach for monoclonal antibodies to characterize the potential hazard to workers?

Public comment: “Monoclonal antibodies have been approved for use to treat humans for more than 25 years and have been safely prepared and administered using routine aseptic procedures. Although they were still relatively novel when the *List* was first developed, monoclonal antibody-based products are now mainstream therapies for cancer and other conditions in humans, and their molecular and physiological properties are well characterized. The properties of monoclonal antibodies and other high molecular weight molecules result in occupational risk profiles that are clearly distinct from that of traditional, small molecule ‘chemotherapies’ that drove the original 2004 *NIOSH Alert* [2004] and subsequent publication of the *List*.”

The current process for evaluating monoclonal antibodies for potential inclusion on the *List* is initially based

on hazard (*i.e.*, any potential effect associated with a molecule). The various exposure-related factors that determine that the potential risk to a healthcare worker are secondary considerations.

An alternative approach to characterizing the potential hazard that a monoclonal antibody-based product poses to healthcare workers would be a risk-based paradigm that initially considers exposure potential. Based on the properties of monoclonal antibodies that minimize the potential for systemic exposure, nearly all monoclonal antibody-based pharmaceuticals could be excluded from consideration without the need for a comprehensive review of all hazards that are considered to be relevant to patients in a therapeutic context. Eliminating products with little potential to cause health effects in workers would greatly streamline the nomination and review process for the *List*.

Potential exceptions to this approach may include immunoglobulin-based products with usually high potency (*e.g.*, a monoclonal antibody with a therapeutic maintenance dose <1 mg) or immunoglobulin-based products that are conjugated to a low-molecular weight component that may meet the criteria for the *List* (*e.g.*, a product consisting of a monoclonal antibody conjugated to a small molecule anti-mitotic agent). However, such examples are relatively rare and can be readily identified based on the description in the prescribing information (Section 11)."

NIOSH response: NIOSH considers each drug based on the potential hazard posed intrinsically. Each is reviewed individually, and classes of drugs are not excluded. Monoclonal antibodies may generally have lower systemic availability via inhalation, ingestion, and dermal absorption through intact skin, but that availability is not zero and not all workers have intact skin. NIOSH intends to continue reviewing each drug individually and will consider the intrinsic hazard that each drug poses, including molecular properties, such as molecular weight, which may change the likelihood of occupational exposure. The process of excluding a whole class of drugs proposed by the commenter may miss some hazards for some healthcare workplaces. The *NIOSH List of Hazardous Drugs in Healthcare Settings* is a hazard identification tool, and using a risk-based paradigm that considers exposure potential first may not be sufficient to identify hazards that many drugs may potentially pose in a wide variety of healthcare settings.

Public comment: “For compounding, could there possibly be the consideration of an adapter that goes with it? This would prevent a needle from technically being used at all as we often use a bag spike to inject the medications in the bags on either side.”

NIOSH response: The *List* does not take into consideration the specific practices used when handling different formulations of the potentially hazardous drugs used by each facility. No changes were made to the *NIOSH Final Reevaluation Determination of Pertuzumab on the NIOSH List of Hazardous Drugs in Healthcare Settings* based on this comment.

f. Additional Pertuzumab Comments

Public comment: The commenter “requests clarification of the statement that ‘No oral, inhalation, or dermal exposure studies of therapeutic monoclonal antibodies have been conducted’ (on Page 4 of the reevaluation). This statement suggests that there is a large degree of uncertainty related to these key presumptions related to the evaluation of the risk posed by pertuzumab to healthcare workers.”

NIOSH response: NIOSH agrees and has clarified *NIOSH Final Reevaluation Determination of Pertuzumab on the NIOSH List of Hazardous Drugs in Healthcare Settings* that these studies were not performed because those therapies are not typically delivered via these routes.

Public comment: The commenter “requests clarification of the statement that ‘The toxicity profile of pertuzumab shows it is a potent developmental hazard.’ There is no regulatory or other consensus definition for a ‘potent’ hazard in a pharmaceutical context. The use of this term in policy or regulatory documents is therefore likely to cause confusion and/or an unwarranted degree of concern among the intended audiences. The doses of pertuzumab that have been associated with adverse developmental outcomes in a therapeutic context are relatively high when compared with many other pharmaceuticals or chemicals, so its characterization as a potent developmental hazard is potentially misleading. In addition, the available data from nonclinical studies and human experience provide evidence of a dose-responsive effect that is unlikely to occur at far sub-therapeutic exposures. The description of pertuzumab as a potent developmental hazard therefore overstates the risk of Perjeta® to healthcare workers.”

NIOSH response: NIOSH agrees and has rephrased this sentence in *NIOSH*

Final Reevaluation Determination of Pertuzumab on the NIOSH List of Hazardous Drugs in Healthcare Settings to note that pertuzumab caused oligohydramnios which is a clear developmental hazard. The word “potent” has been removed.

Public comment: In relation to the results of a study included in the reevaluation, in the table form on Page 7, the commenter states, “[t]he findings from the embryo-fetal development toxicity study support the expectation that the adverse developmental effects of pertuzumab are dose-related and are not expected to occur at the far sub-therapeutic exposure scenarios relevant to healthcare workers. The evidence of a dose-responsive relationship between maternal pertuzumab doses and adverse outcomes can be leveraged to support many of the presumptions in the external review.”

NIOSH response: The evidence in this study does not provide a dose at which developmental effects are not seen. The commenter is correct that it does support a dose-response relationship between pertuzumab and developmental effects, supporting the conclusion that lower systemic doses resulting from occupational exposures are less likely to cause developmental effects. No changes were made to the *NIOSH Final Reevaluation Determination of Pertuzumab on the NIOSH List of Hazardous Drugs in Healthcare Settings* based on this comment.

B. Peer Review

1. Liraglutide Peer Review

Two external peer reviewers submitted responses to NIOSH, which are marked as “Reviewer comment” below. In general, both peer reviewers agreed with the approach NIOSH used to determine if liraglutide posed a hazard to workers in healthcare settings. Both peer reviewers also agreed with NIOSH that thyroid tumors and adverse developmental effects were appropriate health outcomes to consider. Lastly, both peer reviewers agreed that the systemic and occupational exposure assumptions NIOSH used in the evaluation were appropriate, and the resulting determination that liraglutide does not constitute a hazard for healthcare workers is correct.

a. Are the evaluated health effects the appropriate health effects to consider? If not, what other health effect(s) should be evaluated and why?

Reviewer 1 comment: “Yes, the evaluated health effects are the appropriate health effects to consider.”

NIOSH response: No changes were made to the *NIOSH Final Reevaluation Determination of Liraglutide on the NIOSH List of Hazardous Drugs in Healthcare Settings* based on this comment.

Reviewer 2 comment: “Yes. Thyroid tumors as indicated in the black box warning and developmental effects, as indicated by the Pregnancy Category C determination, and are the most relevant adverse health effects to be considered. The assertions made concerning a causal association between incretin-based drugs like liraglutide and pancreatitis or pancreatic tumors, as expressed currently in the scientific literature and in the media, are inconsistent with the current data. In the NIOSH review, concerns about the potential effects, including thyroid cancer and developmental effects, should be reduced in light of more recent data. There are no other potential health effects to be considered that are supported by current data. Other nonspecific effects noted in the package insert, such as nausea, injection site pain, and low blood sugar, are manageable and not serious.”

NIOSH response: No changes were made to the *NIOSH Final Reevaluation Determination of Liraglutide on the NIOSH List of Hazardous Drugs in Healthcare Settings* based on this comment.

b. Are the assumptions about the potential occupational exposures to liraglutide in a healthcare setting reasonable? Please explain.

Reviewer 1 comment: “The assumptions about the potential occupational exposures to liraglutide in a healthcare setting are reasonable. Given the formulation and packaging of liraglutide, it would be expected that occupational exposure may occur if a vial leaks or breaks, which would lead to inhalation or dermal exposure, neither of which produce significant systemic bioavailability; or if a needlestick injury occurs, in which the quantity of drug actually injected would also be insignificant in the majority of cases.”

NIOSH response: No changes were made to the *NIOSH Final Reevaluation Determination of Liraglutide on the NIOSH List of Hazardous Drugs in Healthcare Settings* based on this comment.

Reviewer 2 comment: “Yes. This is a peptide with approximately 3750 molecular weight. Substances with molecular weights greater than 1000 Daltons show nil to poor absorption (less than 0.1%). Thus, dermal absorption in a healthcare workplace exposure would be nil, as the skin is a

barrier for substances of this molecular weight. Normally (in clinical use) this substance is injected. The substance would also be expected to be degraded in oral exposure scenarios. Inhalation exposure scenarios can also be ruled out as this substance is in aqueous form in prefilled syringes and thus aerosolization is not expected. Absorption through this route would also be expected to be nil to poor. Needlestick exposures do occur in healthcare situations, but the mechanism of action for a chronic carcinogenic mechanism of action would not be triggered by needlestick exposures because of the toxicokinetics of peptides. A sufficient peak concentration would not be sustained for a sufficient duration to produce chronic effects. In short, exposures to this drug in the occupational exposure scenarios are exceedingly low . . . de minimis, in my opinion.”

NIOSH response: While inhalation of liraglutide in current formulations can be ruled out, NIOSH still evaluated inhalation routes of exposure. NIOSH does not limit the evaluation to current formulations. NIOSH determined that liraglutide would not pose a hazard to workers even via the inhalation route. No changes were made to the *NIOSH Final Reevaluation Determination of Liraglutide on the NIOSH List of Hazardous Drugs in Healthcare Settings* based on this comment.

c. Is the determination that the amount of exposure to liraglutide in a healthcare setting does not constitute a hazard for healthcare workers reasonably supported by the available scientific information? Please explain.

Reviewer 1 comment: “Yes, the determination that the amount of exposure to liraglutide in a healthcare setting does not constitute a hazard for healthcare workers is reasonably supported by the available scientific information. Given the mechanisms of action of liraglutide, sustained exposure is required for significant effect, which would not likely be encountered in the occupational setting if medication is prepared, transported and administered as indicated (*i.e.*, in sealed vials).”

NIOSH response: No changes were made to the *NIOSH Final Reevaluation Determination of Liraglutide on the NIOSH List of Hazardous Drugs in Healthcare Settings* based on this comment.

Reviewer 2 comment: “Yes. In my review of the literature, the hazard to humans due to the “black box” warning about thyroid tumors is low. In the study, at least some of the cases of thyroid tumors occurred in subjects with existing thyroid disease, and

should have been excluded. Secondly, a mitogenic mode of action is suggested, which would require continuous exposures, which are unlikely. Evidence suggests species-specific effects due to elevated GLP-1R receptor levels and downstream signaling. The knockout mouse study seems compelling in suggesting that the effects observed in rodents should not be directly extrapolated to humans. Thus, in addition to having a de minimis exposure, the potential of adverse effects is less than previously recognized. While the developmental effects in rats/rabbits cannot be ruled out, the statistical significance/magnitude of these hazards was not identified. For example, while it was stated that doses in the same range as human caused developmental effects, it was not clear that this was a 'human equivalent dose'. . . . some sort of body weight $\frac{3}{4}$ calculation. That lack of significance/magnitude of these potential hazards also raise concerns about the potential over-interpretation of these developmental effects. Thus, de minimis exposures coupled with lower than previously recognized hazards combine to lower the risks to healthcare workers in clinical settings. NIOSH has evaluated data and estimated exposures and has come to the correct conclusion. I fully agree."

NIOSH response: No changes were made to the *NIOSH Final Reevaluation Determination of Liraglutide on the NIOSH List of Hazardous Drugs in Healthcare Settings* based on this comment.

d. What alternative approaches could be considered to characterize the potential hazard to workers from peptide-based drugs?

Reviewer 1 comment: "The alternative approaches that could be considered to characterize the potential hazard to workers from peptide-based drugs include surveillance regarding OSHA reportable injuries or illness related to occupational exposure to liraglutide and periodic review of the Medullary Thyroid Carcinoma (MTC) Surveillance Study [Hale et al. 2020]."

NIOSH response: The Medullary Thyroid Carcinoma (MTC) registry could provide data that could affect future evaluations of liraglutide. NIOSH evaluates drugs when a safety related labeling change is posted regarding the drugs [NIOSH 2023]. Further, if new data related to the MTC surveillance study were brought to NIOSH's attention, NIOSH could further evaluate the potential hazards of liraglutide exposures to healthcare workers as indicated in the *NIOSH Procedures for Developing the NIOSH List of*

Hazardous Drugs in Healthcare Settings [NIOSH 2023].

Reviewer 2 comment: "It might be possible to do a literature search on studies for adverse effects in occupational exposures to insulin. This is a common peptide hormone with 100 years of clinical experience. I'd imagine that the exposures to healthcare workers to insulin (by all routes) would be similar to liraglutide. As liraglutide had a molecular weight about 7-fold higher than that of insulin, it would be more poorly absorbed and less of a risk. The incidence of adverse effects in worker exposures in health care settings for insulin could be used as a 'worst-case' analogue to estimate of the incidence of liraglutide exposures and potential risk."

NIOSH response: Due to the rapid acute effects of insulin, NIOSH agrees it would likely serve as a worst-case scenario and overestimate the effects of exposure to liraglutide. Also, as the reviewer notes, any use of insulin as a surrogate would involve consideration of many caveats, including absorption, effect intensity/duration, and different specific mechanisms of action. These uncertainties would make the resulting evaluation less useful for the purpose of NIOSH's hazard identification for placement on the *List*. Therefore, NIOSH would not use insulin as a surrogate for evaluation of the hazard of liraglutide or other GLP-1 agonist drugs since only hazard identification is the basis for placement on the *List*. No changes were made to the *NIOSH Final Reevaluation Determination of Liraglutide on the NIOSH List of Hazardous Drugs in Healthcare Settings* based on this comment.

e. Is there any additional information that NIOSH should consider in its reevaluation of liraglutide?

Reviewer 1 comment: "There is no additional information that NIOSH should consider in its reevaluation of liraglutide at this time."

NIOSH response: No changes were made to the *NIOSH Final Reevaluation Determination of Liraglutide on the NIOSH List of Hazardous Drugs in Healthcare Settings* based on this comment.

Reviewer 2 comment: "As with all things, decisions are based on the best available data. As the availability of data will change with time, a further reevaluation in the decades that come will be appropriate should new data become available about any of the potential health effects or new ones that emerge."

NIOSH response: No changes were made to the *NIOSH Final Reevaluation Determination of Liraglutide on the*

NIOSH List of Hazardous Drugs in Healthcare Settings based on this comment.

2. Pertuzumab Peer Review

Three external peer reviewers submitted responses to NIOSH. Overall, all agreed with the general approach NIOSH used to determine if the molecular properties, molecular size in this case, of pertuzumab would limit the hazard it poses in healthcare settings. Two of the reviewers agreed with the conclusion that NIOSH proposed, which was that pertuzumab would not be able to pose a developmental hazard in healthcare settings. They did however believe that the NIOSH inhalation exposure scenario overestimated the potential systemic exposure and that an incidental needlestick would pose the most relevant exposure. Both expressed an interest in other potential hazards. One expressed an interest in cardiac hazards and one in sensitization.

The third reviewer, while agreeing that the approach was sound and the assumptions reasonable, disagreed with NIOSH on some points and felt that pertuzumab should remain on the *List*. This reviewer stated that there was not enough quantitative data to rule out potentially relevant levels of exposures via the dermal and oral routes. They stated that without quantitative data to support the assumptions made that the lack of a NOAEL and the severity of effects in the animal study in the FDA review supported leaving pertuzumab on the *List*. This reviewer expressed a concern that while the observed effect, oligohydramnios, was reversible that did not rule out that there are no adverse effects to the fetus, including potential upstream and downstream effects. They also expressed concerns that using trastuzumab as a model for pertuzumab effects might not be appropriate. There may be some differences in their effects, as some differences in molecular signaling have been identified in a cell system model.

a. Reviewer 1

Reviewer 1 comment 1: "More quantitative information is needed, quantitative gaps need to be addressed, and justification in the face of the gaps need to be outlined. The examination of routes of exposure seems to be limited to the molecular properties of the drug. Workplace exposure scenarios are not described (e.g., opportunities of splashing, use of PPE such as gloves, potential for hand to mouth activity, etc.). Inclusion of these exposure scenarios would be informative, but if they are not described the rationale for

not providing a set of exposure scenarios, should be explained.”

NIOSH response: Evaluation of workplace exposure scenarios are outside of the scope of the *List*. Because the large variety of scenarios that may take place in healthcare workplaces and the different properties of hazardous drugs, NIOSH does not take into account all of the possible workplace exposure scenarios. Therefore, for pertuzumab, NIOSH considered maximum occupational systematic exposure via all available routes to be less than a full therapeutic dose. In this case, NIOSH considered if the properties of the drug might limit the systemic availability via worst-case relevant routes of occupational exposure. Individual scenario analysis would not add significantly to these findings, as the resultant exposures would likely be much less than the worst-case scenarios. This is why the examination is limited to molecular properties of the drug and an evaluation of worst-case workplace exposures.

Reviewer 1 comment 2: “The assumptions are reasonable, but the evidence to support them is very limited. Research gaps should be identified and described. An example is the lack of quantitative data on the absorption of pertuzumab following oral exposure. The statement that bioavailability as ‘low’ lacks clarity. The studies cited to back up the qualitative statement do not present quantitative data or reference other studies to support the claims regarding oral bioavailability.”

NIOSH response: No quantitative data on the oral bioavailability of pertuzumab exist. The bioavailability of monoclonal antibodies and proteins are low because they are degraded in the gastrointestinal tract and are poorly absorbed through the gastrointestinal epithelium [Keizer et al. 2010; Wang et al. 2008]. This severely limits the bioavailability of intact proteins passing through the GI tract. Because of this, systemic exposure via the oral route is likely much lower when compared with the inhalation worst-case scenario NIOSH considered. The same is true for dermal exposures. The worst-case scenario NIOSH addressed in the inhalation scenario is likely the worst-case scenario overall. Some clarifying language has been added to the appropriate sections of the document.

Reviewer 1 comment 3: “Oligohydramnios being reversible does not necessarily indicate no adverse effect on the fetus. Downstream and upstream effects should be considered.”

NIOSH response: Only one case study of exposure to pertuzumab during

pregnancy in a human was identified and that exposure included co-exposure with trastuzumab. Information was available on exposure to trastuzumab, the similar monoclonal antibody targeting the same HER2 mechanism. No long-term follow-up on the exposed children was identified, but the Zagouri et al. [2013] review noted that all children with only first trimester exposure, when treatment was ceased, had good outcomes, and all babies born healthy were still healthy at nine months after birth. However, this is the only follow-up identified.

Reviewer 1 comment 4: “Given the severity of the renal effects seen in cynomolgus monkey offspring, removal of pertuzumab from the *List* based on its molecular properties related to exposure should be based on a strong evidence base (e.g., direct evidence in humans that a single low exposure dose does not carry risk of renal effects in the fetus).”

NIOSH response: Only one case study identifying human pregnancy exposure to pertuzumab was identified and that patient was also receiving trastuzumab. In the cynomolgus monkey study, the effects did appear to be dose-related and treatment was continued throughout gestation. Data in humans with in utero exposure to the monoclonal antibody trastuzumab, which targets the same mechanism, suggest that the effects are reversible, and when exposure is ceased, outcomes improve with healthy babies being born. Lambertini et al. [2019] found 12 cases of potential in utero exposure to trastuzumab and/or the HER2 targeting small molecule drug lapatinib, seven had elective abortions and five continued the pregnancy. In all cases where the child was born, exposure was only during the first trimester. Outcomes at birth were normal for four. In the fifth, the baby was delivered via caesarian at 34 weeks due to growth retardation. In that case, the mother had received radiation therapy for brain metastasis and died 17 days following delivery. The mechanism of action of pertuzumab appears to lead to reversible effects when exposure is not continuous.

Reviewer 1 comment 5: “The use of another drug, trastuzumab, as a model for pertuzumab, may provide some insights, but this evidence must be interpreted with caution because small differences between substances with similar structures or mechanisms of action can significantly impact their biological activity, as exemplified by (but not limited to) the ability of pertuzumab, but not trastuzumab to induce activation of the PI3K cell survival pathway [FDA 2012].”

NIOSH response: In cell lines, pertuzumab does block activation of the PI3K survival pathway as indicated by decreased phosphorylation of AKT in a cancer cell line.⁶ Physiological effects appear similar between the two monoclonal antibodies. There are no available reports of fetal effects of pertuzumab without concurrent trastuzumab exposure in humans during pregnancy. Trastuzumab was used as a model of human exposure during pregnancy because the primary target pathway for the two molecules is the same, and the effect in humans and the cynomolgus monkeys are the same. This indicates that the mechanism of action is related to the similar HER2 inhibition of the two molecules.

Reviewer 1 comment 6: “The lack of a NOAEL suggests that a strong case is needed for this drug to be exempt based on the ‘molecular properties’ argument.”

NIOSH response: While there is no identified NOAEL stated in the available monkey studies, the effects do appear to increase in severity with dose. For trastuzumab, which targets the same molecular mechanism, it also appears that continued exposure in the later trimesters of pregnancy is required to initiate the effects that lead to oligohydramnios. The molecular properties of monoclonal antibodies mean the bioavailability to a single exposure is lower. Repeated exposure to a level that might lead to systemic exposures that could lead to continued reversible effects are also unlikely.

Reviewer 1 comment 7: “Would this section [the section called Hazard Characterization] be more appropriately named something related to exposure rather than hazard?”

NIOSH response: Under the heading Integrated Toxicity and Molecular Property Hazard Characterization of the *NIOSH Reevaluation of Pertuzumab on the NIOSH List of Antineoplastic and Other Hazardous Drugs in Healthcare Settings*, NIOSH discussed how the relevant molecular properties, in this case, molecular weight, affect the hazard of the drug. In this case, consideration of relevant potential exposures influence how the potential hazard is characterized. This information is about hazard characterization rather than exposure. No change was made to the *NIOSH Final Reevaluation Determination of Pertuzumab on the NIOSH List of Hazardous Drugs in Healthcare Settings* in response to this comment.

⁶Pertuzumab, but not trastuzumab, blocks the activation of a cell survival pathway in cultured cell lines in an *in vitro* assay.

b. Reviewer 2

Reviewer 2 comment 1: “An accidental needle stick is the only reasonable route of exposure for healthcare workers. The skin serves as an effective barrier to penetration of most environmental sources of chemicals, including large molecules such as pertuzumab. Orally, pertuzumab will be degraded by intestinal proteases. Since pertuzumab is provided as a solution in a single use vial to be mixed with saline prior to infusion, inhalation of droplets will not provide sufficient exposure to result in risks to the fetus of a healthcare worker.”

NIOSH response: NIOSH does not limit the consideration to the currently available formulation. Formulations may change over time, so inhalation was considered.

Reviewer 2 comment 2: “The estimate for inhalation exposure of 5% was developed for workers in a manufacturing setting to derive occupational exposure limits but is likely an overestimate of potential exposure of pertuzumab in a healthcare setting. According to the data and discussion in Pfister et al. [2014], the 5% value represents a maximum bioavailability for proteins >40 kDa; 1.7% was the median. According to the package insert, pertuzumab has an approximate molecular weight of 148 kDa. Proteins >40 kDa were applied by intratracheal instillation (Table 1). This is not a likely route of exposure for pertuzumab in a healthcare setting.”

NIOSH response: While intratracheal instillation is not a likely route of exposure for a drug in a healthcare setting, it provided the only data to consider bioavailability through the respiratory tract tissues. The studies reviewed by Pfister et al. [2014] did include studies that looked at intratracheal instillation of monoclonal antibodies like pertuzumab.

Reviewer 2 comment 3: “Another sensitive endpoint could be assessing respiratory sensitization in workers through workplace monitoring, but this should be applied only if there is a hazard identified in a clinical trial or post marketing setting. According to Pfister et al., respiratory sensitization has not been observed in a manufacturing setting to date.”

NIOSH response: The NIOSH List does not consider respiratory sensitization as a criterion for identifying potential drug hazards.

c. Reviewer 3

Reviewer 3 comment 1: “[A]nother potential health effect could be heart problems associated with Perjeta

treatment [Shrim et al. 2007; Swain et al. 2014]. The decreased left ventricular ejection fraction resulting in cardiac failure and congestive heart failure has been listed as possible side effects of the treatment and should be reversible when the treatment is stopped. To the best of my knowledge, there were no reported heart related issues with the offsprings from the in vivo studies. Whether the occupational exposure concentrations would be high enough to cause the potential heart problems or not, this should be considered as a probable hazard to healthcare workers in occupational exposure settings.”

NIOSH response: Cardiac effects may occur at treatment levels, but these do not meet NIOSH criteria. Even in the worst-case scenario, systemic exposures in healthcare workplaces are unlikely to reach levels near treatment levels. The cardiac effects are unlikely to be of relevance in occupational exposures in healthcare settings because they are associated with exposures only at treatment levels.

Reviewer 3 comment 2: “Based on the highest concentration provided (30 mg/mL), an accidental needle stick delivery based on the different needle properties [Foster et al. 2010; Gaughwin et al. 1991; Krikorian et al. 2007; Mast et al. 1993; Napoli and McGowan 1987] would be negligible (<1 µL) to achieve the human dose. Since pertuzumab is not volatile, an inhalation route would pose negligible hazard. As mentioned above, the accidental needle stick delivery would be extremely low to achieve the human dose.”

NIOSH response: NIOSH evaluated a scenario for needlestick that went beyond the worst case. NIOSH agrees that an incidental needlestick would not deliver a human dose, but even if it did, multiple needle sticks providing the relevant exposures are not considered to be likely. The effect of concern is reversible and requires repeated exposure to maintain the systemic exposure levels that would cause oligohydramnios, which would not happen even in the NIOSH evaluated worst-case scenario.

V. Summary of Updates and Changes to NIOSH List of Hazardous Drugs in Healthcare Settings

In this update, 25 drugs have been added to the List since the publication of the NIOSH List of Antineoplastics and Other Hazardous Drugs, 2016. Twelve of those newly added drugs have special handling information from the manufacturers. Seven drugs have been removed from the List, including liraglutide and pertuzumab. These additions and removals, as well as the

reorganization discussed below, are now reflected in the NIOSH List of Hazardous Drugs in Healthcare Settings, 2024, available on the NIOSH website (see <https://www.cdc.gov/niosh/healthcare/hazardous-drugs/index.html>) and in the docket for this activity.

Drugs reviewed for this update were either new drug approvals or those drugs that received new safety-related warnings from FDA in the period between January 2014 and December 2015. In addition to these updates, the tables categorizing hazardous drugs have been reorganized.

Table 1 now includes drugs that:

- Contain MSHI in the package insert, and/or
- Meet the NIOSH definition of a hazardous drug, and
- Are classified by NTP as known to be a human carcinogen and/or by IARC as carcinogenic to humans (Group 1) or probably carcinogenic to humans (Group 2A).

In the 2016 List, Table 1 focused on antineoplastic drugs. However, in the 2024 List, NIOSH has removed the identifier “antineoplastic” because of advances in cancer treatment, the therapeutic designation “antineoplastic” no longer indicates drugs of high toxicity. Therefore, Table 1 focuses on the toxicity and carcinogenicity of drugs, regardless of their therapeutic use.

Table 2 now contains drugs that:

- Meet one or more of the NIOSH definitions of a hazardous drug, and
- Are not drugs with MSHI, and
- Are not classified by NTP as known to be a human carcinogen or by IARC as carcinogenic to humans (Group 1) or probably carcinogenic to humans (Group 2A).

Some of the drugs in Table 2 have adverse reproductive effects for populations at risk.

This table includes those drugs that only meet the NIOSH criteria as a developmental (including teratogenicity) and/or reproductive hazard. In the 2016 update of the List, such drugs were included in a separate table (Table 3), which has been combined with Table 2. Drugs that only meet the NIOSH criteria as a reproductive and/or developmental hazard are identified in a column labeled “Only Developmental and/or Reproductive Hazard” in the 2024 List.

Changes to the placement of drugs on the List, including drugs that are no longer considered hazardous and those that have been moved from one table to another, are described in a new section in the 2024 List and not called out in a

separate table as in the 2016 update (former Table 4).

In the 2016 update, Table 5 provided information on recommended exposure controls for hazardous drugs based on formulations. NIOSH moved and expanded the risk management information formerly provided in Table 5 and developed a new document, *Managing Exposures*. This document includes information on engineering controls, administrative controls, and PPE for working with hazardous drugs in healthcare settings. It is available on the NIOSH Hazardous Drug Exposures in Healthcare website.⁷

In previous updates, NIOSH included a supplemental information column that contained additional information about individual drugs, including pregnancy categories. However, as of 2015, FDA no longer uses the pregnancy categories for drugs and this information was not necessarily related to the NIOSH decision to place the drug on the *List*. Therefore, NIOSH has removed the supplemental information column from the 2024 *List*.

Finally, in the 2024 *List*, NIOSH has added a column to identify drugs that were approved by CDER under a BLA. These drugs tend to be large, protein-based molecules. The properties of these drugs may affect the strategies used to address the hazards they pose. Identifying them would aid in hazard identification for risk management in healthcare settings. NIOSH notes that some of the drugs that were approved under a BLA may include conjugates with their own separate hazards, which should also be taken into account.

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⁷ https://www.cdc.gov/niosh/healthcare/hazardous-drugs/?CDC_AAref_Val=https://www.cdc.gov/niosh/topics/hazdrug/default.html.

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John Howard,

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BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Centers for Disease Control and Prevention (CDC)/Health Resources and Services Administration (HRSA) Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment; Notice of Charter Renewal

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of charter renewal.

SUMMARY: The Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services (HHS), announces the renewal of the charter of the Centers for Disease Control and Prevention (CDC)/Health Resources and Services Administration (HRSA) Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment (CHAC).

FOR FURTHER INFORMATION CONTACT: Jonathan Mermin, M.D., M.P.H., Designated Federal Officer, CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment, Centers for Disease Control and Prevention, Department of Health and Human Services, 1600 Clifton Road NE, Mailstop H24–6, Atlanta, Georgia 30329–4027. Telephone: (404) 639–8000; email: JMermin@cdc.gov.

SUPPLEMENTARY INFORMATION: CDC is providing notice under 5 U.S.C. 1001–1014 of the renewal of the charter of the Centers for Disease Control and Prevention (CDC)/Health Resources and Services Administration (HRSA) Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment, Centers for Disease Control and Prevention, Department of Health and Human Services. This charter has been renewed for a two-year period through November 25, 2026.

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. 2024–30414 Filed 12–19–24; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Mine Safety and Health Research Advisory Committee; Notice of Charter Renewal

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of charter renewal.

SUMMARY: The Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services (HHS), announces the renewal of the charter of the Mine Safety and Health Research Advisory Committee (MSHRAC).

FOR FURTHER INFORMATION CONTACT: Robert Randolph, M.S., Designated Federal Officer, Mine Safety and Health Research Advisory Committee, Centers for Disease Control and Prevention, Department of Health and Human Services, 626 Cochrans Mill Road, Pittsburgh, Pennsylvania 15236. Telephone: (412) 386–4660; email: RRandolph@cdc.gov.

SUPPLEMENTARY INFORMATION: CDC is providing notice under 5 U.S.C. 1001–1014 of the renewal of the charter of the Mine Safety and Health Research Advisory Committee, Centers for Disease Control and Prevention, Department of Health and Human Services. This charter has been renewed for a two-year period through November 30, 2026.

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. 2024–30408 Filed 12–19–24; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–65 and CMS–10142]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE **FEDERAL REGISTER**].

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting

“Currently under 30-day Review—Open for Public Comments” or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term “collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Final Peer Review Organizations Sanction and Supporting Regulations; *Use:* The Peer Review Improvement Act of 1982 amended Title XI of the Social Security Act (the Act), creating the Utilization and Quality Control Peer Review Organization Program. Section 1156 of the Act imposes obligations on health care practitioners and others who furnish or order services or items under Medicare. This section also provides for sanction actions, if the Secretary determines that the obligations as stated by this section are not met. Quality Improvement Organizations (QIOs) are responsible for identifying violations. The QIOs may allow practitioners or other entities, opportunities to submit relevant information before determining that a violation has occurred. The information collection requirements contained in this information collection request are used by the QIOs to collect

the information necessary to make their decision. *Form Number:* CMS-R-65 (OMB control number: 0938-0444); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 34; *Total Annual Responses:* 34; *Total Annual Hours:* 8,144. (For policy questions regarding this collection contact Cheryl Lehane at 617-461-4888.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Bid Pricing Tool (BPT) for Medicare Advantage (MA) Plans and Prescription Drug Plans (PDP); *Use:* Medicare Advantage organizations (MAO) and Prescription Drug Plans (PDP) are required to submit an actuarial pricing “bid” for each plan offered to Medicare beneficiaries for approval by CMS. The MAOs and PDPs use the Bid Pricing Tool (BPT) software to develop their actuarial pricing bid. The competitive bidding process defined by the “The Medicare Prescription Drug, Improvement, and Modernization Act” (MMA) applies to both the MA and Part D programs. It is an annual process that encompasses the release of the MA rate book in April, the bid’s that plans submit to CMS in June, and the release of the Part D and RPPO benchmarks, which typically occurs in August. *Form Number:* CMS-10142 (OMB control number: 0938-0944); *Frequency:* Yearly; *Affected Public:* Private sector—Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 460; *Total Annual Responses:* 11,700; *Total Annual Hours:* 406,000. (For policy questions regarding this collection contact Rachel Shevland at 410-786-3026 or rachel.shevland@cms.hhs.gov.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024-30444 Filed 12-19-24; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity: Home Study and Post Release Services Provided to Unaccompanied Children (Office of Management and Budget #: 0970-NEW)

AGENCY: Office of Refugee Resettlement, Administration for Children and

Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is inviting public comments on the proposed information collection, including proposed changes. The request consists of several forms that will allow the Unaccompanied Children (UC) Bureau to continue providing statutorily mandated and discretionary services to promote safe reunifications between sponsors and unaccompanied children released from ORR care and custody.

DATES: *Comments due* February 18, 2025. In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described in this notice.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing infocollection@acf.hhs.gov. Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: ORR has undertaken a reorganization of its information collections to promote operational efficiency. The reorganization will result in more collections that contain fewer forms under a single Office of Management and Budget (OMB) number. This request is to create a new information collection that contains forms associated with the provision of Home Study and Post-Release Services (HS/PRS) to unaccompanied children and their sponsors. This information collection will contain six forms transferred from three existing information collections. The forms and the information collections under which they are currently approved are as follows:

- Administration and Oversight of the Unaccompanied Children Program (OMB #0970-0547)
 - Notification of Concern (Form A-7)
- Services Provided to Unaccompanied Children (OMB #0970-0553)
 - Home Study Assessment (Form S-6)
 - Post-Release Service Referral (Form S-19)
 - Post-Release Services Report (Form S-22)
 - Home Study Referral (Form S-26)
- Release of Unaccompanied Children from ORR Custody (OMB #0970-0552)

○ Virtual Check-in Questionnaire (Form R-6)

These forms are completed by care provider case managers at care provider facilities to initiate the referral process for children and sponsors to receive HS/PRS and to document the outcome of safety and well-being follow-up calls to sponsors and released children; by PRS caseworkers to document the provision of PRS, to capture high-level milestones in the child's case after reunification; and to notify ORR of concerning situations that affect a child's safety and well-being, post-release; by home study caseworkers to document and assess the conditions present in the sponsor's home that may impact the released child's safety and wellbeing. These forms are documentary in nature and a critical component of the child's case file.

In addition to grouping forms related to HS/PRS together in this information collection, ORR is proposing the following revisions:

• *Notification of Concern (Form A-7):*

○ Adjust the burden estimate to account for an increase in the number of children placed in ORR care, reflect that the form is completed by three different groups of respondents, and to reflect an increase in the overall number of fields the respondent will need to complete. The annual number of respondents increased from 60 HS/PRS providers to include 60 HS/PRS providers, 300 care provider case managers, and 78 ORR National Call Center call specialists. The annual number of responses per respondent decreased from 75 responses per HS/PRS Caseworker to 41, with the average number of responses per care provider case manager increasing from 0 to 8.2 and the average number of responses per ORR NCC call specialist increasing from 0 to 31.5. The average burden hours per response increased from 0.25 hours to 0.33 hours to reflect the addition of new fields described above.

• *Home Study Assessment (Form S-6):* ORR currently has two approved version of this form—one in Word and one that was designed for the UC Path system, which was never implemented. ORR proposes discontinuing the Word version and converting the UC Path version into a PDF form with the following revisions:

○ Global Changes

- Replace “UC”, “UAC”, and “Minor” with “Child” or “Unaccompanied Child” wherever they appear
- Make minor changes to the phrasing of some existing field labels for clarity

- Update dropdown options for the “Gender” field, wherever it appears, to include male, female, and nonbinary
- Change all fields that capture both date and time to only capture the date

- Add the following fields to the Sponsor Identifying Information section:
 - Phone Number
 - Relationship to Child
 - Marital Status
- Reword a couple existing field labels and add the following fields to the Case Information section:
 - Date Referred for Home Study
 - Current Care Provider Facility Name
 - Care Provider Staff Name
 - Care Provider Staff Phone
 - Care Provider Staff Email
 - Supervisor Phone
 - Supervisor Email
 - Caseworker Phone
 - Caseworker Email
 - Subcontractor Phone
 - Subcontractor Email
- Under the Reason for Referral section:
 - Change the “Referral Type” field from open text to a dropdown with options for the Trafficking Victims Protection Reauthorization Act of 2008 (TVPR), Mandated, and Discretionary
 - Change the “Reason for Referral” field from open text to a list of checkbox options that align with reasons a child's case would be referred for a home study per 45 CFR 410.1204
 - Add an open text field for “Additional Information Supporting Referral” (if Necessary)
 - Remove “Concerns to investigate during visit” field
- Under the “Household Members” section:
 - Change the “Relationship to Sponsor” and “Relationship to Child” from open text to dropdown fields
 - Add the following fields:
 - Age
 - Present during home study?
 - Child Abuse/Neglect (CA/N) Check?
 - Sex Offender Registry Check?
 - Fingerprinted?
 - Remove the following fields:
 - Current Household Member
 - Record ID
 - Related HS Assessment
 - Entry ID
- Remove the following fields from the Community Resources section:
 - HS Assessment
 - Entry
- Under the Unaccompanied Child Background section:

■ Expand a single question concerning a child's individualized needs impacting their daily function into six discreet questions pertaining to physical disabilities, developmental disabilities, serious health conditions, current medication regimen, special dietary needs, and the routine use of medical equipment. Each new question includes “Yes/No” radio buttons and an open text field for further elaboration if applicable.

■ Change the type of response solicited by a question concerning the child's need for support due to criminal, substance use, and gang affiliation histories from yes/no radio buttons to checkboxes for each type of history, and add an open text field for further elaboration, if needed.

○ Under the “Sponsor Background” section:

- Add the following questions:
 - How does the sponsor manage the concerns reported above?
 - Ask the sponsor to list any local resources they rely on or consider to be an asset to the community (example: libraries, parks, clinics, church, community center, nonprofit organizations, social/affinity groups, etc.):
 - Follow up: Does the sponsor appear knowledgeable about their community? (Yes/No)

■ Reorganize the three checkboxes confirming that the sponsor was provided certain information into five checkboxes.

○ In the Sponsor's Motivation and Relationship to the Child Section, add two open text boxes that will allow for further elaboration when the user selects “yes” for one of the following questions:

- Does the sponsor have a family support system in the U.S.?
- Was the sponsor aware or involved in the UC's child's plan to migrate to the U.S.?

○ Under the Sponsor's Parenting Ability section:

- Add the following fields:
 - Is the sponsor aware of state and local laws on supervision of children?
 - If yes, describe the life changes and plans to accommodate the child.
- (Follow-up to a question concerning expected major life changes for the sponsor)

“What is the sponsor's understanding of the child's health needs?”

• What is the sponsor's understanding of the child's mental health needs?

■ Revise the question “Is the sponsor aware of any special needs, mental health or complex needs of the child?” to “Is the sponsor prepared to support the health needs of the child?”

- Under the Legal Services section, replace the abbreviation “LOPC” with “Legal Orientation Program for Custodians presentation”

- Under the Financial section, add “Does the sponsor understand that they are not authorized to charge the child or their family any fees or be reimbursed for their costs?”

- Add the following under the Home and Community Section:

- Which of the following accessible features are present in the sponsor home? (Checkboxes: Exterior ramps, Elevator, Grab bars, Wide hallways and doorways, Motion-sensitive lighting, Walk/roll-in shower or tub, Low countertops, Raised-height toilet, Other (Please Describe). An open textbox to provide more information if the user selects “Other” is also included.)

- Are Sleeping Quarters and common areas handicapped accessible?

- Does the sponsor have knowledge on how to access public transportation?

- Under the Summary section, add the question “Is there an active plan in place to address the above concerns?”

- Adjust the burden estimate to reflect an increase in the number of home studies conducted and in the overall number of fields the respondent will need to complete. The annual number of respondents is unchanged, the annual number of responses per respondent increased from 81 to 124.4, and the average burden hours per response increased from 0.75 hours to 1.0 hours.

- *Post-Release Services Referral (Form S-19):*

- Add “physical location of the child” filed to the UC Basic Information section, consistent with changes made to the UC Case Status (Form S-27) form; this field will auto-populate data from the UC Portal Discharge Tab.

- Move the following fields to appear closer to the top of the form:

- Referral ID
- Referral Status
- Acceptance Date
- Expected Closure Date

- Add the following fields to both the PRS–TVPPRA section and PRS sections under Sponsor Information:

- Sponsor Phone Number
- Sponsor relationship to Child
- Sponsor Email

- Add the following fields under both the PRS–TVPPRA section and PRS sections under the Referring Facility Information section:

- Case Manager Name
- Unification Specialist Name
- Unification Specialist Email

- Add a new section header called “Referral Information” and group the following fields under the new header:

- What Provider Conducted the Home Study

- Reason for Referral
- Special Instructions

- Add “Additional Details” field with open text next to the “Special Instructions” field.

- For the “Reason for Referral” field under the PRS–TVPPRA section, remove the “ORR Discretionary” option and rephrase the “Physical or Sexual Abuse by Caregiver (TVPPRA)” field to “Physical or Sexual Abuse (TVPPRA)”.

- For the “Reason for Referral” field under the PRS section:

- Rephrase the “Non-relative Sponsor, Multiple Sponsorship (ORR Mandated)” field to “Multiple concurrent sponsorships with at least one unrelated child (ORR Mandated)”.

- Add an option for “Previously sponsored two or more children (ORR Mandated)”.

- Rephrase the “UC Going to Non-Relative Sponsor (ORR Mandated No Home Study)” field to “Child Going to Non-Relative Sponsor (No Home Study)”.

- Adjust the burden estimate to account for an increase in the number of care provider facilities completing the form and number of children placed in ORR care, as well as the expansion of Post-Release Services, which are now offered to every child. These changes also reflect a slight increase in the overall number of fields the respondent will need to complete. The annual number of respondents increased from 216 to 300, the annual number of responses per respondent increased/decreased from 46 to 327.3 and the average burden hours per response increased/decreased from 0.33 hours to 0.5 hours.

- *Post-Release Services Report (S-22):* ORR plans to digitize and incorporate this form into its new interactive, web-based application for PRS. The digitized version of the form collects that same information as the currently approved version with some minor modifications as follows:

- Change the form title from “Post-Release Services Event” to “Post-Release Services Report”.

- Change manual entry fields to auto-populate wherever possible.

- Reword field labels for clarity where needed.

- Add instructional text to help the user navigate the form.

- Adjust the burden estimate to account for an increase and number of children placed in ORR care, and to reflect a slight increase in the overall number of fields the respondent will need to complete. The annual number of

respondents remains unchanged and the annual number of responses per respondent increased from 968 to 4,112.4. The average burden hours per response increased from 1.0 to 1.08 hours.

- *Home Study Referral (S-26):*

- Add “physical location of the child” filed to the UC Basic Information section, consistent with changes made to the UC Case Status (Form S-27) form; this field will auto-populate data from the UC Portal Discharge Tab.

- Add radio buttons at the top of the form with the following options:

- TVPPRA
- ORR-Mandated
- Discretionary

- Move the following fields to appear closer to the top of the form:

- Referral ID
- Referral Status
- Acceptance Date
- Expected Closure Date

- Add the following fields to both the “PRS–TVPPRA” section and “PRS” sections under “Sponsor Information”:

- Sponsor Phone Number
- Sponsor relationship to Child
- Sponsor Email

- Add the following fields under both the PRS–TVPPRA section and PRS sections under the Referring Facility Information section:

- Case Manager Name
- Unification Specialist Name
- Unification Specialist Email

- Add a new section header called “Referral Information” and group the following fields under the new header:

- What Provider Conducted the Home Study
- Reason for Referral
- Special Instructions

- Add “Additional Details” field with open text next to the “Special Instructions” field.

- For the “Reason for Referral” field:
- Rephrase the “Non-relative Sponsor, Multiple Sponsorship (ORR Mandated)” field to “Multiple concurrent sponsorships with at least one unrelated child (ORR Mandated)”.

- Add an option for “Previously sponsored two or more children (ORR Mandated)”.

- Rephrase the “UC Going to Non-Relative Sponsor (ORR Mandated No Home Study)” field to “Child Going to Non-Relative Sponsor (No Home Study)”.

- Adjust the burden estimate to account for an increase in the number of care provider facilities completing the form and number of children placed in ORR care. These changes also reflect a slight increase in the overall number of

fields the respondent will need to complete. The annual number of respondents increased from 216 to 300, the annual number of responses per respondent increased from 46 to 327.3 and the average burden hours per response increased from 0.33 hours to 0.5 hours.

- *Virtual Check-In Questionnaire (Form R-6)*: ORR currently has two approved versions of this form—one in Excel and one that was designed for a web-based application. ORR proposes discontinuing the Excel version and

plans to incorporate the other version into its new interactive, web-based application for PRS with some minor modifications as follows:

- Change manual entry fields to auto-populate wherever possible.
- Reword field labels for clarity where needed.
- Add instructional text to help the user navigate the form.
- Adjust the burden estimate to account for an increase in the number of PRS providers completing the form and to better estimate the number of

children and sponsors responding to the questionnaire. The annual number of respondents decreased from 128,487 to 98,195 for children and sponsors and increased from 40 to 60 for PRS providers, and the annual number of responses per respondent decreased from 19,273 to 9,820 for PRS providers.

Respondents: ORR grantee and contractor staff, released children, and their sponsors.

Annual Burden Estimates:

ANNUAL BURDEN ESTIMATE FOR RESPONDENTS

Form	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual total burden hours
Notification of Concern (Form A-7)-HSPRS Caseworker	60	41	0.33	812
Notification of Concern (Form A-7)-Care Provider Case Manager	300	8.2	0.33	812
Notification of Concern (Form A-7)-ORR NCC Staff	78	31.5	0.33	811
Home Study Assessment (Form S-6)	60	124.4	1.00	7,464
Post-Release Services Referral (Form S-19)	300	327.3	0.50	49,095
Post-Release Services Report (Form S-22)	60	4,112.4	1.08	266,484
Home Study Referral (Form S-26)	300	327.3	0.50	49,095
Virtual Check-in Questionnaire (Form R-6)-Sponsor	98,195	3.0	0.25	73,646
Virtual Check-in Questionnaire (Form R-6)-Child	98,195	3.0	0.25	73,646
Virtual Check-in Questionnaire (Form R-6)-Provider	60	9,820.0	0.58	341,736
Estimated Annual Burden Hours Total: .....	.....	.....	.....	863,601

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

(Authority: 6 U.S.C. 279; 8 U.S.C. 1232)

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2024-30385 Filed 12-19-24; 8:45 am]

BILLING CODE 4184-45-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; Diaper Distribution Demonstration and Research Pilot Beneficiary Information

AGENCY: Office of Community Services, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Community Services (OCS), Administration for Children and Families (ACF), U.S. Department of Health and Human Services, is proposing to continue to collect data to understand diaper need and outcomes for beneficiaries of the Diaper Distribution Demonstration and Research Pilot (DDDRP).

DATES: *Comments due* January 21, 2025. The Office of Management and Budget (OMB) must decide about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect 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 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. You can also obtain copies of the proposed collection of information by emailing infocollection@acf.hhs.gov. Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The DDDRDP Beneficiary Information collection includes a beneficiary survey to be used by the first three cohorts of grant recipients and a beneficiary report to be used by cohort 4 and grant recipients receiving future awards. The DDDRDP beneficiary survey was developed to examine diaper need and outcomes for beneficiaries served by DDDRDP. It was piloted under the Formative Data Collections for ACF Program Support information collection (OMB #0970-0531) with the first three cohorts of DDDRDP grant recipients. The survey is administered at enrollment and collects demographic data on the children served and caregivers enrolling the program, along with information about employment, education, and

income as well as indicators of diaper need. The DDDRP beneficiary report is a report submitted by grant recipients ever six months that includes information on beneficiary characteristics and outcomes collected by grant recipient partners.

Respondents: Respondents for the beneficiary survey are the caregivers enrolling their family members with diaper needs in DDDRP services. Respondents for the beneficiary report are the grant recipients and their partners who collect and compile the

data, as well as the beneficiaries who provide information on their characteristics and outcomes.

Annual Burden Estimates

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
Beneficiary Survey—Enrollment Version	13,500	1	.167	2,250	750
Beneficiary Report—Grant Recipients	35	4	3	420	140
Beneficiary Report—Partners	280	4	10	11,200	3,733.33
Beneficiary Report—Beneficiaries	64,000	2	0.083	10,666.67	3,555.56

Estimated Total Annual Burden Hours: 8,178.89.

Authority: Section 1110, Social Security Act, 42 U.S.C. 1310.

Mary C. Jones,
ACF/OPRE Certifying Officer.

[FR Doc. 2024–30407 Filed 12–19–24; 8:45 am]

BILLING CODE 4184–24–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Unaccompanied Children Bureau Administrative Activities (Office of Management and Budget #: 0970–0547)

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) is inviting public comment on revisions to an approved information collection, Office of Management and Budget (OMB) #0970–0547. The request consists of several forms that allow ORR to perform Unaccompanied Children Bureau (UCB)-related administrative activities, such as facilitating stakeholder visits to care provider facilities; obtaining consent from children to share their case file information; and processing requests and waivers for the hiring of key and non-key personnel at care provider facilities.

DATES: *Comments due* February 18, 2025. In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting

public comment on the specific aspects of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing infocollection@acf.hhs.gov. Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: This request is to remove six forms, which will be transferred into a new information collection, and revise four existing forms in this collection. ORR also proposes retitling this information collection from “Administration and Oversight for the Unaccompanied Children Program” to “Unaccompanied Children Bureau Administrative Activities” to better describe the types of forms in the information collection and to reflect with a recent name change for the program.

Forms Being Removed and Transferred into a New Information Collection

ORR UCB is in the process of reorganizing its information collections to create more unique information collections that will contain fewer forms under each OMB control number. This will promote operational efficiency for UCB by decreasing the burden associated with renewing large collections and enabling UCB to create more purpose-specific information collections. In addition, this will facilitate OMB review by ensuring the scope of the collection is targeted and narrower than existing collections, resulting in clearer requests. As part of that reorganization effort, ORR plans to move the following forms into a new information collection titled “Incident Reporting for the Unaccompanied Children Bureau.” This request and the request for the new Incident Reporting information collection will be submitted to OMB concurrently.

- Child-Level Event (Form A–9A)
- Emergency Significant Incident Report (Form A–9B)
- Significant Incident Report (Form A–9C)
- Historical Disclosure (Form A–9D)
- Behavioral Note (Form A–9E)
- Program-Level Event Report (Form A–10)

Revisions to Existing Forms

ORR plans to make the following revisions to existing forms in this information collection:

- Notice to Unaccompanied Children for Flores Visits (Forms A–4)
 - Change the title of the form from “Notice to UC for Flores Counsel Visits” to “Notice to Unaccompanied Children for Flores Counsel Visits”
- Care Provider Facility Tour Request (Form A–1A)
 - Retitle the form from “Care Provider Facility Tour Request” to “Care Provider Facility Tour and Visit Request” to better represent the purpose of the form. In addition to tours, the form may also be used to request visits (requests to come onsite that do not involve a formal tour of the facility).
 - Update the words “tour” or “visit” to read “tour or visit” wherever they appear by themselves in the form (as applicable).
 - Reword parts of the introductory text at the top of the form and instructions throughout the form for clarity.
 - Add “including HHS, ACF, ORR employees, and ORR contractors” in parentheses after the “Federal Agency” option for the “Type of Visitor” field to clarify which federal agencies must complete the form.
 - Revise the burden estimate to account for an increase in the number of requests submitted and more accurately reflect how long it takes to complete the form. The annual number of respondents increased from 200 to

620 and the average burden hours per response increased from 0.17 to 0.33.

• **Key Personnel Minimum Qualifications Checklist and Attestation (Form A–14)**

○ Revise the introductory text to the form to remove repetition and improve readability.

○ Revise Section D: Candidate Minimum Qualifications to:

■ Reorganize how the minimum qualifications for each position are displayed to make it easier for the respondent to understand the requirements.

■ Change the “Candidate does not meet minimum qualification” checkbox into a question that asks “Does the candidate meet the minimum qualification?” with yes/no options so that the respondent may more clearly communicate whether the candidate meets minimum qualifications.

■ Update the qualifications for each position and add two new positions (Background Check Specialist and Lead Medical Coordinator) to reflect revisions that are under consideration for ORR’s residential services cooperative agreement.

○ Revise the burden estimate to account for an increase in the number of care provider facilities, a decrease in the number of forms submitted, and more accurately reflect how long it takes to complete the form. The annual number of respondents increased from 235 to 300, the annual number of responses per respondent decreased from nine to six, and the average burden hours per response increased from 0.17 to 0.42.

• **ORR Waiver Request (Form A–15)**

○ Add a burden statement at the top of the form.

○ Break the form into several sections to make it more digestible for respondents.

○ Rephrase several field labels for clarity and succinctness.

○ Add a field for the respondent to specify whether they are a care provider facility or a home study or post-release service provider.

○ Change the “Type of Facility/ Provider” field label to “Level of Care” and update the related checkbox options to better reflect care provider facility levels of care.

○ Add a place where respondents can upload a supervision or training plan when applicable for their request.

○ Revise the burden estimate to account for an increase in the number of care provider facilities. The annual number of respondents increased from 235 to 300.

Revisions to Burden Estimates Only for Existing Forms

• **Authorization for Release of Records (Form A–5)**

○ Revise the burden estimate to account for an increase in the number records requests submitted and more accurately reflect how long it takes to complete the form. The annual number of respondents increased from 4,000 to 9,620 and the average burden hours per response increased from 0.25 to 0.5.

Respondents: ORR grantee and contractor staff; advocacy groups, faith-based organizations, researchers, and government officials; attorneys, legal service providers, child advocates, and government agencies; and other stakeholders.

Annual Burden Estimates:

Form	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual total burden hours
Care Provider Facility Tour Request (Form A–1A)	620	1	0.33	205
Notice to Unaccompanied Children for Flores Visits (Forms A–4 and A–4s)	20	1	0.25	5
Authorization for Release of Records (Form A–5)	9,620	1	0.50	4,810
Key Personnel Minimum Qualifications Checklist and Attestation (Form A–14)	300	6	0.42	756
ORR Waiver Request (Form A–15)	300	2	0.33	198
Estimated Annual Burden Hours Total: .....	.....	.....	.....	5,974

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 6 U.S.C. 279; 8 U.S.C. 1232; 45 CFR 410; Flores v. Reno

Settlement Agreement, No. CV85–4544–RJK (C.D. Cal. 1996)

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2024–30384 Filed 12–19–24; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–3902]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Registration of Producers of Drugs and Listing of Drugs in Commercial Distribution and Related Collections of Information

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by 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 0910–0045. Also include the FDA docket number found in

brackets in the heading of this document.

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: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Registration of Producers of Drugs and Listing of Drugs in Commercial Distribution and Related Collections of Information

OMB Control Number 0910–0045—Revision

This information collection supports implementation of requirements related to drug establishment registration and listing governed by section 510 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360), including registrant reporting under section 510(j)(3) of the FD&C Act with respect to listed drugs. The information collection also supports implementation of section 510(j)(3)(B) of the FD&C Act, which authorizes the Secretary of Health and Human Services (the Secretary), by order, to exempt from some or all of the section 510(j)(3) reporting requirements certain biological products or categories of biological products regulated under section 351 of the Public Health Service (PHS) Act if the Secretary determines that such reporting is not necessary to protect the public health. Agency regulations implementing drug establishment and registration provisions are found in part 207 (21 CFR part 207) and include reporting and recordkeeping requirements.

The information collection utilizes guidance documents intended to facilitate reporting and recordkeeping provided for by section 510 of the FD&C Act. All Agency guidance documents are issued consistent with our good guidance practice regulations in 21 CFR 10.115, which provide for public comment at any time. To search available FDA guidance documents, visit the FDA guidance web page at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>. Because FDA relies on establishment registration and drug listing information for several of its programs, complete, accurate, and up-to-date information is essential to FDA's role in ensuring public health.

Respondents to the collection of information are domestic establishments that manufacture, repack, relabel, or salvage a drug, or an animal feed bearing or containing a new animal drug, and foreign establishments that manufacture, repack, relabel, or salvage a drug, or an animal feed bearing or containing a new animal drug, that is imported or offered for import into the United States. As set forth in the applicable regulations, when operations are conducted at more than one establishment and common ownership and control among all the establishments exists, the parent, subsidiary, or affiliate company may submit registration information for all establishments. Establishment registration information helps FDA identify who is manufacturing, repacking, relabeling, and salvaging drugs and where those operations are performed.

Consistent with provisions in § 207.61 (21 CFR 207.61), except as provided in § 207.65 (21 CFR 207.65), all registration and listing information must be transmitted to FDA using FDA's electronic drug registration and listing system in an electronic format that we can process, review, and archive. For more information regarding FDA's Electronic Drug Registration and Listing System (eDRLS), including "Latest News" updates, we encourage respondents to visit our website at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/electronic-drug-registration-and-listing-system-edrln>. Updated daily, a registration database we also maintain that includes a publication of currently registered establishments is on our website at <https://www.fda.gov/drugs/drug-approvals-and-databases/drug-establishments-current-registration-site>.

Since our last evaluation of the information collection, we have made the following modifications as a result of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Pub. L. 116–136):

- The scope of activity for the information collection now reflects exemptions from reporting under section 510(j)(3) of the FD&C Act applicable to: (1) blood and blood components for transfusion and (2) cell and gene therapy products, where one lot treats a single patient, as announced in the **Federal Register** of April 13, 2023 (88 FR 22454) (April 2023 final order).

- We have added recommendations from the guidance document entitled "Planning for the Effects of High Absenteeism to Ensure Availability of Medically Necessary Drug Products" (March 2011) (available at <https://www.fda.gov/media/120092/download>),

to the scope of activity included in the collection of information. The guidance document is intended to encourage manufacturers of drug and therapeutic biological products, and any raw materials and components used in those products, to develop a written Emergency Plan (Plan) for maintaining an adequate supply of medically necessary drug products during an emergency that results in high employee absenteeism. The guidance document discusses the elements that should be covered by such a Plan and recommends notifications to FDA's Center for Drug Evaluation and Research (CDER) when activating or deactivating a Plan.

- Section 510(j)(3) of the FD&C Act requires that registrants annually report the amount of each listed drug that they manufacture, prepare, propagate, compound, or process (hereinafter manufacture) for commercial distribution. Section 510(j)(3) of the FD&C Act also authorizes the Secretary to require that the information be reported in an electronic format as determined by the Secretary, and that it be reported at the time a public health emergency is declared. To provide instruction in this regard, we issued the guidance document entitled "Reporting Amount of Listed Drugs and Biological Products Under Section 510(j)(3) of the FD&C Act" (February 2024) (available at <https://www.fda.gov/media/175933/download>). In addition to supporting FDA's response to drug shortages, the guidance document is also intended to facilitate FDA's access to information useful in making decisions regarding the appropriate level of drug facility surveillance.

- As we continue to receive similar information regarding animal drug shortages, we developed and issued the guidance document "Reporting and Mitigating Animal Drug Shortages" (Center for Veterinary Medicine GFI #271) (May 2023) (available at <https://www.fda.gov/media/137722/download>). The guidance document is intended to assist respondents in notifying FDA about changes in the production of animal drugs that will, in turn, help the Agency in its efforts to prevent or mitigate shortages of animal drugs.

In the **Federal Register** of September 5, 2024 (89 FR 72403), we published a 60-day notice requesting public comment on the proposed collection of information. No comments were received. On our own initiative however, we are noting some clarifications and modifications with regard to the information collection and

are therefore recharacterizing this action as a revision rather than an extension.

First, we have removed the information collection element exclusively attributable to the development of standard operating procedures for providing regulatory submissions in an electronic format. The requirement to submit registration and listing information to FDA electronically has been in effect for more than 10 years and is now standard business practice. We assume that most, if not all, respondents to the information collection now implement and utilize electronic data systems compatible with FDA and invite comment on our assumption. FDA uses a structured product labeling (SPL) standard to support submissions through our electronic submission gateway (ESG). On our website at <https://www.fda.gov/>

industry/fda-data-standards-advisory-board/structured-product-labeling-resources, we provide informational resources regarding the SPL format standard, including Agency guidance, intended to assist respondents with technological considerations in submitting regulatory information to FDA.

Additionally, CDER continues to develop and refine submission tools that utilize interactive data submission technology for a number of its programs. We believe most, if not all, respondents to the collection of information use these platforms to submit required drug registration and listing information and invite comment on our assumption.

We are also clarifying that submission of the unique facility identifier (UFI) and the accompanying data elements referenced in section 510(b), (c), and (i)

of the FD&C Act is included among the scope of activity covered by the information collection. The procedural guidance document entitled “Specification of the Unique Facility Identifier (UFI) System for Drug Establishment Registration,” (November 2014), explains that FDA’s currently preferred UFI for a drug establishment is the Data Universal Numbering System D–U–N–S (DUNS) number, assigned and managed by Dun and Bradstreet. FDA has been using the DUNS number as a registration number for drug establishments since its implementation of electronic drug registration and listing. The guidance document is available for download from our website at <https://www.fda.gov/media/89926/download>.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

Collection activity; authority to collect information	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Initial establishment registration; §§ 207.17, 207.21, and 207.25.	593	2	1,186	1	1,186
Annual review and update of registration information (including expedited updates); § 207.29.	10,480	3	31,440	0.5 (30 minutes)	15,720
Initial listing (including National Drug Code (NDC)); §§ 207.33, 207.41, 207.45, 207.49, 207.53, 207.54, and 207.55.	3,040	7.28	22,130	1.5	33,197
June and December review and update (or certification) of listing; §§ 207.35 and 207.57.	5,153	20	103,060	0.75 (45 minutes)	77,295
Waiver requests; § 207.65	1	1	1	0.5 (30 minutes)	1
Public disclosure exemption request; § 207.81(c) ...	30	1	30	1	30
Manufacturing amount information; FD&C Act section 510(j)(3).	8,700	22.5	195,750	1	195,750
Maintenance of, and notifications associated with, plans to ensure availability of medically necessary drug products during emergency; FDA topic-specific guidance, section III.F.	2	1	2	16	32
Reporting and Mitigating Animal Drug Shortages; FDA topic-specific Guidance, section III.	30	2	60	1	60
Total .....	.....	.....	353,659	.....	323,271

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Although we denote that table 1 reflects reporting activity, we include the retention and maintenance of corresponding records in our calculation and assessment of burden. While there are 10,480 establishments currently registered with FDA, registration and listing data is subject to frequent fluctuation as a result of the volume of activity.

Based on our experience with the information collection, we estimate 593 respondents will submit 1,186 new establishment registrations annually using the CDER Direct submission platform. We assume an average of 1 hour is necessary for this activity. Similarly, we estimate that 10,480

registrants will provide 31,440 annual reviews and updates of registration information (including expedited updates) or reviews and certifications that no changes have occurred. Our estimate includes the registration of establishments for both domestic and foreign manufacturers, repackers, relabelers, and drug product salvagers, and registration information submitted by anyone acting as an authorized agent for an establishment that manufactures, repacks, relabels, or salvages drugs. The estimate also includes an additional 80 positron emission tomography drug producers who are not exempt from registration and approximately 30 manufacturers of plasma derivatives.

We assume 30 minutes is necessary for each annual review and update of registration information (including any expedited updates) or each review and certification that no changes have occurred.

Although we have not received a request for waiver as provided for in § 207.65, we retain a placeholder of 1 for such activity and assume 30 minutes is necessary to prepare and make the submission. Relatedly, we reduced our estimate of requests for exemption from public disclosure the information submitted in accordance with § 207.81 from 100 to 30 to reflect a decrease of activity.

The reporting of manufacturing amount information under section 510(j)(3) of the FD&C Act is a new element to the information collection. We assume it takes 1 hour to prepare and submit the necessary reporting information and estimate an average of 22.5 reports will be submitted annually from 8,700 registrants. We exclude 1,780 respondents from the 10,480 registrants, (accounting for both biological product and drug product registrants) to reflect the reporting exemptions implemented under section 510(j)(3)(B). Also, based on informal communications, we have increased the estimate of burden we attribute to preparing and submitting the requisite information from 15 minutes to 1 hour.

Similarly, intending to ensure the availability of medically necessary drug products during emergencies that might result in high absenteeism at production facilities, we account for burden associated with the development of a manufacturing contingency plan as recommended in Agency guidance “Planning for the Effects of High Absenteeism to Ensure Availability of Medically Necessary Drug Products,” (March 2011), referenced above. We assume that most respondents have already developed a Plan as recommended by the guidance document as a usual and customary business practice, and limit therefore, our current burden estimate to updates, maintenance, and the reporting to FDA of the activation and deactivation of the Plan. We assume two notifications (for purposes of this analysis, we consider an activation and a deactivation notification to equal one notification) will be submitted to CDER annually, and estimate each notification requires an average of 16 hours to prepare and submit.

Finally, animal drug shortage information is also a new element to the information collection. Although not statutorily required, we estimate that 30 respondents will provide 2 notifications annually and that it will take 1 hour to prepare and submit each notification as recommended in the guidance document entitled “Reporting and Mitigating Animal Drug Shortages,” referenced above.

Cumulatively, these adjustments and modifications result in a decrease of 67,004 responses and an increase of 87,413 burden hours, annually. We have removed burden we attributed to developing and implementing electronic data systems as we now regard this activity as usual and customary, however we have increased our estimate of the time needed for some of the

activities to account for corresponding record maintenance.

Dated: December 16, 2024.

P. Ritu Nalubola,

Associate Commissioner for Policy.

[FR Doc. 2024–30355 Filed 12–19–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact Lisa L. Reyes, Clerk of Court, United States Court of Federal Claims, 717 Madison Place NW, Washington, DC 20005, (202) 357–6400. For information on HRSA’s role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 8W–25A, Rockville, Maryland 20857; (301) 443–6593, or visit our website at: <http://www.hrsa.gov/vaccinecompensation/index.html>.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.*, provides that those seeking compensation are to file a petition with the United States Court of Federal Claims and to serve a copy of the petition to the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as

appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that “[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.” Set forth below is a list of petitions received by HRSA on October 1, 2024, through October 31, 2024. This list provides the name of the petitioner, city, and State of vaccination (if unknown then the city and State of the person or attorney filing the claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master “shall afford all interested persons an opportunity to submit relevant, written information” relating to the following:

1. The existence of evidence “that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,” and

2. Any allegation in a petition that the petitioner either:

a. “[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by” one of the vaccines referred to in the Table, or

b. “[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine” referred to in the Table.

In accordance with section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the United States Court of Federal Claims at the address listed above (under the heading “For Further Information Contact”), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Health Systems Bureau, 5600 Fishers Lane, 8W–25A, Rockville, Maryland 20857. The Court’s caption (*Petitioner’s Name v. Secretary of HHS*) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Diana Espinosa,

Principal Deputy Administrator.

List of Petitions Filed

1. Lynne Krispin, Deerwood, Minnesota, Court of Federal Claims No: 24–1546V
2. Julia Carabajal, Las Vegas, Nevada, Court of Federal Claims No: 24–1548V
3. Don Andrew Hampton, Sycamore, Illinois, Court of Federal Claims No: 24–1549V
4. Katelyn Crowley-Lum, Andover, Massachusetts, Court of Federal Claims No: 24–1551V
5. Althea Stevens, Morehead, Kentucky, Court of Federal Claims No: 24–1553V
6. Jose A. Inoa, Stormville, New York, Court of Federal Claims No: 24–1554V
7. Rachel Muzik, Avon, Ohio, Court of Federal Claims No: 24–1555V
8. Terry Ash, Price, Utah, Court of Federal Claims No: 24–1556V
9. Scott Pollina, Wheaton, Illinois, Court of Federal Claims No: 24–1557V
10. Carol Karmonick, Boston, Massachusetts, Court of Federal Claims No: 24–1559V
11. Carroll Williams, Dresher, Pennsylvania, Court of Federal Claims No: 24–1560V
12. Nicole Nickell on behalf of L.C., New Orleans, Louisiana, Court of Federal Claims No: 24–1562V
13. Valinda Torres, Boise, Idaho, Court of Federal Claims No: 24–1564V
14. Stephan P. Densby, Herald, California, Court of Federal Claims No: 24–1565V
15. Jesus Alvarado, Torrance, California, Court of Federal Claims No: 24–1566V
16. Nicole Primeau, Mukilteo, Washington, Court of Federal Claims No: 24–1568V
17. Julie Mertz, Algona, Iowa, Court of Federal Claims No: 24–1569V
18. Natasha Dorsey, Gaithersburg, Maryland, Court of Federal Claims No: 24–1570V
19. Taira Carrasquillo on behalf of L.M., Lisle, Illinois, Court of Federal Claims No: 24–1571V
20. Janet Murray on behalf of K.M., Los Angeles, California, Court of Federal Claims No: 24–1572V
21. Robert Berg, Lake Havasu City, Arizona, Court of Federal Claims No: 24–1573V
22. Steven J. Agnello, Kalamazoo, Michigan, Court of Federal Claims No: 24–1574V
23. Melissa Lagdameo, Dresher, Pennsylvania, Court of Federal Claims No: 24–1576V
24. Loretta Bates, Phoenix, Arizona, Court of Federal Claims No: 24–1578V
25. Brenda Lee Albers, Coldwater, Ohio, Court of Federal Claims No: 24–1579V
26. Shannon Vetere, Owings Mills, Maryland, Court of Federal Claims No: 24–1580V
27. Sarah Black, Grove City, Pennsylvania, Court of Federal Claims No: 24–1581V
28. Rachel Files Goulding, New York, New York, Court of Federal Claims No: 24–1582V
29. Keavia Porter, Horn Lake, Mississippi, Court of Federal Claims No: 24–1583V
30. Elizabeth Andrews-Pannone, Dresher, Pennsylvania, Court of Federal Claims No: 24–1584V
31. John Giammona, Encinitas, California, Court of Federal Claims No: 24–1586V
32. Susan Aguirre, Lakewood, California, Court of Federal Claims No: 24–1590V
33. Jamie Wong, New York, New York, Court of Federal Claims No: 24–1591V
34. Patty Pugh, Buckhannon, West Virginia, Court of Federal Claims No: 24–1592V
35. Sara Primus, Denver, Colorado, Court of Federal Claims No: 24–1593V
36. Marcel Walter Hingle, Newport, Arkansas, Court of Federal Claims No: 24–1594V
37. Rosa Byer, Camp Springs, Maryland, Court of Federal Claims No: 24–1595V
38. Nehemiah N. Nabors, Plymouth, Wisconsin, Court of Federal Claims No: 24–1598V
39. Alaeddine El Alayli, Boston, Massachusetts, Court of Federal Claims No: 24–1600V
40. Tamie Mancuso, DuBois, Pennsylvania, Court of Federal Claims No: 24–1601V
41. Cynthia Price, St. Louis, Missouri, Court of Federal Claims No: 24–1603V
42. Iretha Ross, Earle, Arkansas, Court of Federal Claims No: 24–1604V
43. Stuart Palmer, Joshua, Texas, Court of Federal Claims No: 24–1605V
44. Margarita Zamora Lujano on behalf of E. M., Deceased, Coalinga, California, Court of Federal Claims No: 24–1606V
45. Bettie Blackman, Boston, Massachusetts, Court of Federal Claims No: 24–1607V
46. Kelly Hawkins Skinner, Boston, Massachusetts, Court of Federal Claims No: 24–1609V
47. Miranda Starratt-Chobert, Milton, Florida, Court of Federal Claims No: 24–1610V
48. Daniel Thompson, Washington, District of Columbia, Court of Federal Claims No: 24–1615V
49. Raphael Golb, New York, New York, Court of Federal Claims No: 24–1616V
50. Stanley Bozaich, Atlanta, Georgia, Court of Federal Claims No: 24–1617V
51. Jerene Wickett, Omaha, Nebraska, Court of Federal Claims No: 24–1618V
52. Sarah Reynolds, Lexington, Kentucky, Court of Federal Claims No: 24–1619V
53. Steven Fink, Tampa, Florida, Court of Federal Claims No: 24–1620V
54. Robert Wright, Black River Falls, Wisconsin, Court of Federal Claims No: 24–1622V
55. Stefanie Topp, Charlotte, North Carolina, Court of Federal Claims No: 24–1623V
56. Holly Stair-Goshu, Houston, Texas, Court of Federal Claims No: 24–1625V
57. Cara Hayes, Boston, Massachusetts, Court of Federal Claims No: 24–1626V
58. Rebecca Androli, Buffalo, New York, Court of Federal Claims No: 24–1627V
59. Marisol Rivera, Belvidere, Illinois, Court of Federal Claims No: 24–1628V
60. Carol Wood, Matthews, North Carolina, Court of Federal Claims No: 24–1629V
61. Lisa Skirpan, Enola, Pennsylvania, Court of Federal Claims No: 24–1630V
62. Marta Pike, Wolcott, New York, Court of Federal Claims No: 24–1636V
63. Theresa Akers, Livingston, Texas, Court of Federal Claims No: 24–1637V
64. Lucia Lopez Guzman, Boston, Massachusetts, Court of Federal Claims No: 24–1638V
65. Kaitlyn Wawak on behalf of J.C., Bastrop, Texas, Court of Federal Claims No: 24–1639V
66. Nina Jarrad, Cary, North Carolina, Court of Federal Claims No: 24–1640V
67. Sandra L. Crowley, Cumberland, Rhode Island, Court of Federal Claims No: 24–1642V
68. Cheryl Campos, Littleton, Colorado, Court of Federal Claims No: 24–1643V
69. Jonathan Day, New York, New York, Court of Federal Claims No: 24–1644V
70. Cierra Shaver, Battle Ground, Washington, Court of Federal Claims No: 24–1647V
71. Charles L. Porter, Fox Lake, Wisconsin, Court of Federal Claims No: 24–1649V
72. Shivonne Anfield, Camden, New Jersey, Court of Federal Claims No: 24–1650V
73. Erika Verleye, Seattle, Washington, Court of Federal Claims No: 24–1651V
74. Douglas Bates, Richmond, Virginia, Court of Federal Claims No: 24–1652V
75. Sinisa Kolaric, Marietta, Georgia, Court of Federal Claims No: 24–1654V
76. Shemeka Turner, Dresher, Pennsylvania, Court of Federal Claims No: 24–1656V
77. Kendall Patterson, Tucson, Arizona, Court of Federal Claims No: 24–1657V
78. Kelly Zrimsek, Fitchburg, Massachusetts, Court of Federal Claims No: 24–1659V
79. Grace Reino, Boston, Massachusetts, Court of Federal Claims No: 24–1663V
80. Alexis Lyndon Early, Marysville, Ohio, Court of Federal Claims No: 24–1664V
81. June Augustine, Sykesville, Maryland, Court of Federal Claims No: 24–1667V
82. Jennifer Kazdan, Wallingford, Connecticut, Court of Federal Claims No: 24–1668V
83. Joanne Duitsman, Champaign, Illinois, Court of Federal Claims No: 24–1669V
84. Deborah Fish, Bridgewater Corners, Vermont, Court of Federal Claims No: 24–1670V
85. Linda Talbourdet, Boston, Massachusetts, Court of Federal Claims No: 24–1671V
86. Pa K. Lor, Johnston, Iowa, Court of Federal Claims No: 24–1672V
87. Sandra Bloomenthal, Boston, Massachusetts, Court of Federal Claims No: 24–1673V
88. Sandra Johnson, Dresher, Pennsylvania,

- Court of Federal Claims No: 24–1674V
89. Joseph Dusrjah, New York, New York, Court of Federal Claims No: 24–1680V
 90. Tiffany Blohm, De Pere, Wisconsin, Court of Federal Claims No: 24–1681V
 91. Michael T. Wagner, Boscobel, Wisconsin, Court of Federal Claims No: 24–1682V
 92. Eric Sedwick, Nashville, Tennessee, Court of Federal Claims No: 24–1684V
 93. Rachel Aviles, Boston, Massachusetts, Court of Federal Claims No: 24–1685V
 94. Lindsay Maldonado, Toppenish, Washington, Court of Federal Claims No: 24–1686V
 95. Timothy Nowling, Garden City Beach, South Carolina, Court of Federal Claims No: 24–1689V
 96. Katherine Patterson, Raleigh, North Carolina, Court of Federal Claims No: 24–1690V
 97. Ianthie Jayakody, Federal Way, Washington, Court of Federal Claims No: 24–1691V
 98. Cathrine Mistele on behalf of J. M., Los Angeles, California, Court of Federal Claims No: 24–1692V
 99. Alicia Ann Knight, Colorado Springs, Colorado, Court of Federal Claims No: 24–1694V
 100. Charles Jones, La Grande, Oregon, Court of Federal Claims No: 24–1697V
 101. Ashley Loncarich-Boeckman, Tulsa, Oklahoma, Court of Federal Claims No: 24–1698V
 102. Aida Acosta, Howell, Michigan, Court of Federal Claims No: 24–1699V
 103. Valerie Hoff, Atlanta, Georgia, Court of Federal Claims No: 24–1700V
 104. Sofia Gunawan, Phoenix, Arizona, Court of Federal Claims No: 24–1701V
 105. Felicia Markham, Redlands, Texas, Court of Federal Claims No: 24–1702V
 106. Makayla Wagner, St. Ansgar, Iowa, Court of Federal Claims No: 24–1703V
 107. Kimberly Rice, Chicago, Illinois, Court of Federal Claims No: 24–1704V
 108. Jennifer Camacho, Rock Hill, South Carolina, Court of Federal Claims No: 24–1708V
 109. Christopher Budge, White Bear Lake, Minnesota, Court of Federal Claims No: 24–1709V
 110. George Ward, Florence, Kentucky, Court of Federal Claims No: 24–1711V
 111. Heather J. Gardner, Port Huron, Michigan, Court of Federal Claims No: 24–1712V
 112. Maxfel Goodson, Ketchikan, Alaska, Court of Federal Claims No: 24–1713V
 113. Christine Leo, Goshen, New York, Court of Federal Claims No: 24–1716V
 114. Amie Marcott on behalf of A. M., Brownstown Township, Michigan, Court of Federal Claims No: 24–1717V
 115. Karen Kun, Chicago, Illinois, Court of Federal Claims No: 24–1718V
 116. Jennifer Plumley, Bozeman, Montana, Court of Federal Claims No: 24–1721V
 117. Leandra Logston and Cody Logston on behalf of A. G. L., Boston, Massachusetts, Court of Federal Claims No: 24–1724V
 118. Kimberly Pino, Dresher, Pennsylvania, Court of Federal Claims No: 24–1728V
 119. Gregory Fridell, San Diego, California, Court of Federal Claims No: 24–1730V
 120. Virginia Fisher, Hornell, New York, Court of Federal Claims No: 24–1732V
 121. Michael Seck, Boston, Massachusetts, Court of Federal Claims No: 24–1733V
 122. Kaley Stockton, Los Angeles, California, Court of Federal Claims No: 24–1736V
 123. Robyn Boyd, Los Angeles, California, Court of Federal Claims No: 24–1737V
 124. Verdine Atienza, Chesapeake, Virginia, Court of Federal Claims No: 24–1738V
 125. Sabaha Sabi Zagwolsky, Orange, California, Court of Federal Claims No: 24–1739V
 126. Edward Cummings, Philadelphia, Pennsylvania, Court of Federal Claims No: 24–1742V
 127. Daniel Diehl, Fort Knox, Kentucky, Court of Federal Claims No: 24–1743V
 128. Jennifer Credeur, Frisco, Texas, Court of Federal Claims No: 24–1746V
 129. Michael Dugas, Ventura, California, Court of Federal Claims No: 24–1747V
 130. Anife Tashi, Boston, Massachusetts, Court of Federal Claims No: 24–1748V
 131. John Morris, Los Angeles, California, Court of Federal Claims No: 24–1751V
 132. Adrianna Mckeage, Los Angeles, California, Court of Federal Claims No: 24–1752V
 133. Melissa Weber, New York, New York, Court of Federal Claims No: 24–1753V
 134. Kari Morey, Los Angeles, California, Court of Federal Claims No: 24–1754V
 135. Gary L. Tranmer, South Sioux City, Nebraska, Court of Federal Claims No: 24–1755V
 136. Tracey Kubis, Dresher, Pennsylvania, Court of Federal Claims No: 24–1756V
 137. Sonia Bittar, Quincy, Massachusetts, Court of Federal Claims No: 24–1757V
 138. Manuela Sympson, Ames, Iowa, Court of Federal Claims No: 24–1758V
 139. Bryan Payne, New Orleans, Louisiana, Court of Federal Claims No: 24–1759V
 140. Sara A. Morse, Hyde Park, New York, Court of Federal Claims No: 24–1765V
 141. Patricia Pervenanze, Minneapolis, Minnesota, Court of Federal Claims No: 24–1768V
 142. Elizabeth Christensen, Burlington, Washington, Court of Federal Claims No: 24–1769V
 143. Cathy A. Smeal, Ellsworth, Maine, Court of Federal Claims No: 24–1772V
 144. Ryan Stroup, Phoenix, Arizona, Court of Federal Claims No: 24–1775V
 145. Carol Bielski on behalf of Wayne Bielski, Washington, District of Columbia, Court of Federal Claims No: 24–1777V
 146. Kimberly Cross, Richmond, Virginia, Court of Federal Claims No: 24–1778V
 147. Lily McNulty and Conor McNulty on behalf of J.M., Phoenix, Arizona, Court of Federal Claims No: 24–1779V
 148. Mackenzie Larsen, Columbus, Ohio, Court of Federal Claims No: 24–1782V
 149. Clara Trigueros, Woodridge, Illinois, Court of Federal Claims No: 24–1783V
 150. John Lewis Walston, Austin, Texas, Court of Federal Claims No: 24–1785V
 151. Estella Fluaatt, Rockford, Illinois, Court of Federal Claims No: 24–1786V
 152. Gail L. Smith, Englewood, New Jersey, Court of Federal Claims No: 24–1788V
 153. Ryleigh Francis, Phoenix, Arizona, Court of Federal Claims No: 24–1789V
 154. Tyronda Roberson, Woodridge, Illinois,

Court of Federal Claims No: 24–1790V
155. Thomas Judge, New York, New York, Court of Federal Claims No: 24–1793

[FR Doc. 2024–30457 Filed 12–19–24; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; 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 Center for Advancing Translational Sciences Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The Open Session may be accessed by the public from the NIH Videocast at the following link: <https://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 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 Advisory Council.

Date: January 30–31, 2025.

Closed: January 30, 2025, 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Center for Advancing Translational Sciences, National Institutes of Health, NCI Shady Grove 1E32/1E34, 9609 Medical Center Drive, Rockville, MD 20850, Virtual Meeting.

Open: January 30, 2025, 1:15 p.m. to 4:30 p.m.

Agenda: Report from the Center Director, Clearance of Concept(s), Special Topic presentation.

Address: National Center for Advancing Translational Sciences, National Institutes of Health, NCI Shady Grove 1E32/1E34, 9609 Medical Center Drive, Rockville, MD 20850, Virtual Meeting.

Open: January 31, 2025, 1:00 p.m. to 5:00 p.m.

Agenda: Program Updates, Clearance of Concepts.

Address: National Center for Advancing Translational Sciences, National Institutes of Health, NCI Shady Grove 1E32/1E34, 9609 Medical Center Drive, Rockville, MD 20850, (Virtual Meeting).

Contact Person: Anna L. Ramsey-Ewing, Ph.D., Executive Secretary, National Center for Advancing Translational Sciences, 9609 Medical Center Drive, Room 1E454, Rockville, MD 20850, anna.ramseyewing@nih.gov, (301) 435-0809.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice no later than 15 days after the meeting at NCATSCouncilInput@mail.nih.gov. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has procedures at <https://www.nih.gov/about-nih/visitor-information/campus-access-security> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <https://ncats.nih.gov/advisory/council>, where an agenda and any additional information for the meeting will be posted when available. (Catalogue of Federal Domestic Assistance Program Nos. 93.859, 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. 2024-30325 Filed 12-19-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; 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 Dental and Craniofacial Research Council.

The meeting will be held as a virtual meeting and is partially open to the public as indicated below. Individuals who plan to view the virtual meeting

and need special assistance to view the meeting, such as sign language interpretation or other reasonable accommodations, should notify Ms. Karon Yarborough (karon.yarborough@nih.gov) or use the Federal Relay, 1-800-877-8339, in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting website (<http://videocast.nih.gov/>). Registration is not required to access the videocast.

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 Advisory Dental and Craniofacial Research Council.

Date: January 22, 2025.

Open: 10:00 a.m. to 1:15 p.m.

Agenda: Report of the Director, NIDCR and concept clearances.

Address: National Institute of Dental & Craniofacial Research, 31 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Closed: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate BSC report to council.

Address: National Institute of Dental & Craniofacial Research, 31 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Closed: 2:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute of Dental & Craniofacial Research, 31 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yasaman Shirazi, Ph.D., Branch Chief, National Institute of Dental & Craniofacial Research, National Institutes of Health, 31 Center Drive, Bethesda, MD 20892, 301-594-5593, Email: yasaman.shirazi@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.nidcr.nih.gov/about-us/advisory-committees/advisory-council>, where an agenda and any additional information for the meeting will be posted when available. (Catalogue of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: December 17, 2024.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-30446 Filed 12-19-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Secretary; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Interagency Autism Coordinating Committee.

The meeting will be virtually held and is open to public viewing. The connection information and how to access the meeting will be available on the IACC website <https://iacc.hhs.gov/meetings/iacc-meetings/2025/summary-of-advances/january14/>. Advanced registration is recommended. Individuals wishing to participate virtually that need special assistance or other reasonable accommodations should submit a request to the Contact Person listed on this notice at least seven (7) business days prior to the meeting.

The purpose of the IACC meeting is to discuss the committee's nominations of articles for the *2024 IACC Summary of Advances in Autism Research* report. The final report will summarize the top 20 advances in autism biomedical and services research, as selected by the IACC.

Name of Committee: Interagency Autism Coordinating Committee 2024 IACC Summary of Advances in Autism Research.

Date: January 14, 2025.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To discuss the committee's nominations of articles for the *2024 IACC Summary of Advances in Autism Research* report.

Address: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Meeting Format: Virtual Meeting.

Cost: The meeting is free and open to the public.

Registration: A registration web link will be posted on the IACC website (www.iacc.hhs.gov) prior to the meeting. Pre-registration is recommended.

Contact Person: Ms. Rebecca Martin, Office of National Autism Coordination, National Institute of Mental Health, NIH, Phone: 301-435-0886.

Email: IACCPublicInquiries@mail.nih.gov.

Technical issues: If you experience any technical problems with the zoom

webcast, please email

IACCPublicInquiries@mail.nih.gov.

Disability Accommodations: All IACC Full Committee Meetings provide Closed Captioning through the Zoom platform. Individuals whose full participation in the meeting will require special accommodations (e.g., sign language or interpreting services, etc.) must submit a request to the Contact Person listed on the notice at least seven (7) business days prior to the meeting. Such requests should include a detailed description of the accommodation needed and a way for the IACC to contact the requester if more information is needed to fill the request. Special requests should be made at least seven (7) business days prior to the meeting; last-minute requests may be made but may not be possible to accommodate.

Meeting schedule subject to change.

More Information

Information about the IACC is available on the website: <http://www.iacc.hhs.gov>.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. In the interest of security, NIH has procedures at <https://www.nih.gov/about-nih/visitor-information/campus-access-security> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Dated: December 16, 2024.

David W Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-30338 Filed 12-19-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 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 contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Diet, Lipid Metabolism, and Cancer.

Date: January 30, 2025.

Time: 9:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Cancer Institute at Shady Grove 9609 Medical Center Drive, Room 7W248, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.

Contact Person: Shree Ram Singh, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W248 Rockville, Maryland 20850, 240-672-6175, singhshr@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP-5: NCI Clinical and Translational Cancer Research.

Date: February 12, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Cancer Institute at Shady Grove 9609 Medical Center Drive, Room 7W248, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.

Contact Person: Shree Ram Singh, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W248 Rockville, Maryland 20850, 240-672-6175, singhshr@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; RNA Modifications Driving Oncogenesis (RNAMoDO; U01 Clinical Trial Not Allowed).

Date: February 14, 2025.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications

Address: National Cancer Institute at Shady Grove 9609 Medical Center Drive, Room 7W260, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.

Contact Person: Robert F. Gahl, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9606 Medical Center Drive, Room 7W260 Rockville, Maryland 20850, 240-276-7869, robert.gahl@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Prevention Clinical Trials Network—Sites and Data Management.

Date: February 14, 2025.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Cancer Institute at Shady Grove 9609 Medical Center Drive, Room 7W108, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.

Contact Person: Clifford W. Schweinfest, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W108, Rockville, Maryland 20850, 240-276-6343, schweinfestcw@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP-12: NCI Clinical and Translational Cancer Research.

Date: February 14, 2025.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Cancer Institute at Shady Grove 9609 Medical Center Drive, Room 7W244, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.

Contact Person: Amr M. Ghaleb, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W244, Rockville, Maryland 20850, 240-276-6611, amr.ghaleb@nih.gov.

Name of Committee: National Cancer Institute Initial Review Group; Career Development Study Section (J).

Date: February 19–20, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Cancer Institute at Shady Grove 9609 Medical Center Drive, Room 7W624, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.

Contact Person: Tushar Deb, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W624, Rockville, Maryland 20850, 240-276-6132, tushar.deb@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; SBIR Concept Award TEP.

Date: February 21, 2025.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Address: National Cancer Institute at Shady Grove 9609 Medical Center Drive, Room 7W608, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.

Contact Person: Nadeem Khan, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W608, Rockville, Maryland 20850, 240-276-5856, nadeem.khan@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP-8: NCI Clinical and Translational Cancer Research.
Date: February 25, 2025.

Time: 10:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.

Address: National Cancer Institute at Shady Grove 9609 Medical Center Drive, Room 7W110, Rockville, Maryland 20850.
Meeting Format: Virtual Meeting.

Contact Person: Priya Srinivasan, Ph.D., Scientific Review Officer, Resource and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W110, Rockville, Maryland 20850, 240-276-5619, priya.srinivasan@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; TEP-1: SBIR Contract Review Meeting.

Date: February 26, 2025.
Time: 10:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate contract proposals.

Address: National Cancer Institute at Shady Grove 9609 Medical Center Drive, Room 7W624, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.
Contact Person: Ombretta Salvucci, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W264, Rockville, Maryland 20850, 240-276-7286, salvucco@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; TEP-3: SBIR Contract Review.

Date: February 27, 2025.
Time: 10:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate contract proposals.

Address: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W106, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.
Contact Person: Eduardo Emilio Chufan, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W106, Rockville, Maryland 20850, 240-276-7975, chufanee@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP-6: NCI Clinical and Translational Cancer Research.

Date: February 28, 2025.
Time: 9:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.

Address: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W260, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.
Contact Person: Robert F. Gahl, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9606 Medical Center Drive, Room 7W260, Rockville, Maryland 20850, 240-276-7869, robert.gahl@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP-1: NCI Clinical and Translational Cancer Research.

Date: March 6, 2025.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W108, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.

Contact Person: Clifford W. Schweinfest, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W108, Rockville, Maryland 20850, 240-276-6343, schweinfestcw@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Prevention and Control Clinical Trials Planning.

Date: March 6, 2025.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W608, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.

Contact Person: Nadeem Khan, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W608, Rockville, Maryland 20850, 240-276-5856, nadeem.khan@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; TEP-9: SBIR Contract Review Meeting.

Date: March 7, 2025.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Address: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W612, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.

Contact Person: Prashant Sharma, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W612, Rockville, Maryland 20850, 240-275-6351, prashant.sharma@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP-13: NCI Clinical and Translational Cancer Research.

Date: March 13, 2025.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W618, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.

Contact Person: E. Tian, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W618, Rockville, Maryland 20850, 240-276-6611, tiane@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; TEP-10: SBIR Contract Review Meeting.

Date: March 14, 2025.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate contract proposals.

Address: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W238, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.

Contact Person: Byeong-Chel Lee, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W238, Rockville, Maryland 20850, 240-276-7753, byeong-chel.lee@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; Metastasis Research Network (U01).

Date: March 21, 2025.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W120, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.

Contact Person: Majed M. Hamawy, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive Room 7W120, Rockville, Maryland 20850, 240-276-6457, mh101v@nih.gov.

(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. 2024-30326 Filed 12-19-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; HHS–NIH–CDC–SBIR PHS 2025–1 Phase I and Phase II: Reagents for Immunologic Analysis of Non-mammalian and Underrepresented Mammalian Models (Topic 141).

Date: January 14–16, 2025.

Time: 10:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G56, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Poonam Tewary, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G56, Rockville, MD 20892, (301) 761–7219, tewaryp@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: December 16, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–30360 Filed 12–19–24; 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, Informatics Technologies for Cancer Research, January 29, 2025, 10 a.m. to January 29, 2025, 6 p.m., National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W106, Rockville, Maryland, 20850 which was published in the **Federal Register** on November 27, 2024, FR Doc 2024–27877, 89 FR 93623.

This notice is being amended to change the meeting date and time from January 29, 2025, 10 a.m. to 6 p.m. to February 6, 2025, 10 a.m. to 6 p.m. and February 7, 2025, 10 a.m. to 2 p.m. The meeting 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. 2024–30327 Filed 12–19–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Drug Development.

Date: January 7, 2025.

Time: 1 p.m. to 3 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: Maureen Shuh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–4097, maureen.shuh@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Immunology and Infectious Diseases.

Date: January 14, 2025.

Time: 12 p.m. to 1 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: Anthony David Foster, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–3297, anthony.foster@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 16, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–30363 Filed 12–19–24; 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 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 contract proposals, 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; Topic 025: Benchtop Device to Perform Batch Evaporation.

Date: January 27, 2025.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Address: National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Rockville, MD 20892 (Virtual).

Contact Person: Rahat (Rani) Khan, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Suite 1E504, Rockville, MD 20892, (301) 594–7319, rahat.khan@nih.gov.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; Topic 026: Liver and Brain Organoids Derived from Human iPS Cells.

Date: January 29, 2025.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Address: National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Rockville, MD 20892 (Virtual).

Contact Person: Rahat (Rani) Khan, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 9609 Medical Center Drive, Suite 1E504, Rockville, MD 20892, (301) 594–7319, rahat.khan@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. 2024–30324 Filed 12–19–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7080–N–60]

30-Day Notice of Proposed Information Collection: Requirements for Designating Housing Projects; OMB Control No.: 2577–0192

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* January 21, 2025.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. 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. Interested persons are also invited to submit comments regarding this proposal by name and/or OMB Control Number and should be sent to: Anna Guido, Clearance Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410–5000; telephone 202–402–5534 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Anna Guido, Clearance Officer, REE,

Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna.P.Guido@hud.gov, telephone 202–402–5534. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on September 18, 2024 at 89 FR 76498.

This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Requirements for Designating Housing Projects.

OMB Approval Number: 2577–0192.

Type of Request: Revision of currently approved collection.

Form Number: None.

Description of the need for the information and proposed use: The information collection burden associated with designated housing is required by statute. Section 10 of the Housing Opportunity and Extension Act of 1996 modified Section 7 of the U.S. Housing Act of 1937 to require Public Housing Agencies (PHAs) to submit a plan for HUD approval before a project(s) can be designated as either elderly only, disabled only, or elderly and disabled. In this plan, PHAs must document why the designation is needed and provide the following information:

1. Description of the designated housing plan;
2. Justification for the designation;
3. Availability of alternative housing resources for the non-designated population(s);

4. Impact on the availability of accessible housing;

5. A statement that existing tenants in good standing will not be evicted;

6. A statement of the resources that will be made available if the PHA offers voluntary relocation benefits; and

7. Information describing how the DHP is consistent with any outstanding court orders, lawsuits, investigations, Voluntary Compliance Agreements (VCAs), Conciliation Agreements, or Letters of Findings or Determinations, etc., including for example, actions under Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Age Discrimination Act, the Fair Housing Act, or the Americans with Disabilities Act.

Respondents (i.e. affected public): State, or Local Government.

Estimated Number of Respondents: 21 for New and Amendment DHPs and 22 for DHP Renewals.

Estimated Number of Responses: 1 per request.

Frequency of Response: As needed for New/Amendment DHPs and every two years for renewals.

Average Hours per Response: 15 hours for New and Amendment DHPs and 3 hours for DHP Renewals.

Total Estimated Burdens: 315 hours for New and Amendment DHPs and 66 for DHP Renewals.

The previous estimation of 270 annual burden hours has been increased to 315 for New and Amendment DHPs and 66 for DHP Renewals. This change is based on the average number of Plans submitted between Calendar Years 2022 and 2023. In FY22 and FY23, several Public Housing Authorities (PHAs) failed to renew their DHP in a timely manner, leading to a slight uptick in the number of respondents, as these PHAs were required to submit new plans for approval. Furthermore, HUD anticipates a continued decline in the number of respondents due to the ongoing trend in PHAs repositioning their developments and exiting the public housing program.

The national average PHA staff salary = \$64,590¹ per year or \$31.00 per hour. The calculation for costs is as follows:

- *New and Amendment DHPs:* 21 PHAs × 15 hours = 315 hours × \$31² = \$9,765.

- *DHP Renewals:* 22 PHAs × 3 hours = 66 hours × \$31 = \$2,046.

¹ Ziprecruiter.com, available at <https://www.ziprecruiter.com/Salaries/Public-Housing-Authority-Salary>.

² Computed Hourly Rates of Pay Using the 2,087-Hour Divisor, available at <https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/computing-hourly-rates-of-pay-using-the-2087-hour-divisor/>.

administration/fact-sheets/computing-hourly-rates-of-pay-using-the-2087-hour-divisor/.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
2577–0192 (New/Amendment)	21	1	21	15	315	\$31.00	\$9,765
2577–0192 Renewal	22	1	22	3	66	31.00	2,046

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) 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) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

(5) 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.

HUD encourages interested parties to submit comments in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Colette Pollard,

*Department Reports Management Officer,
Office of Policy Development and Research,
Chief Data Officer.*

[FR Doc. 2024–30395 Filed 12–19–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2024–0192;
FXIA16710900000–245–FF09A30000]

Foreign Endangered Species; Receipt of Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications to conduct

certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA with respect to any endangered species.

DATES: We must receive comments by January 21, 2025.

ADDRESSES:

Obtaining Documents: The applications, application supporting materials, and any comments and other materials that we receive will be available for public inspection at <https://www.regulations.gov> in Docket No. FWS–HQ–IA–2024–0192.

Submitting Comments: When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *internet:* [https://](https://www.regulations.gov)

www.regulations.gov. Search for and submit comments on Docket No. FWS–HQ–IA–2024–0192.

- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2024–0192; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

For more information, see Public Comment Procedures under

SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT:

Timothy MacDonald, by phone at 703–358–2185 or via email at DMAFR@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing

any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others' public comments at <https://www.regulations.gov> unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as

amended (ESA; 16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered species are available in title 50 of the Code of Federal Regulations in part 17.

III. Permit Applications

We invite comments on the following applications.

Applicant: North Carolina Zoo, Asheboro, NC 27205; Permit No. PER13416102

The applicant requests a permit to import 50 samples taken from wild-origin Virgin Island tree boas (*Epicrates monensis granti*) to the North Carolina Zoo, located in Asheboro, North Carolina, for the purposes of scientific research. This notification is for a single import.

Applicant: Dallas World Aquarium, Dallas, TX; Permit No. PER11682955

The applicant requests a permit to export 28 live captive-born Orinoco crocodile (*Crocodylus intermedius*) to Fauna Silvestre Productos y Servicios in Venezuela, for the purpose of enhancing the propagation or survival of the species. This notification is for a single export.

Applicant: University of Alaska Museum, Fairbanks, AK; Permit No. PER11888646

The applicant requests a permit to import scientific specimens from the bird species listed below with the specified origin, for the purpose of scientific research. This notification is for a single import.

Common name	Scientific name
Red siskin	<i>Carduelis cucullata</i> .
Edward's pheasant ...	<i>Lophura edwardsi</i> .
Swinhoe's pheasant ..	<i>Lophura swinhoii</i> .
Seychelles fody	<i>Foudia sechellarum</i> .
Red-tailed amazon	<i>Amazona brasiliensis</i> .
Cuban amazon	<i>Amazona leucocephala leucocephala</i> .
Vinaceous-breasted amazon.	<i>Amazona vinacea</i> .
Hyacinth macaw	<i>Amazona hyacinthus</i> .

Common name	Scientific name
Blue-throated macaw	<i>Ara glaucogularis</i> .
Military macaw	<i>Ara militaris mexicana</i> .
White cockatoo	<i>Cacatua alba</i> .
Salmon-crested cockatoo.	<i>Cacatua moluccensis</i> .
Sulphur-crested cockatoo.	<i>Cacatua sulphurea</i> .
Golden parakeet	<i>Guaruba guarouba</i> .
Pileated parrot	<i>Pionopsitta pileata</i> .
Golden-shouldered parrot.	<i>Leucopsar rothschildi</i> .
Hooded parrot	<i>Psephotus dissimilis</i> .
Bali myna	<i>Leucopsar rothschildi</i> .

Applicant: Duke University, Durham, NC; Permit No. PER11738565

The applicant requests authorization to import biological specimens from the aye-aye (*Daubentonia madagascariensis*); Eastern woolly lemur (*Avahi laniger*); gray-headed lemur (*Eulemur cinereiceps*); black-and-white ruffed lemur (*Varecia variegata*); various lemur species of the genera *Cheirogaleus*, *Hapalemur*, *Lepilemur*, and *Microcebus* from Madagascar; and biological specimens from the bonobo (*Pan paniscus*) from the Democratic Republic of the Congo, for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: National Aviary in Pittsburgh, Pittsburgh, PA; Permit No. PER11887512

The applicant requests to amend their captive-bred wildlife registration under 50 CFR 17.21(g) to include the blue-billed curassow (*Crax alberti*), to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Metro Richmond Zoo, Moseley, VA; Permit No. PER13186673

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
African lion	<i>Panthera leo melanochaita</i> .
African lion	<i>Panthera leo leo</i> .
African penguin	<i>Spheniscus demersus</i> .
Asian tapir	<i>Tapirus indicus</i> .
Black-and-white ruffed lemur.	<i>Varecia variegata variegata</i> .
Orangutan	<i>Pongo pygmaeus</i> .
Orangutan	<i>Pongo abelii</i> .

Common name	Scientific name
Central American tapir.	<i>Tapirus bairdii</i> .
Cheetah	<i>Acinonyx jubatus</i> .
Chimpanzee	<i>Pan troglodytes</i> .
Diana monkey	<i>Cercopithecus diana</i> .
Galapagos tortoise ...	<i>Geochelone nigra</i> .
Komodo Island monitor.	<i>Varanus komodoensis</i> .
Lar gibbon	<i>Hylobates lar</i> .
Red-ruffed lemur	<i>Varecia rubra</i> .
Ring-tailed lemur	<i>Lemur catta</i> .
Siamang	<i>Symphalangus syndactylus</i> .
Snow leopard	<i>Uncia uncia</i> .
South American tapir	<i>Tapirus terrestris</i> .
Southern white rhinoceros.	<i>Ceratotherium simum simum</i> .

Applicant: Los Angeles Zoo, Los Angeles, CA; Permit No. PER11845142

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
African wild dog	<i>Lycaon pictus</i> .
Andean condor	<i>Vultur gryphus</i> .
Aruba Island rattlesnake.	<i>Crotalus unicolor</i> .
Central American tapir.	<i>Tapirus bairdii</i> .
Rothschild's starling ..	<i>Leucopsar rothschildi</i> .
Babirusa	<i>Babyrousa babyrousa</i> .
Blue-billed curassow	<i>Crax alberti</i> .
Blue-throated macaw	<i>Ara glaucogularis</i> .
Brushed-tailed kangaroo.	<i>Bettongia penicillata</i> .
Chimpanzee	<i>Pan troglodytes</i> .
Verreaux's sifaka	<i>Propithecus verreauxi</i> .
Francois' langur	<i>Trachypithecus francoisi</i> .
Giant otter	<i>Pteronura brasiliensis</i> .
Golden lion tamarin ...	<i>Leontopithecus rosalia</i> .
Gorilla	<i>Gorilla gorilla</i> .
Grevy's zebra	<i>Equus grevyi</i> .
Harpy eagle	<i>Harpia harpyja</i> .
Koala	<i>Phascogaleos cinereus</i> .
Komodo Island monitor.	<i>Varanus komodoensis</i> .
Mandrill	<i>Mandrillus sphinx</i> .
Maned wolf	<i>Chrysocyon brachyurus</i> .
Orangutan	<i>Pongo pygmaeus</i> .
Peninsular pronghorn	<i>Antilocapra americana peninsularis</i> .
Radiated tortoise	<i>Geochelone radiata</i> .
Ring-tailed lemur	<i>Lemur catta</i> .
Siamang	<i>Symphalangus syndactylus</i> .
Snow leopard	<i>Uncia uncia</i> .
Pudu	<i>Pudu pudu</i> .
Tiger	<i>Panthera tigris</i> .

Common name	Scientific name
Tomistoma Yellow-footed rock wallaby.	<i>Tomistoma schlegelii</i> . <i>Petrogale xanthopus</i> .

Applicant: Cleveland Metroparks Zoo, Cleveland, OH; Permit No. PER13556893

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the koala (*Phascolarctos cinereus*), to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Recordbuck Ranch, Utopia, TX; Permit No. PER13957023

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for Arabian oryx (*Oryx leucoryx*), swamp deer (*Cervus duvauceli*), and red lechwe (*Kobus leche*), to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Northeastern University, Ocean Genome Legacy Center, Nahant, MA; Permit No. PER13438490

The applicant requests the renewal of their permit to export and re-import non-living museum specimens of endangered and threatened species previously legally accessioned into the permittee's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Recordbuck Ranch, Utopia, TX; Permit No. PER13967618

The applicant requests a permit authorizing the culling of excess Arabian oryx (*Oryx leucoryx*), swamp deer (*Cervus duvauceli*), and red lechwe (*Kobus leche*), from the captive herd maintained at their facility, to enhance the species' propagation and survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Multiple Trophy Applicants

The following applicants request permits to import sport-hunted trophies of male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

- Adam Hall, Troy, PA; Permit No. PER13371204
- Todd Harmon, O'Fallon, MO; Permit No. PER13372478

- Alan Freilich, Moorhead, IA; Permit No. PER13301853
- James Hall, Troy, PA; Permit No. PER13373724
- Jason Soulliere, Romeo, MI; Permit No. PER13374211
- Christopher E. O'Connor, Dumfries, VA; Permit No. PER13406047
- James Phillip Bryant, Austin, TX; Permit No. PER13408401
- Mark T. Fitzgibbons, Topeka, KS; Permit No. PER13078805
- Douglas Milkey, Chelsea, MI; Permit No. PER12805698
- Alton J. Hall Jr., Covington, LA; Permit No. PER12714679
- Christopher E. McClain, Nashotah, WI; Permit No. PER13136192
- James Doty Jr., Broadview Heights, OH; Permit No. PER13301163

IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching <https://www.regulations.gov> for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to [regulations.gov](https://www.regulations.gov) and search for "12345A".

V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

Timothy MacDonald,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2024–30397 Filed 12–19–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–NWRs–2024–0136; FF09R81000.FVRS80810900000.XXX]

Green River National Wildlife Refuge, KY; Establishment of Hunting Permit Fees

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: We, the Fish and Wildlife Service, announce our intent to establish and implement amenity fees at Green River National Wildlife Refuge (Refuge), located in Kentucky, as

authorized by the Federal Lands Recreation Enhancement Act (FLREA). We intend to implement hunting permit fees. Under FLREA provisions, the refuge will identify and post the fees. Unless we publish a notice in the **Federal Register** withdrawing this action, we will implement the fees on the date shown in the **DATES** section. We invite comments on our intended action from the public and local, State, Tribal, and Federal agencies.

DATES: We must receive any written comments on or before March 20, 2025. For more information, see Public Comments under **SUPPLEMENTARY INFORMATION**. Unless we publish a notice in the **Federal Register** withdrawing this action, we will implement the amenity fees on July 1, 2025.

ADDRESSES: *Submitting Comments:* If you wish to submit comments, you may do so in writing by one of the following methods:

- *Online:* <https://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS–HQ–NWRs–2024–0136.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–NWRs–2024–0136; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT:

Michael Johnson, by telephone at 270–527–5770 or via email at michael.johnson@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:

Introduction

Established in November 2019, Green River National Wildlife Refuge (refuge) is located in Henderson, Kentucky, near the confluence of the Ohio and Green Rivers, an area known for bottomland hardwood forest. This important habitat helps support migrating waterfowl, songbirds, fish, and other wildlife.

Intent To Implement Amenity Fees

We, the U.S. Fish and Wildlife Service, announce our intent to implement amenity fees at the refuge, as authorized by the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801–6814; FLREA). We intend to

implement hunting permit fees. Under FLREA provisions, the refuge will identify and post the specific hunting fees. Unless we publish a notice in the **Federal Register** withdrawing this action, we will implement the fees on the date in the **DATES** section.

Hunting Permit Fees

Under section 3 of the FLREA, we will implement the hunting permit fees in table 1.

TABLE 1—ANNUAL HUNTING PERMIT FEES; GREEN RIVER NATIONAL WILDLIFE REFUGE

Hunter type	Permit fee
Adult (16–64 years of age) ...	\$20.00
Youth (under 16 years of age).	Free
Youth—Quota Hunt	10.00
Veteran	10.00
Adult over 65 years of age ...	10.00

The implementation of these fees will provide the refuge with funds to offset expenses related to managing the hunt program, other visitor services, law enforcement salaries, and expansion and improvements of visitor amenities. It is our policy to allow only activities that are appropriate and compatible with the refuge’s purposes.

Background

In accordance with regulations governing the National Wildlife Refuge System (50 CFR part 25, subpart E) a refuge may implement fees and other reasonable charges for public recreational use of lands administered by that refuge. When considering fees, a refuge is required by our regulations to evaluate the following:

- The direct and indirect cost to the Government;
- The benefits to the permit holder;
- The public policy or interest served;
- The comparable fees charged by non-Federal public agencies; and
- The economic and administrative feasibility of fee collection.

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee), allows National Wildlife Refuges to provide wildlife-dependent recreation to visitors, but these laws require refuges to manage for the conservation of fish, wildlife, and habitat for current as well as future generations of Americans. To fulfill these obligations, Green River National Wildlife Refuge plans to use collected fees to defray costs associated with visitor amenities.

Public Comments

Submitting Comments

Please make your comments as specific as possible and explain the basis for them. In addition, please include sufficient information with your comments to allow us to authenticate any scientific or commercial data you reference or provide. Such information may lead to a final decision that differs from this proposal.

Public Availability of 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.

Next Steps

If public comments were to provide substantive reasons why we should not implement the proposed hunting permit fee program at the refuge, we would reevaluate our plan and publish a subsequent notice in the **Federal Register** withdrawing this action. Otherwise, we will implement the proposed fee program at the Green River National Wildlife Refuge on the date specified in the **DATES** section of this document, and the refuge will post fee amounts and expenditures on site.

Authority

Federal Lands Recreation Enhancement Act (16 U.S.C. 6801–6814).

Michael Oetker,
Regional Director, Southeast Region, U.S. Fish and Wildlife Service.
[FR Doc. 2024–30442 Filed 12–19–24; 8:45 am]
BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[PO4820000251]

Notice of Availability of the Record of Decision for the Tri-State Fuel Breaks Project

AGENCY: Bureau of Land Management, Interior.
ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD) for the Final Environmental Impact Statement (FEIS) for the Tri-state Fuel Breaks Project located in southeastern Oregon. The ROD constitutes the decision of the BLM.

DATES: The ROD was signed on December 13, 2024.

ADDRESSES: The ROD is available online at <https://eplanning.blm.gov/eplanning-ui/project/2034234/510>.

FOR FURTHER INFORMATION CONTACT: Larisa Bogardus, Public Affairs Specialist, telephone (541) 523–1407; address 100 Oregon Street Vale, OR 97918; email lbogardus@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The BLM has determined that the analysis contained within the FEIS is adequate to reach an informed decision regarding implementation of the Project in Oregon. The BLM selects Alternative 5, with minor route segments selected from other alternatives as described in the FEIS, for construction and maintenance of approximately 26,585 acres of fuel breaks, along approximately 552 miles of roads and within approximately 332 miles of the roadbed through mechanical, chemical, and/or biological (i.e., targeted grazing) treatments on BLM-administered lands in Oregon. Alternative 5 was developed in response to public comments. Individually, Alternatives 2, 3, and 4 each primarily benefit a single resource. Alternative 5 blends elements of Alternatives 2, 3, and 4 to provide a strategic benefit to firefighters while minimizing disturbance to natural and cultural resources. A phased implementation of actions will occur to provide opportunity to review treatment

effectiveness and adapt subsequent implementation actions and will also provide an opportunity for additional coordination with Oregon Department of Fish and Wildlife (ODFW) prior to fuel break construction along less-traveled roads. During the first phase, the BLM will focus on well-traveled routes in order to further enhance the knowledge base on successful treatment timing and techniques, ecological impacts of treatments, and adaptive management responses. Treatments and methods in Oregon will be the same as those identified and analyzed in the FEIS. Up to four new mineral material sites will be developed as the first phase of fuel break development is nearing completion.

All practicable means to avoid or minimize environmental harm from the Project that were analyzed in the FEIS have been adopted in this decision and are included as appendices. Design features provide implementation timing restrictions and other protections to minimize impacts to wildlife. These features include buffers for sensitive plant occurrences from non-native seeded species, mechanical treatment avoidance buffers to protect riparian resources, and treatment buffers no more than 200 feet from either side of centerline along roads to conform to the 2024 Southeastern Oregon Resource Management Plan Amendment, which established 250-foot setbacks for Wilderness Study Areas.

The Project includes a robust monitoring and adaptive management plan to manage invasive annual species and noxious weeds within fuel breaks, collect ecological trend data to provide information on the ecological effects of vegetative treatments, and outline appropriate management responses. The Project also includes management direction and required design features from the 2015 Oregon Greater Sage-grouse Approved Resource Management Plan Amendment, as described in Appendix 3 to the ROD. A programmatic agreement (Appendix 4 to the ROD) describes how BLM will meet its responsibilities under Section 106 of the National Historic Preservation Act and avoid or minimize adverse impacts to cultural resources during Project implementation and maintenance.

There have been no changes made to the selected alternative between the publication of the FEIS and the ROD.

The Department of the Interior has approved the BLM's decision. Approval of the Record of Decision therefore constitutes the final decision of the Department of the Interior and is not

subject to appeal under Departmental regulations at 43 CFR part 4.

Barry R. Bushue,

BLM Oregon/Washington State Director.

[FR Doc. 2024–30357 Filed 12–19–24; 8:45 am]

BILLING CODE 4331–24–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[PO4820000251]

Notice of Availability of the Draft Environmental Impact Statement for P4 Production LLC's Caldwell Canyon Revised Mine and Reclamation Plan Project, Caribou County, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) announces the availability of the draft Environmental Impact Statement (EIS) for P4 Production LLC's (P4) Caldwell Canyon Revised Mine and Reclamation Plan Project (Project) in Caribou County, Idaho.

DATES: To afford the BLM the opportunity to consider comments in the Draft EIS, please ensure that the BLM receives your comments within 45 days following the date the Environmental Protection Agency (EPA) publishes its Notice of Availability (NOA) of the draft EIS in the **Federal Register**. The EPA usually publishes its NOAs on Fridays.

ADDRESSES: The draft EIS and associated documents are available for review on the BLM project website at <https://eplanning.blm.gov/eplanning-ui/project/2026858/510>.

Written comments related to the Project may be submitted by any of the following methods:

- *BLM's National NEPA Register (ePlanning)* at: <https://eplanning.blm.gov/eplanning-ui/project/2026858/510>.
- *Email:* BLM_ID_CaldwellRevisedMRP_EIS@blm.gov.
- *Mail:* Caldwell Canyon Revised Mine EIS, C/O Stantec Consulting Services Inc., 2890 East Cottonwood Parkway, Suite 300, Salt Lake City, UT 84121.

FOR FURTHER INFORMATION CONTACT: Barry Myers, project lead, at telephone (208) 559–3662; address 4350 Cliffs Drive, Pocatello, ID 83204; or email

bmyers@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Mr. Myers. 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:

Purpose and Need

The purpose of the EIS is to evaluate and respond to the Revised Mine and Reclamation Plan (RMRP) submitted for the recovery of phosphate ore contained within Federal phosphate leases IDI–02, IDI–014080, and IDI–013738, and to modify leases, in accordance with the Mineral Leasing Act of 1920, as amended.

The need for the Project is to develop the phosphate ore resource in accordance with established requirements (including, but not limited to, applicable Federal and State laws and regulations, lease terms, and land use plans) using an economically viable method, and to allow P4 the ability to exercise its right under the Mineral Leasing Act to develop the leases.

Proposed Action

P4's application proposes mining of existing Federal phosphate leases IDI–02, IDI–014080, and IDI–013738, and State of Idaho Mineral Lease E07959, by constructing two open pits, partially backfilling the inactive Dry Valley Mine South Extension Panel D pit with initial overburden materials, constructing haul and access roads, installing various utility lines, and constructing water management features, monitoring wells, shop and office facilities, while implementing environmental protection measures and reclamation.

Portions of the two open pits, the North and South Pits, would extend beyond the existing Federal and State lease boundaries. To accommodate those portions of the pits that extend outside the current Federal and State leases, P4 proposes expanding their leases in accordance with 43 CFR Subpart 3510. Operations would be conducted over an estimated 40-year period and would occur on public lands administered by the BLM, on National Forest System lands, on lands administered by the Idaho Department of Lands, and on private lands.

Total disturbance for the Project would be approximately 1,832 acres, with approximately 418 acres of

disturbance having already occurred under previous approvals. The RMRP includes designs to reduce environmental impacts and to reclaim proposed disturbance. To ensure water quality requirements are met, reclamation includes a combination of earthen and synthetic reclamation cover systems.

Additional Alternatives

In addition to the Proposed Action, three action alternatives and the No Action Alternative are fully analyzed in the Draft EIS. Under Alternative 1, disturbance to public lands would be minimized by aligning the Dry Valley Area Haul Road/Access Road/Utility Corridor to avoid public lands and by not approving a Phosphate Use Permit associated with the Caldwell Canyon Service Road. Alternative 2 considers and analyzes impacts associated with not issuing the Federal lease modifications proposed by P4. Alternative 3 excludes any new disturbance and mining-related activities within designated Greater Sage-Grouse habitat to minimize impacts. The draft EIS identifies the Proposed Action as the Agency Preferred Alternative.

Public Involvement Process

The BLM will hold one virtual public meeting. The specific date of this meeting will be announced in advance through BLM's National NEPA Register (ePlanning) website <https://eplanning.blm.gov/eplanning-ui/project/2026858/510>. Information on how to register for the online meeting will be posted on the above website.

The BLM will continue to consult with Indian Tribal Nations on a government-to-government basis in accordance with Executive Order 13175 and other policies. Agencies will give due consideration to Tribal concerns, including impacts on Indian Trust Assets and treaty rights, and potential impacts to cultural resources.

The purpose of public review of the Draft EIS is to provide an opportunity for meaningful collaborative public engagement and for the public to provide substantive comments, such as identification of factual errors, data gaps, relevant methods, or scientific studies. The BLM will respond to substantive comments by making appropriate revisions to the EIS or explaining why a comment did not warrant a change.

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.

(Authority: 40 CFR 1506.6, 40 CFR 1506.10)

Peter Ditton,

Acting State Director.

[FR Doc. 2024–30346 Filed 12–19–24; 8:45 am]

BILLING CODE 4331–21–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Mobile Electronic Devices, DN 3793*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Maxell, Ltd. on December 17, 2024. The complaint alleges violations of section

337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile electronic devices. The complaint names as respondents: Samsung Electronics Co., Ltd. of South Korea and Samsung Electronics America, Inc. of Ridgefield Park, NJ. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the

close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3793") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract

personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: December 17, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–30462 Filed 12–19–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Passive Optical Network Equipment Supporting NETCONF, DN 3792*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the

Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Optimum Communications Services, Inc. on December 16, 2024. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain passive optical network equipment supporting NETCONF. The complaint names as respondents: Changsha Silun Network Technology Co., Ltd. of China; Hunan Maiqiang Network Technology Company Limited of China; Hunan Zikun Information Technology Co., Ltd. of China; and Guangzhou Qiton Electronics Technology Co., Ltd. of China. The complainant requests that the Commission grant temporary relief in the form of a temporary exclusion order and cease and desist orders during the period of investigation. Complainant also requests issuance of a general exclusion order and cease and desist orders.

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3792") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business

information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: December 17, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–30461 Filed 12–19–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1671 (Final)]

Melamine From Qatar; Termination of Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: On December 9, 2024, the Department of Commerce published notice in the **Federal Register** of a negative final antidumping duty determination in connection with the subject investigation concerning Qatar. Accordingly, the antidumping duty investigation concerning melamine from Qatar (Investigation No. 731–TA–1671 (Final)) is terminated.

DATES: December 9, 2024.

FOR FURTHER INFORMATION CONTACT: Keysha Martinez (202–205–2136), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

obtained 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 this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: The negative final antidumping duty determination was published in the **Federal Register** December 9, 2024 at 89 FR 97592.

Authority: This investigation is being terminated under authority of title VII of the Tariff Act of 1930 and pursuant to section 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)). This notice is published pursuant to section 201.10 of the Commission's rules (19 CFR 201.10).

By order of the Commission.

Issued: December 17, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–30445 Filed 12–19–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–720 and 731–TA–1688 (Final)]

Ceramic Tile From India; 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–720 and 731–TA–1688 (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 ceramic tile from India, provided for in subheadings 6907.21.10, 6907.21.20, 6907.21.30, 6907.21.40, 6907.21.90, 6907.22.10, 6907.22.20, 6907.22.30, 6907.22.40, 6907.22.90, 6907.23.10, 6907.23.20, 6907.23.30, 6907.23.40, 6907.23.90, 6907.30.10, 6907.30.20, 6907.30.30, 6907.30.40,

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

6907.30.90, 6907.40.10, 6907.40.20, 6907.40.30, 6907.40.40, and 6907.40.90 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce ("Commerce") to be subsidized and sold at less-than-fair-value.

DATES: December 2, 2024.

FOR FURTHER INFORMATION CONTACT:

Nitin Joshi ((202) 708-1669), 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 "The merchandise covered by this investigation is ceramic flooring tile, wall tile, paving tile, hearth tile, porcelain tile, mosaic tile, flags, decorative tile, finishing tile, and the like (hereinafter ceramic tile).

Ceramic tiles are articles containing a mixture of minerals including clay (generally hydrous silicates of alumina or magnesium) that are fired so the raw materials are fused to produce a tile that is less than 3.2 cm in thickness, exclusive of decorative features.

All ceramic tile is subject to the scope regardless of end use, surface area, and weight, regardless of whether the tile is glazed or unglazed, regardless of the water absorption coefficient by weight, regardless of the extent of vitrification, and regardless of whether or not the tile is on a backing.

Subject merchandise includes ceramic tile "slabs" or "panels" (tiles that are larger than 1 meter² (11 ft²)). Subject merchandise includes ceramic tile that undergoes minor processing in a third country prior to importation into the United States. Similarly, subject merchandise includes ceramic tile produced that undergoes minor processing after importation into the United States. Such minor processing includes, but is not limited to, one or more of the following: beveling, cutting, trimming, staining, painting, polishing, finishing, additional firing, affixing a

decorative surface to the tile, or any other processing that would otherwise not remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope product.

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 India of ceramic tile, 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 19, 2024, by Coalition for Fair Trade in Ceramic Tile.¹

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).

Although Commerce has preliminarily determined that imports of ceramic tile from India are not being and are not likely to be sold in the United States at less than fair value, for purposes of efficiency the Commission hereby waives rule 207.21(b)² so that the final phase of the investigations may proceed concurrently in the event that Commerce makes a final affirmative determination with respect to such imports.

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

¹ The Coalition for Fair Trade in Ceramic Tile is comprised of Crossville, Inc., Crossville, TN; Dal-Tile Corporation, Dallas, TX; Del Conca USA, Inc., Loudon, TN; Wonder Porcelain, Lebanon, TN; Landmark Ceramics—UST, Inc., Mount Pleasant, TN; Florim USA, Clarksville, TN; Florida Tile, Lexington, KY; Portobello America Manufacturing LLC, Pompano Beach, FL; and StonePeak Ceramics Inc., Chicago, IL.

² § 207.21(b) of the Commission's rules provides that, where Commerce has issued a negative preliminary determination, the Commission will publish a Final Phase Notice of Scheduling upon receipt of an affirmative final determination from Commerce.

§ 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 April 3, 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 17, 2025. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before Friday, April 11, 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 investigation, 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 3pm 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 Tuesday, April 15, 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 14, 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 April 10, 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 April 24, 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 April 24, 2025. On May 12, 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 May 14, 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://](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf)

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 16, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024-30379 Filed 12-19-24; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—1EdTech Consortium, Inc.

Notice is hereby given that, on July 16, 2024, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), 1EdTech Consortium, Inc. ("1EdTech Consortium") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Alabama Institute for Deaf and Blind, East Talladega, AL; Education Assessment System, Arlington, VA; University of Georgia, Athens, GA; School Harbor, Phoenix, AZ; Ivy Tech Community College, Indianapolis, IN; MyEducator LLC, Orem, UT; Mountain Brook Schools, Mountain Brook, AL; Uinta County

School District #1, Evanston, WY; St. Charles CUSD 303, St. Charles, IL; Swedish National Agency for Education (Statens skolverk), Stockholm, SWEDEN; Massachusetts Institute of Technology, Cambridge, MA; and Vestavia Hills City Schools, Vestavia Hills, AL, have been added as parties to this venture.

Also, Washington State Community and Technical Colleges System, Olympia, WA; Pearl, Richmond, VA; New Hanover County Schools, Wilmington, NC; and Edge Factor Inc., Ontario, CANADA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and 1EdTech Consortium intends to file additional written notifications disclosing all changes in membership.

On April 7, 2000, 1EdTech Consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on April 29, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 21, 2024 (89 FR 52089).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024-30406 Filed 12-19-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Rapid Response Partnership Vehicle

Notice is hereby given that, on October 3, 2024, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Rapid Response Partnership Vehicle ("RRPV") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Biointelect Pty, Ltd., Sydney, AUSTRALIA; SPI Pharma, Inc.,

Wilmington, DE; Serimmune, Goleta, CA; UNITED KINGDOM HEALTH SECURITY AGENCY (UKHSA), Salisbury, UNITED KINGDOM; University of Connecticut, Farmington, CT; VGXI, Inc., Conroe, TX; ABSS Solutions, Inc., Upper Marlboro, MD; BiosYnth SRL, Milan, ITALY; Idevax, Wijnegem, BELGIUM; IntegerBio, Inc., Gaithersburg, MD; Phoreus Biotechnology, Inc., Olathe, KS; PrecNA, LLC, North Potomac, MD; Sepragen Corp., Union City, CA; Trellis Bioscience, Inc., Redwood City, CA; AB Validation, Inc., Quebec, CANADA; AuraVax Therapeutics, Inc., Houston, TX; CuriRx, Inc., Wilmington, MA; IMA Evaluations, LLC, dba IMA Clinical Research, Tarrytown, NY; MustardSeed PMO, West Chester, PA; Symbiosis.io, LLC, Smyrna, GA; Tornado Therapeutics, Boston, MA; Amneal Pharmaceuticals of New York, LLC, Brookhaven, NY; Blue Spark Technologies, Inc., Westlake, OH; Inhalon Biopharma, Inc., Morrisville, NC; Intelligene, Inc., Taipei, TAIWAN; Rocket Science Health US Corp., Seattle, WA; Rutgers, The State University of New Jersey, Piscataway, NJ; The Administrators of the Tulane Educational Fund, New Orleans, LA; Verisim Life, Inc., San Francisco, CA; Arcturus Therapeutics Holdings, Inc., San Diego, CA; Blu Zone Bioscience & Supply Chain Solutions, LLC, Frederick, MD; Elligo Health Research, Inc., Austin, TX; Guide Biomedical Solutions, LLC, Media, PA; Integral Molecular, Philadelphia, PA; Komo Biosciences, Inc., Newton, MA; P95, BV, Leuven, BELGIUM; Southwest Research Institute, San Antonio, TX; Statistics & Data Corp., Tempe, AZ; Stoic Bio, Inc., San Diego, CA; Valaria Technical Consultants, LLC, Westminster, MD; Vaxine Pty, Ltd., Marion, AUSTRALIA; Zeteo Biomedical, LLC, Austin, TX; Concept to Market, LLC, Monrovia, MD; DSBio Consulting, LLC, Annapolis, MD; Deimos Biosciences, San Francisco, CA; GMED North America, Inc., Rockville, MD; InvisiShield Technologies, Ltd., Emeryville, CA; MigVax, Ltd., Kiryat Shmona, ISRAEL; Polaris Alpha Advanced Systems, Inc., Fredericksburg, VA; Pop Test Oncology, LLC, Cliffside Park, NJ; Sapphiros, Boston, MA; Articulate Labs, Inc., Dallas, TX; Empatica, Inc., Cambridge, MA; LifeMine Therapeutics, Inc., Cambridge, MA; Luminous Therapeutics Corp., Columbia, MD; Nabla Bio, Inc., Cambridge, MA; Qoolabs, Inc., Carlsbad, CA; Rapid Novor, Inc., Kitchener, CANADA; Scorpius BioManufacturing, San Antonio, TX; Sunflower Therapeutics

PBC, Medford, MA; GreenRoads Diagnostics, Inc., San Diego, CA; Logical Images, dba “VisualDx”, Rochester, NY; Mirai Biosciences, Cambridge, MA; The Scripps Research Institute, La Jolla, CA; AmplifyBio, LLC, West Jefferson, OH; Andelyn Biosciences, Inc., Columbus, OH; Binary Pharmaceuticals, LLC, Hot Springs, AR; BioCina PTY, Ltd., West Torrens, AUSTRALIA; Cypress Biologics, LLC, Portland, OR; Fermeate, Inc., San Francisco, CA; HMH Hospitals Corp, dba CDI, Nutley, NJ; Meso Scale Diagnostics, LLC, Rockville, MD; Systems & Technology Research, LLC, Woburn, MA; Telesis Bio, San Diego, CA; Thermo Fisher, South San Francisco, CA; University of Massachusetts Lowell, Lowell, MA; ViQi, Inc., Santa Barbara, CA; DemeTech Corp., Miami, FL; INFEX Therapeutics, Alderley Edge, UNITED KINGDOM; Mercury Bio, Inc., Santa Fe, NM; Phageolytix, Inc., Jacksonville, FL; Phenom Pharmaceuticals, LLC, Miami Beach, FL; RIBOPRO BV, Oss, NETHERLANDS; RNhale GmbH, Munich, GERMANY; The University of Chicago Medicine, Chicago, IL; Bioblue CMC/Manufacturing Consulting, LLC, San Diego, CA; Oligo Foundry, Inc., San Diego, CA; PNUVAX, Inc., Wilmington, DE; Prosoft Software, Inc., dba Prosoft Clinical, Chesterbrook, PA; Simon Williams Pharma Consulting (SWPC), LLC, Gibbsboro, NJ; Dillico, Meylan, FRANCE; INFINIFLUIDICS, Philadelphia, PA; Primrose Bio, Inc., San Diego, CA; SIMETRI, Inc., Winter Park, FL; The Trustees of the University of Pennsylvania, Philadelphia, PA; and WCG, Princeton, NJ, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and RRPV intends to file additional written notifications disclosing all changes in membership.

On January 5, 2024, RRPV filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on April 16, 2024 (89 FR 26928).

The last notification was filed with the Department on July 11, 2024. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 11, 2024 (89 FR 82631).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024–30403 Filed 12–19–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—UHD Alliance

Notice is hereby given that, on October 8, 2024, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), UHD Alliance, Inc. (“UHD Alliance”) filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, TTE Corporation, Shenzhen, PEOPLE’S REPUBLIC OF CHINA has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and UHD Alliance intends to file additional written notifications disclosing all changes in membership.

On June 17, 2015, UHD Alliance filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 17, 2015 (80 FR 42537).

The last notification was filed with the Department on July 8, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on September 26, 2024 (89 FR 78904).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024–30412 Filed 12–19–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Subcutaneous Drug Development & Delivery Consortium, Inc.

Notice is hereby given that, on October 4, 2024, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Subcutaneous Drug Development & Delivery

Consortium, Inc. (“Subcutaneous Drug Development & Delivery Consortium, Inc.”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Janssen Research & Development, LLC, Malver, PA; Novo Nordisk, Bagsvaerd, DENMARK; and Ypsomed AG, Burgdorf, SWITZERLAND have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Subcutaneous Drug Development & Delivery Consortium, Inc. intends to file additional written notifications disclosing all changes in membership.

On October 26, 2020, Subcutaneous Drug Development & Delivery Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 3, 2020 (85 FR 78148).

The last notification was filed with the Department on April 25, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on September 12, 2024 (89 FR 74288).

Suzanne Morris,
Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024–30418 Filed 12–19–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Senior Healthcare Innovation Consortium

Notice is hereby given that, on October 2, 2024 pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Senior Healthcare Innovation Consortium (SHIC) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of

antitrust plaintiffs to actual damages under specified circumstances.

Specifically, AIVOT Robotics, Inc., Seattle, WA; Living Solutions, Afton, WY; Thrive360AI, San Francisco, CA; and Tornado Therapeutics, Boston, MA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and SHIC intends to file additional written notifications disclosing all changes in membership.

On November 2, 2022, SHIC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 23, 2022 (87 FR 71677).

The last notification was filed with the Department on July 10, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on September 26, 2024 (89 FR 78902).

Suzanne Morris,
Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024–30405 Filed 12–19–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Medical Technology Enterprise Consortium

Notice is hereby given that, on October 7, 2024, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Medical Technology Enterprise Consortium (“MTEC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Artery Studios, Inc., Toronto, CANADA; Astek Diagnostics, Inc., Halethorpe, MD; BBC Entrepreneurial Training and Consulting, LLC, Chelsea, MI; Bluestaq, LLC, Colorado Springs, CO; Carrtech Corp., Dickerson, MD; Concept Plus, LLC, Fairfax, VA; Crescel, LLC, Miami Beach, FL; Culmen International, LLC, Alexandria, VA; DeployX Services, Inc.,

McLean, VA; Digital For Mental Health, Paris, FRANCE; Emvision Medical Devices, Ltd., Macquarie Park, AUSTRALIA; Galapagos Federal Systems, LLC, Kihei, HI; GoDx, Inc., Madison, WI; Government Acquisitions, Inc., Cincinnati, OH; IntelliDyne, LLC, Vienna, VA; IRegained, Inc., Sudbury, CANADA; Northeastern University, Boston, MA; Nytrix, Inc., Athens, GA; Omnix Medical, Jerusalem, ISRAEL; Perfusio Corp., Greenville, NC; Protomdx, Ltd., London, UNITED KINGDOM; PSC Biotech Corp., Pomona, CA; Razom, Inc., New York, NY; ReliOx Corp., Jacksonville, FL; SeaStar Medical, Inc., Denver, CO; SPEAR Human Performance, Inc., Tallahassee, FL; SPOC Proteomics, Inc., Scottsdale, AZ; TechWerks, LLC, Arlington Heights, IL; The Neutrino Donut, LLC, Culver City, CA; Unify Medical, Cleveland, OH; University of South Carolina, Columbia, SC; Wearabledose, Inc., Bowie, MD; Zeteo Tech, Inc., Sykesville, MD; and ZuluCare, LLC, Bethpage, NY, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MTEC intends to file additional written notifications disclosing all changes in membership.

On May 9, 2014, MTEC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 9, 2014 (79 FR 32999).

The last notification was filed with the Department on June 28, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on September 16, 2024 (89 FR 75566).

Suzanne Morris,
Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024–30411 Filed 12–19–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Naval Surface Technology & Innovation Consortium

Notice is hereby given that, on October 10, 2024, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Naval Surface Technology & Innovation

Consortium (“NSTIC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, ACP Technologies LLC, St. Clair Shores, MI; Advanced Fiber Sensors, Inc., Ann Arbor, MI; AISensation LLC, Mission Viejo, CA; AIVOT Robotics, Inc., Seattle, WA; Applied Intuition Government, Inc., Arlington, VA; Archarithms, Inc., Huntsville, AL; Arimon Technologies, Inc., Montello, WI; Atlas Technologies, Inc., North Charleston, SC; Bishop Ascendant, Inc., Caldwell, NJ; BlueSky Mast, Inc., Largo, FL; Brixtel Defense, LLC, Glendive, MT; Carbon-Carbon Advanced Technologies, Inc., Arlington, TX; Cardinal Engineering, LLC, Washington, DC; Carnegie Mellon University, Pittsburgh, PA; CPI Satcom & Antenna Technologies Inc., Plano, TX; Custom Microwave Inc., A Vitesse Systems Company, Longmont, CO; Data Intelligence, LLC, Marlton, NJ; Datalytica LLC, Laurel, MD; Eiden Systems Corporation, Charlottesville, VA; Episensors, Inc., Bolingbrook, IL; Fiber Materials Inc., Biddeford, ME; Fuse Integration, Inc., San Diego, CA; Future Technologies, Inc., Fairfax, VA; George Mason University, Fairfax, VA; Hanwha Defense USA, Inc., McLean, VA; Invocon, Inc., Conroe, TX; Iridium Satellite LLC, McLean, VA; Kondor Engineering, Charlottesville, VA; Kratos SRE, Birmingham, AL; L3Harris Technologies, Inc., Clifton, NJ; Laser Welding Solutions, LLC, Houston, TX; Nexagen Networks, Inc., Wall Township, NJ; Nokia of America Corporation, Murray Hill, NJ; NWI Defense LLC, Albany, OR; Obsidian Global, LLC, Washington, DC; Photonis Defense, Lancaster, PA; Poplicus, Inc. DBA Govini, Arlington, VA; Quantum Research International, Inc., Huntsville, AL; Raft LLC, Reston, VA; Safire Technology Group, Inc., McLean, VA; Sev1Tech, LLC, Woodbridge, VA; Spear AI, Inc., Washington, DC; Spectral Energies, LLC, Beavercreek, OH; Spectral Labs Incorporated, San Diego, CA; SPOC Proteomics, Inc., Scottsdale, AZ; St Jardins, Inc., Brambleton, VA; Systems Innovation Engineering LLC, Mullica Hill, NJ; TB2 Aerospace LLC, Golden, CO; The Mason & Hanger Group Inc., Lexington, KY; Triton Systems, Inc., Chelmsford, MA; University of Dayton, Dayton, OH; and World Wide Technology, LLC, St. Louis, MO, have been added as parties to this venture.

Also, Reservoir Labs, Inc., New York, NY, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NSTIC intends to file additional written notifications disclosing all changes in membership.

On October 8, 2019, NSTIC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 12, 2019 (84 FR 61071).

The last notification was filed with the Department on July 8, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on September 26, 2024 (89 FR 78901).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024–30424 Filed 12–19–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Expeditionary Missions Consortium—Crane

Notice is hereby given that, on October 9, 2024, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Expeditionary Missions Consortium—Crane (“EMC²”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, 10x National Security, Aldie, VA; ABSL Power Solutions, Inc., Longmont, CO; Advanced Powder Products, Philipsburg, PA; Aerocine Ventures, Jackson Heights, NY; AEVEX Aerospace, LLC, Solana Beach, CA; AirShip Technologies Group, Lake Oswego, OR; AIVOT Robotics, Inc., Seattle, WA; Anderson Contract Engineering, Inc., Melbourne, FL; Applied Research Associates, Randolph, VT; Archem, LLC, Shreveport, LA; Atomiq, LLC, Pittsfield, MA; AURA Technologies, LLC, Carrboro, NC; AVL

Mobility Technologies, Inc., Plymouth, MI; B.E. Meyers & CO, Inc., Redmond, WA; Baker Engineering, LLC, Nunica, MI; Barrow Wise Consulting, LLC, Rockville, MD; Beacon Industries, Inc., Newington, CT; Binergy Scientific, Inc., Atlanta, GA; Bishop Ascendant, Inc., Caldwell, NJ; Boecore, LLC, Colorado Springs, CO; Bren-Tronics, Inc., Commack, NY; Bryce Space and Technology, LLC, dba BryceTech, Alexandria, VA; Canfield Consulting Group, LLC, dba Canfield CyberDefense Group, Olney, MD; Carnegie Mellon University, Pittsburgh, PA; Charles River Analytics, Cambridge, MA; CIYIS, LLC, Atlanta, GA; Columbus Technologies and Services, El Segundo, CA; Commonwealth Technology Innovation, LLC, Alexandria, VA; Compass Blue, LLC, Cazenovia, NY; Cornerstone Research Group, Inc., Miamisburg, OH; Cummings Aerospace, Inc., Huntsville, AL; Daniel H. Wagner Associates, Inc., Hampton, VA; Defense Unicorns, Colorado Springs, CO; DRS Sustainment Systems, Inc., Bridgeton, MO; DZYNE Technologies, LLC, Fairfax, VA; EaglePicher Technologies, LLC, Joplin, MO; Echodyne, Kirkland, WA; Ellis & Watts Global Industries, Inc., Batavia, OH; EnerSys Advanced Systems, Inc., Pinellas Park, FL; EnerSys Advanced Systems, Inc., Horsham, PA; Eniwetok Group, LLC, Richardson, TX; EpiSys Science, Inc., Poway, CA; Exponent, Inc., Menlo Park, CA; Foster-Miller, Inc., dba QinetiQ, Waltham, MA; Future Technologies, Inc., Fairfax, VA; G.D.O., Inc., dba Gradient Technology, Elk River, MN; Galley Power, Inc., Hudson, MA; GE Vernova Operations, LLC, dba GE Vernova Advanced Research Center, Niskayuna, NY; General Atomics, San Diego, CA; George Mason University, Fairfax, VA; Georgia Tech Applied Research Corp., Atlanta, GA; Gigantor Technologies, Inc., Melbourne Beach, FL; GreenSight, Charlestown, MA; Griffon Aerospace, Inc., Madison, AL; Guild Associates, Inc., Dublin, OH; HEBI Robotics, Inc., Pittsburgh, PA; Helical Solar Solutions, LLC, Leander, TX; Howell Laboratories, Inc., Bridgton, ME; Hughes Network Systems, LLC, Germantown, MD; IAI North America, Inc., Herndon, VA; Industrial Machining and Repair, Inc., Prentice, WI; Integrated Consultants, Inc., San Diego, CA; Invocon, Inc., Shenandoah, TX; Kratos Unmanned Aerial Systems, Inc., Sacramento, CA; KVG, LLC, Gettysburg, PA; Leonardo DRS Network and Imaging Systems, LLC, Melbourne, FL; Lockheed Martin Missiles & Fire Control, Orlando, FL; Mantel Technologies, Fort Collins, CO; Metron, Inc., Reston, VA; MetroStar,

LLC, Reston, VA; Mindboard, Inc., Sterling, VA; Mosaic ATM, Inc., Leesburg, VA; N2L, Inc., New Market, AL; National Instruments Corporation, Austin, TX; North American Wave Engine Corporation, Baltimore, MD; Omnitek Partners, LLC, Ronkonkoma, NY; Onyx Aerospace, Huntsville, AL; Park-Tours, Inc., dba Left Coast Engineering, Escondido, CA; Parry Labs, LLC, Alexandria, VA; Phoenix Waste Solutions, Inc., Chauvin, LA; Pliant Energy Systems, Inc., Brooklyn, NY; Polaris Sensor Technologies, Inc., Huntsville, AL; Precise Systems, Lexington Park, MD; Qualcomm Technologies, Inc., San Diego, CA; Raft, LLC, Reston, VA; Rantec Power Systems, Inc., Los Osos, CA; RapidFlight Holdings, LLC, Manassas, VA; Safire Technology Group, Inc., Mclean, VA; Skylark Labs, Inc., Dover, DE; Strategic Technology Consulting, LLC, Chantilly, VA; Strogen Strategic Sustainability, LLC, Washington, DC; Symbiosis.io, LLC, Smyrna, GA; Tactical Electronics and Military Supply, LLC, Broken Arrow, OK; Tapestry Solutions, San Diego, CA; TDP, Inc., Loveland, CO; The Dewey Electronics Corporation, Oakland, NJ; The Hard Yards, LLC, dba BlackSea Technologies, Arlington, VA; The Pennsylvania State University—Applied Research Laboratory, State College, PA; The Rector and Visitors of the University of Virginia, Charlottesville, VA; Tetramer Technologies, LLC, Pendleton, SC; Tiami, LLC, Elk Grove, CA; Tiger Team Engineering, LLC, Sheridan, WY; Torch Technologies, Inc., Huntsville, AL; Trustees of Indiana University, Bloomington, IN; TurnAround Factor, Ashland, VA; UberEther, Inc., Sterling, VA; Ultrasea, Inc., East Kingston, NH; Universal Solutions International, Inc., Newport News, VA; Vega Technology Group, LLC, North Canton, OH; Wright Electric, Inc., Malta, NY; and WWM Solutions, LLC, Washington, DC have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and EMC² intends to file additional written notifications disclosing all changes in membership.

On January 11, 2024, EMC² filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 13, 2024 (89 FR 18439).

The last notification was filed with the Department on June 14, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the

Act on September 12, 2024 (89 FR 74287).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024–30416 Filed 12–19–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Biopharmaceutical Manufacturing Preparedness Consortium

Notice is hereby given that, on October 3, 2024, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Biopharmaceutical Manufacturing Preparedness Consortium (“BioMaP-Consortium”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Asimov, Inc., Boston, MA; Bayer Healthcare LLC, Whippany, NJ; CHIMunomics, Ltd., Horsell, UNITED KINGDOM; Carnegie Mellon University, Pittsburgh, PA; Emergent Product Development Gaithersburg, Inc., Gaithersburg, MD; Enzene, Inc., Pennington, NJ; GE Medical Systems Information Technologies, Inc. d.b.a. GE HealthCare Technology & Innovation Center, Niskayuna, NY; Just-Evotec Biologics, Seattle, WA; Medbio LLC, Grand Rapids, MI; Molding Services of Illinois, Inc., Olney, IL; Novas Bio, Inc., Union City, CA; Qoolabs, Inc., Carlsbad, CA; SPOC Proteomics, Inc., Scottsdale, AZ; SaniSure, Inc., Camarillo, CA; AlphaGem Bio, Inc., Fremont, CA; Azure Medical, Inc., La Verne, CA; BioFactura, Inc., Frederick, MD; Brightstar Innovations Group LLC, Arlington, VA; Croda, Inc., Mill Hall, PA; Hamilton Company, Reno, NV; Komo Biosciences, Inc., Cambridge, MA; Mustard Seed PMO LLC, West Chester, PA; Nephron Nitrile LLC, West Columbia, SC; Rutgers University, Piscataway, NJ; The Tiny Cargo Company, Roanoke, VA; VGXI, Inc., Conroe, TX; Wild Microbes Company, Cambridge, MA; Arcology, Inc., Culver City, CA; Avery Digital Data, Inc., La Jolla, CA; Louis M Gerson Co, Inc., Middleboro, MA; Mark Cuban Cost Plus

Drug Company, PBC, Dallas, TX; Vulcan Bioworks LLC, Dover, DE; Arcturus Therapeutics Holdings, Inc., San Diego, CA; Dentec Safety Specialists Corp., Lenexa, KS; Guide Biomedical Solutions LLC, Media, PA; Integral Molecular, Philadelphia, PA; Shreenika Pioneering, San Diego, CA; Applied Research Associates, Albuquerque, NM; DemeTech Corp., Miami, FL; Quantoom Biosciences SA, Nivelles, BELGIUM; Reusable Respirators LLC, Panama City, FL; SafeSource Direct, LLC, Broussard, LA; Vaxine Pty Ltd., Warradale, AUSTRALIA; 3M Company, St. Paul, MN; Amneal Pharmaceuticals of New York, LLC, Brookhaven, NY; CMMCM LLC, Las Vegas, NV; Foothill Scientific Associates, Lake Forest, CA; Innerspace GmbH, Innsbruck, AUSTRIA; Jurata Thin Film, Inc., Chapel Hill, NC; LTS Lohmann Therapie-Systeme AG, Andernach, GERMANY; O&M Halyard, Inc., Alpharetta, GA; PNUVAX, Inc., Wilmington, DE; Pacto Medical, Inc., Newark, DE; Shawmut LLC, West Bridgewater, MA; US Medical Glove, Harvard, IL; Univercells S.A., Charleroi, BELGIUM; and Vivaldi Biosciences Inc., Fort Collins, CO, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the BioMaP-Consortium intends to file additional written notifications disclosing all changes in membership.

On January 5, 2024, the BioMaP-Consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on April 16, 2024 (89 FR 26923).

The last notification was filed with the Department on July 11, 2024. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 11, 2024 (89 FR 82628).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024–30402 Filed 12–19–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE**Antitrust Division****Notice Pursuant to the National Cooperative Research and Production Act of 1993—Maritime Sustainment Technology and Innovation Consortium**

Notice is hereby given that, on October 10, 2024, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Maritime Sustainment Technology and Innovation Consortium (“MSTIC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Additive Manufacturing & Engineering, Inc., Huntsville, AL; AIVOT Robotics, Inc., Seattle, WA; Applied Intuition Government, Inc., Arlington, VA; BAE Systems Technology Solutions & Services, Inc., Rockville, MD; Bauer Compressors, Inc., Norfolk, VA; Bishop Ascendant, Inc., Caldwell, NJ; CyKor LLC, Annapolis, MD; ECI Defense Group, Inc., Lyles, TN; Epsilon C5I, Inc., San Diego, CA; Gecko Robotics, Inc., Pittsburgh, PA; HII Mission Technologies Corp., McLean, VA; Hyper Tech Research, Inc., Columbus, OH; Integrated Consultants, Inc., San Diego, CA; IntelliPower, Inc., Orange, CA; Management Services Group, Inc. dba Global Technical Systems, Virginia Beach, VA; Next Earth LLC dba Next Earth Solutions, Ashburn, VA; Overland AI, Inc., Seattle, WA; Poplicus, Inc. dba Govini, Arlington, VA; PR Snoke Precision, Inc., Shamong, NJ; Programs Management Analytics & Technologies, Inc., Norfolk, VA; Safire Technology Group, Inc., McLean, VA; Schneider Electric Buildings Critical Systems, Inc., Columbia, MD; Symbiosis.io LLC, Smyrna, GA; Technology Service Corp., Arlington, VA; Mason & Hanger Group, Inc., Lexington, KY; Vitro Technology Corp., Austin, TX; and Voicelt Technologies, Inc. dba EnQuanta, Minneapolis, MN, have been added as parties to this venture.

Also, Huckworthy LLC, Cape Charles, VA, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research

project remains open, and MSTIC intends to file additional written notifications disclosing all changes in membership.

On October 21, 2020, MSTIC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 19, 2020 (85 FR 73750).

The last notification was filed with the Department on July 9, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on September 26, 2024 (89 FR 78904).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024–30422 Filed 12–19–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE**Notice of Lodging of Proposed Consent Decree Under the Clean Air Act**

On December 17, 2024, the Department of Justice lodged a proposed consent decree with the United States District Court for the Southern District of New York in the lawsuit entitled *United States v. XTO Energy, Inc.*, Civil Action No. 24 Civ. 4269.

In this action, the United States seeks injunctive relief pursuant to the Clean Air Act against XTO Energy, Inc. for alleged violations of section 112(r)(1), 42 U.S.C. 7412(r)(1), related to a 2018 blowout at a fracked gas well in southeastern Ohio. The blowout necessitated evacuations of the surrounding area and resulted in the release of thousands of tons of methane, which is a listed hazardous substance. See 59 FR 4478 (Jan. 31, 1994). Under the proposed consent decree, XTO would pay \$8 million in civil penalties, perform an audit of company drilling operations and undertake other compliance assurance efforts, and implement emissions mitigation projects that will secure more than 20,000 tons of methane emissions reductions.

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. XTO Energy, Inc.*, D.J. Ref. No. 90–5–1–12521. All comments must be submitted no later than thirty (30) 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	<i>pubcomment-ees.enrd@usdoj.gov.</i>
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 by the United States 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. 2024–30458 Filed 12–19–24; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR**Veterans’ Employment and Training Service****Advisory Committee on Veterans’ Employment, Training and Employer Outreach (ACVETEO): Meeting**

AGENCY: Veterans’ Employment and Training Service (VETS), Department of Labor (DOL).

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the ACVETEO. The ACVETEO will discuss the DOL core programs and services that assist veterans seeking employment and raise employer awareness as to the advantages of hiring veterans. There will be an opportunity for individuals or organizations to address the committee. Any individual or organization that wishes to do so should contact Mr. Gregory Green at ACVETEO@dol.gov. Additional information regarding the Committee, including its charter, current membership list, annual reports, meeting minutes, and meeting updates may be found at <https://www.dol.gov/agencies/vets/about/advisorycommittee>. This notice also describes the functions

of the ACVETEO. This document is intended to notify the general public.

DATES: Tuesday, January 14, 2025 beginning at 10 a.m. and ending at approximately 12 p.m. (EST).

ADDRESSES: This ACVETEO meeting will be held via TEAMS and teleconference. Meeting information will be posted at the link below under the Meeting Updates tab. <https://www.dol.gov/agencies/vets/about/advisorycommittee>.

Notice of Intent To Attend the Meeting: All meeting participants should submit a notice of intent to attend by Friday, January 10, 2025, via email to Mr. Gregory Green at ACVETEO@dol.gov, subject line “January 2025 ACVETEO Meeting.” Individuals who will need accommodations for a disability to attend the meeting (e.g., interpreting services, assistive listening devices, and/or materials in alternative format) should notify the Advisory Committee no later than Tuesday, January 7, 2025, by contacting Mr. Gregory Green at ACVETEO@dol.gov.

Requests made after this date will be reviewed, but availability of the requested accommodations cannot be guaranteed.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Green, Designated Federal Official for the ACVETEO, ACVETEO@dol.gov, (202) 693–4734.

SUPPLEMENTARY INFORMATION: The ACVETEO is a Congressionally mandated advisory committee authorized under Title 38, U.S. Code, Section 4110 and subject to the Federal Advisory Committee Act, 5 U.S.C. 10. The ACVETEO is responsible for: assessing employment and training needs of veterans; determining the extent to which the programs and activities of the U.S. Department of Labor meet these needs; assisting to conduct outreach to employers seeking to hire veterans; making recommendations to the Secretary, through the Assistant Secretary for Veterans’ Employment and Training Service, with respect to outreach activities and employment and training needs of veterans; and carrying out such other activities necessary to make required reports and recommendations. The ACVETEO meets at least quarterly.

Agenda

- 10:00 a.m. Welcome and remarks, James D. Rodriguez, Assistant Secretary, Veterans’ Employment and Training Service
- 10:10 a.m. Administrative Business, Gregory Green, Designated Federal Official
- 10:15 a.m. Discussion and review of Fiscal Year 2024 Annual Report, Kayla Lopez, Committee Chair
- 10:30 a.m. HIRE Vets Medallion Update, Randy Smith
- 11:00 a.m. TAP update, Tim Winter
- 11:30 p.m. Public Forum, Gregory Green, Designated Federal Official
- 12:00 p.m. Adjourn

Signed in Washington, DC, this 16th day of December 2024.

James D. Rodriguez,
Assistant Secretary, Veterans’ Employment and Training Service.

[FR Doc. 2024–30396 Filed 12–19–24; 8:45 am]

BILLING CODE 4510–79–P

DEPARTMENT OF LABOR

Veterans’ Employment and Training Service

HIRE Vets Medallion Program—
Announcement of HIRE Vets Medallion Award Recipients

AGENCY: Veterans’ Employment and Training Service (VETS), Department of Labor

ACTION: Notice.

SUMMARY: In a ceremony announcing the recipients of the 2024 HIRE Vets Medallion Awards, the Department of Labor (Department) recognized a select group of veteran-ready employers for excellence in recruiting, employing, and retaining America’s veterans. The employers honored by the Department on October 31, 2024, include small businesses, nonprofit organizations, and national corporations. Recipients receive an award certificate along with a digital image of the medallion for their use, including as part of an advertisement, solicitation, business activity, or product. The awards are conferred in six categories, based on the size of the employer (small, medium, or large) and what level of criteria their application met (platinum or gold). This

action announces the recipients of the 2024 HIRE Vets Medallion Awards.

FOR FURTHER INFORMATION CONTACT: Randall Smith, Veterans’ Employment and Training Service, U.S. Department of Labor, Room S–1325, 200 Constitution Avenue NW, Washington, DC 20210, email: HIREVets@dol.gov, telephone: (202) 693–4745 or TTY (877) 889–5627 (these are not toll-free numbers). For press inquiries, contact Bennett Gamble, Office of Public Affairs, U.S. Department of Labor, 200 Constitution Avenue NW, Room S–1032, Washington, DC 20210, email: gamble.bennett@dol.gov, telephone: (202) 693–6587 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The HIRE Vets Medallion Awards are authorized by the Honoring Investments in Recruiting and Employing American Military Veterans Act of 2017 (HIRE Vets Act), enacted on May 5, 2017, as Division O of the Consolidated Appropriations Act, 2017, Public Law 115–31, 131 Stat. 838. The Department codified the HIRE Vets Act’s requirements through regulations found at 20 CFR part 1011¹ and an information collection containing the application forms.² This notice is required by section 2(b)(4)(B) of the HIRE Vets Act and the regulation at 20 CFR 1011.200(d)(2).

VETS received 843 applications for the HIRE Vets Medallion Award in 2023. Among the 843 applications, the Secretary of Labor approved 838 applications for award, with 2 applications denied and 3 applications withdrawn by the applicant. Of the 838 applications approved for award, the breakdown by award type is as follows: 217 small gold (SG), 149 small platinum (SP), 214 medium gold (MG), 165 medium platinum (MP), 75 large gold (LG), and 18 large platinum (LP).

The following list shows the 838 recipients for 2024 in alphabetical order by employer name, along with their doing business as (DBA) name (as applicable), state or territory and city, and award type.³ For more information about the program, including award criteria, key dates, and applicant resources, visit <https://www.hirevets.gov>.

Employer name	DBA	City	State/terr.	Award type
2 Circle Inc		Arlington	VA	MP

¹ For the final rule adopting these regulations, see 82 FR 52186 (Nov. 13, 2017).

² For the information collection and related documents, see OMB Control No. 1293–0015.

³ Employer Name and DBA edited as appropriate; VETS is not responsible for any typographical errors.

Employer name	DBA	City	State/ terr.	Award type
34ED LLC	Centegix	Atlanta	GA	MG
7G Environmental Compliance Management		Tallahassee	FL	MG
8-koi		Melbourne	FL	MP
9th Way Insignia	Insignia Technology Services	Ashburn	VA	MP
A2 Supply Chain Services LLC	Restoration 1 of Metro Detroit	Ann Arbor	MI	SP
Abile Group, Inc		Harwood	MD	MP
Academy Securities, Inc	Academy Securities	New York	NY	MP
ACCIONA Energy USA Global LLC		Chicago	IL	MG
Acclaim Technical Services, LLC	ATS ESOP Holdings, Inc	Reston	VA	MG
Actualized Business Solutions, Inc	ABSI Aerospace & Defense	California	MD	SP
Adapt Forward Cyber Security LLC		North Charleston	SC	MG
Adaptive Construction Solutions		Houston	TX	MP
Adaptive Driving Alliance LLC		Cuyahoga Falls	OH	SG
Advanced IT Concepts, LLC		Orlando	FL	MP
Advanced Management Strategies Group (AMSG).		Dumfries	VA	MP
Advanced Technology International	ATI	Summerville	SC	MP
Agile IT Synergy, LLC	AITIS	Tampa	FL	SP
Agility Federal LLC		Phoenix	AZ	SP
Agility Mfg	Agility Mfg., Inc	Dover	NH	SG
AGS LLC		Las Vegas	NV	LG
Air Combat Effectiveness Consulting Group, LLC (ACE Group).	ACE Consulting Group, LLC	Lexington Park	MD	MG
Air Quality Solutions Heating & Cooling		Grove City	OH	SP
Airbus Helicopters, Inc.7		Grand Prairie	TX	LP
Aldevra LLC	Aldevra LLC	Kalamazoo	MI	SG
All In Solutions, LLC		Fredericksburg	VA	MG
Allegiant Defense, Inc		Arlington	VA	MP
Alliance Cyber		Cocoa	FL	SG
ALLO Communications		Lincoln	NE	LG
Alluvionic, Inc	Alluvionic	Melbourne	FL	SG
ALLY Construction Services	ALLY Construction Services LLC	Bensalem	PA	MP
AM General LLC		South Bend	IN	LG
America Works of California, Inc		Fresno	CA	SG
America Works of Tennessee, Inc		Memphis	TN	SG
American International Tooling, Inc		Minden	NV	SG
American States Utility Services, Inc. (ASUS)		San Dimas	CA	MP
AMERICAN SYSTEMS		Chantilly	VA	LG
America's Warrior Partnership		Augusta	GA	SP
AmeriVet Securities, Inc		New York	NY	SP
Ametrine, Inc		Round Rock	TX	SP
Amphenol Borisch Technologies		Grand Rapids	MI	MG
Antean Technology LLC		Alexandria	VA	SG
Antech Systems, Inc	Antech Systems	Chesapeake	VA	MG
Anura Inc	Anura Energy	Naperville	IL	SG
ANVIL SYSTEMS GROUP, INC		Lorton	VA	SP
Apogee Solutions, Inc		Chesapeake	VA	MG
Apollo Mission Critical Engineering, LLC	Apollo	Ashburn	VA	SG
Applied Companies		Valencia	CA	MG
Applied Visual Technology Inc	AVT Simulation	Orlando	FL	MP
A-P-T Research, Inc		Huntsville	AL	MP
Aptive Resources		Alexandria	VA	MP
Aquatic World of North Syracuse Inc		North Syracuse	NY	SG
Area X Cyber Solutions LLC		Dumfries	VA	SG
Argo Cyber Systems, LLC		Pensacola	FL	SG
ARNOLD DEFENSE AND ELECTRONICS LLC		Arnold	MO	SP
Artemis ARC		Alexandria	VA	MP
Asheville Buncombe Community Christian Ministries—Veterans Services of the Carolinas.	ABCCM	Asheville	NC	MG
ASJ IT Services, LLC	ASJ Solutions	Chesapeake	VA	SG
Assertive Professionals		Wilmington	NC	SP
Assured Consulting Solutions		Reston	VA	MP
Assured Information Security		Rome	NY	MG
At Ease Pest Solutions LLC		Troutman	NC	SG
ATC Manufacturing		Post Falls	ID	MG
Atec, Inc	Atec, Inc	Stafford	TX	MP
ATECH, Inc		Nashville	TN	MG
Atlantic Electric, LLC		North Charleston	SC	MG
Atlas Sand Employee Company, LLC	Atlas Energy Solutions	Austin	TX	MP
Atlas Technologies	Atlas Tech	North Charleston	SC	MG
Attollo, LLC		New Bern	NC	SP
AutoBase Inc		Amityville	NY	MP
AVIAN		Lexington Park	MD	MG

Employer name	DBA	City	State/ terr.	Award type
Aviate Enterprises, Inc .....	.....	Mcclellan	CA	SP
Azimuth Corporation .....	.....	Beavercreek	OH	MG
Azorna Healthcare LLC	Azorna Hospice and Palliative Care	Mesa	AZ	SG
Bancroft Capital LLC	Bancroft Capital LLC	Fort Washington	PA	SP
Banner Defense, Inc .....	.....	Madison	AL	SP
Barcelona Equipment Inc	Barcelona Equipment Inc	Clearwater	FL	MG
Barnett Engineering & Signaling Laboratories LLC	Barnett Engineering & Signaling Laboratories LLC	Colorado Springs	CO	SP
Battelle Energy Alliance	Idaho National Laboratory	Idaho Falls	ID	LG
Battelle Savannah River Alliance, LLC .....	.....	Aiken	SC	LP
Battle Road Digital, Inc .....	.....	Garden City	ID	SG
Bayaud Enterprises, Inc .....	.....	Denver	CO	MG
BCT LLC	BCT LLC	Annapolis Junction	MD	MP
Beast Code LLC .....	.....	Fort Walton Beach	FL	MG
Beeline Tours Ltd .....	.....	Seattle	WA	SG
Bell Textron Inc .....	.....	Fort Worth	TX	LG
Bergstrom Automotive Management, INC	Devils Lake Cars	Devils Lake	ND	SG
Beshenich Muir & Associates	Beshenich Muir & Associates	Huntsville	AL	MP
Between Two Trees Inc	JDog Junk Removal & Hauling Spokane	Spokane Valley	WA	SG
BGIS .....	.....	Seattle	WA	LG
Black Bear Technology Solutions, LLC .....	.....	Alexandria	VA	SP
Black Hills Service Company LLC	Black Hills Energy	Rapid City	SD	LG
Blake Willson Group, LLC .....	.....	Arlington	VA	MG
BLOKWORX LLC .....	.....	Reno	NV	SG
Blue Star Families .....	.....	Encinitas	CA	MP
BlueHalo, LLC .....	.....	Arlington	VA	LG
BluePath Labs .....	.....	Washington	DC	MG
Bluestaq .....	.....	Colorado Springs	CO	MG
Boingo Wireless .....	.....	Frisco	TX	MG
Boots 2 Cyber, LLC	Boots 2 Cyber, LLC	Paragould	AR	SG
Boston Fusion Corp .....	.....	Lexington	MA	SG
Bower Industries dba Eagle Metalcraft	Eagle Metalcraft	East Syracuse	NY	SG
Brightstar Innovations Group, LLC .....	.....	Arlington	VA	SG
Builders FirstSource .....	.....	Irving	TX	LG
Bullen Ultrasonics .....	.....	Eaton	OH	MP
C & G Consulting, Inc .....	.....	Manassas Park	VA	SG
C2C LLC .....	.....	Chesterfield	MO	SP
CACI International Inc	CACI International Inc	Reston	VA	LG
Caddell Construction .....	.....	Montgomery	AL	MG
CAE USA INC .....	.....	Tampa	FL	LP
Caladwch Consulting LLC .....	.....	Annandale	VA	MP
Calvert Systems Engineering Inc	Calvert Systems Engineering Inc	Bellevue	NE	MG
Cambridge International Systems, Inc .....	.....	Arlington	VA	MG
CANA LLC	CANA Advisors LLC	Gainesville	VA	SG
Canadian Valley Electric Cooperative, Inc .....	.....	Seminole	OK	MG
Canopy Health, LLC .....	.....	Decatur	AL	SP
Career Learning & Employment Center for Veterans Inc.	Operation: Job Ready Veterans (OJRV)	Indianapolis	IN	SP
Career Systems Development Corporation/Penobscot Job Corps Center.	Penobscot Job Corps Center	Bangor	ME	MG
Carley Corporation	Carley Corporation	Orlando	FL	MG
Carter Machinery Co Inc .....	.....	Salem	VA	LG
Carver Machine Works, Inc	CMW Global	Washington	NC	SG
Castalia Systems LLC .....	.....	Tampa	FL	MG
Castle Hill Associates, LLC .....	.....	Waterville	OH	SG
Caylor Equipment Services LLC .....	.....	Jupiter	FL	SP
CB Design Group .....	.....	Alexandria	VA	SP
CE Solutions Inc .....	.....	Huntsville	AL	SG
CEG Solutions .....	.....	Arlington	VA	SP
Celerity Government Solutions LLC	Xcelerate Solutions	Mclean	VA	MG
Central Texas Workforce Development Board, Inc	Workforce Solutions of Central Texas	Belton	TX	MP
Chameleon Consulting Group, LLC	Chameleon Consulting Group	Herndon	VA	MG
Check-6 Inc .....	.....	Tulsa	OK	MP
Chesapeake Bay Helicopters, Inc .....	.....	Chesapeake	VA	SP
CHI Aviation	Construction Helicopters Inc	Howell	MI	MG
CHVAC Services Holdings, LLC	Alliance Group Services, LLC	Essex Junction	VT	MG
Cincinnati Incorporated .....	.....	Harrison	OH	MP
Cintel Inc	Cintel	Huntsville	AL	MG
Circle Computer Resources .....	.....	Cedar Rapids	IA	MP
Circuit Media LLC .....	.....	Littleton	CO	MP
Citizens Development Center	U&I	Dallas	TX	SG
Citrine, LLC	Citrine LLC	Lakewood	CO	SG
City of Alpharetta .....	.....	Alpharetta	GA	MG

Employer name	DBA	City	State/ terr.	Award type
City of Asheboro		Asheboro	NC	MG
City of Harker Heights		Harker Heights	TX	MG
City of Quincy	City of Quincy	Quincy	IL	MG
City of Toledo		Toledo	OH	LG
City of Treasure Island	City of Treasure Island	Treasure Island	FL	MG
City of Westbrook		Westbrook	ME	MG
City Utilities of Springfield		Springfield	MO	LG
Clarksville Montgomery County Economic Development Council.		Clarksville	TN	SG
Clear Resolution Consulting, LLC		Baltimore	MD	SP
Client Server Software Solutions, Inc. dba Constellation West.	Constellation West	Bellevue	NE	MP
CMS Corporation		Maumee	OH	MP
Coalfire Systems Inc		Greenwood Village	CO	LG
Cognosante		Falls Church	VA	LG
Collinsnazy International Corporation		Roosevelt	NY	SG
Colorado Springs Sheet Metal JATC		Colorado Springs	CO	MP
Combined Arms		Houston	TX	SP
Community Security Services, LLC	CSSI, LLC	Mobile	AL	SP
Companion Data Services		Columbia	SC	MG
Compendium Federal Technology LLC		Lexington Park	MD	SP
COMSETRA LLC		Jay	OK	SG
COMSO, Inc		Columbia	MD	MG
Conceras, LLC		Fairfax	VA	SP
Concord Crossroads, LLC		Dumfries	VA	SG
Concordant, LLC		Laramie	WY	SP
Concorde Jet Center	CJC	Brunswick	ME	SG
Conditioned Air of Naples LLC	Conditioned Air	Naples	FL	MG
Conflict Kinetics	Conflict Kinetics	Reston	VA	SG
Consolidated Nuclear Security, LLC		Oak Ridge	TN	LG
Constellation Software Engineering, LLC		Annapolis	MD	MG
Contracting Resources Group, Inc		Baltimore	MD	MP
Control Risks Group LLC	Control Risks	Washington	DC	MG
Convergent Technologies LLC	Convergent	Schaumburg	IL	LG
Converse Construction, Inc		Redding	CA	SG
Converse Electric		Grove City	OH	MG
Core Government Services Corporation		Purcellville	VA	SG
Core4ce, LLC		Reston	VA	MG
CornerBrooke, LLC		Arlington	VA	SG
Coronet Technology Enterprises, Inc	CTE Workforce	Richmond	VA	SP
Corporate Allocation Services, Inc		Westminster	CO	SG
Corporate America Supports You (CASY)	VetJobs	Fort Myers	FL	MP
Corps Solutions LLC		Stafford	VA	MP
Cortina Solutions, LLC		Huntsville	AL	SG
CP Marine, LLC dba CPMG, LLC		Juneau	AK	SP
CPS Energy		San Antonio	TX	LG
CPS Professional Services, LLC	CATHEXIS	Mclean	VA	MG
Crane Inspection & Certification Bureau	Crane Inspection & Certification Bureau, LLC	Montgomery	TX	SP
CriticalCxe		Annapolis	MD	SP
Crowned Grace International	Crowned Grace Inc. DBA Crowned Grace International.	Lanham	MD	SP
Cruz Associates, Inc		Yorktown	VA	MP
CSA Global LLC	CSA LLC	Virginia Beach	VA	LP
CTI Resource Management Services, Inc	CTI Resource Management Services, Inc	Jacksonville	FL	MG
Current Technologies Electronics Inc		Jackson	NJ	SG
Cutting Edge Irrigation & Lawns, LLC		Lindale	TX	SG
CymSTAR LLC		Broken Arrow	OK	SG
CymSTAR Services LLC		Broken Arrow	OK	SG
DAGER Technology, LLC		Fairfax	VA	SP
DarkStar Intelligence, LLC		Alexandria	VA	MG
Data Intelligence, LLC		Marlton	NJ	MG
Day Wireless Systems	Idaho Communications	Milwaukie	OR	MP
DCO Operations, LLC		Lawrenceville	NJ	MG
DD DANNAR, LLC	DANNAR	Muncie	IN	SP
Decisive Point Consulting Group, LLC		Waco	TX	MG
Deepwatch, Inc		Falls Church	VA	MG
Deer Brook Consulting		New Gloucester	ME	SG
DefendEdge OC LLC		Glen Ellyn	IL	SP
Defense Consulting Services, LLC		San Antonio	TX	MG
Delmarva Veteran Builders, LLC		Salisbury	MD	SG
DELTA CON GLOBAL INC		Sugarland	TX	SP
Devotion Hospice	Devotion Hospice	Conroe	TX	MG
Diana P Byas		East Mckeesport	PA	SG

Employer name	DBA	City	State/ terr.	Award type
Dillon Transportation		Ashland City	TN	MG
Disabled Veterans Call Center LLC	Disabled Veteran Solutions	Erie	PA	MP
DK & R Corp		Henderson	NV	SG
DLB Associates	DLB Associates	Neptune City	NJ	MP
Dorreaan, LLC		Reston	VA	SG
Dotts Group LLC		Downingtown	PA	SG
Dr. Donna M. Gentry, DDS, PLLC	Seaside Dentistry	Cedar Point	NC	SG
Draken International LLC		Lakeland	FL	MP
Drexel Hamilton, LLC	Drexel Hamilton, LLC	New York	NY	SG
DroneShield LLC		Warrenton	VA	SG
DSoft Technology		Colorado Springs	CO	SP
DVL Group, Inc		Bristol	PA	MG
DWBH, LLC (DWBHCORP)	DWBHCORP	Arlington	VA	SG
Dynamic Planning & Response LLC		Honolulu	HI	SP
Eagle Systems, Inc		California	MD	MG
Early Services, Inc		Decatur	AL	MG
Eastern Carolina Vocational Center, Inc (ECVC)		Greenville	NC	SG
Easterseals Redwood		Cincinnati	OH	MG
ECHO Housing Corporation	ECHO Housing Corporation	Evansville	IN	SP
EGS, Inc	Empowered Global Solutions	Englewood	CO	MG
E-INFO SOL LLC		Rockville	MD	SP
Electrical Test Instruments, LLC	ETI Precision	Frederick	MD	MP
Eljen Corporation		Windsor	CT	MP
ELYON International, Inc		Vancouver	WA	MG
EM Key Solutions, Inc	EMKS	St. Petersburg	FL	SP
EMD Electronics	EMD Electronics	Austin	TX	MP
EMD LLC		Woodbridge	VA	SG
Employment Source, Inc		Fayetteville	NC	MP
Energy Systems Group, LLC		Newburgh	IN	SP
Enhanced Veterans Solutions, Inc		Fairfax	VA	SP
ENSCO Rail, Inc		Springfield	VA	MG
ENSCO, Inc		Springfield	VA	MG
Entergy Corporation		New Orleans	LA	LG
Environet Inc		Honolulu	HI	SG
Environmental Chemical Corporation		Burlingame	CA	MP
EolianVR, Inc	Eolian	Largo	FL	SG
EPS Corporation	EPS Corporation	Tinton Falls	NJ	MP
EquipmentShare	EquipmentShare.com	Columbia	MO	LG
Era Solutions, LLC		Oklahoma City	OK	MG
Erie Industrial Products		Oberlin	OH	SG
Ever-Green Energy, Inc		St. Paul	MN	MG
Everon	ADT Commercial LLC	Irving	TX	LG
Eversource Energy		Hartford	CT	LG
Exact Staff, Inc	Exact Staff, Inc	Calabasas	CA	MG
Excalibur Legal Staffing LLC	The Excalibur Group	Washington	DC	MG
Excel Medical Staffing, LLC		Grapevine	TX	SP
Excentium, Inc		Reston	VA	SP
Exceptional Employees for Exceptional Results Inc.		San Diego	CA	MP
Executive Airborne Solutions, Inc		Bellevue	NE	SP
EXPANSIA Group LLC	EXPANSIA	Nashua	NH	MP
Explosive Countermeasures International, Inc	ECI	Delaplane	VA	SG
F3EA, Inc		Savannah	GA	MG
Fastport, Inc	Fastport, Inc	Valparaiso	IN	SG
Federal Strategies LLC		Fredericksburg	VA	SP
Fermilab		Batavia	IL	LG
FiberLight LLC		Alpharetta	GA	MG
FIRESAFE, LLC		Lakeville	MN	MP
First Nation Group, LLC		Niceville	FL	MP
Flagship Management, LLC		Bristol	PA	MG
Florida is for Veterans, Inc	Veterans Florida	Tallahassee	FL	SG
Fluor Marine Propulsion LLC		West Mifflin	PA	LG
Fontaine Consulting, LLC		East Moline	IL	SP
Forge Group, LLC	Forge Group, LLC	Reston	VA	MP
FourFront Design, Inc		Rapid City	SD	SG
Foxhole Technology		Herndon	VA	MP
Frank Cooper State Farm	Frank Cooper Insurance Agency Inc	Chicago	IL	SG
Franklin IQ Inc		Arlington	VA	SG
Freedom EMS LLC		Shorewood	IL	MG
Freedom Staffing, LLC		Indianapolis	IN	MG
Frontier Market Solutions	Ravenox	Mount Vernon	WA	SG
Fusion Cell LLC		Windham	NH	SP
Gannon & Scott Phoenix, Inc	Gannon & Scott	Cranston	RI	SG

Employer name	DBA	City	State/ terr.	Award type
GC Logistics, LLC		Ridgeland	MS	SG
General Dynamics Mission Systems	General Dynamics Mission Systems	Fairfax	VA	LG
General Dynamics NASSCO-Norfolk	General Dynamics NASSCO-Norfolk	Norfolk	VA	MP
General Electric Company		Evendale	OH	LG
General Infomatics, Inc	General Infomatics, Inc	Mclean	VA	MG
GET OFF THE DRAWING BOARD, LLC	DIVERGENCE ACADEMY	Addison	TX	SG
Gi4, LLC		Leesburg	VA	SP
Global Business Solutions, LLC	GBSI	Pensacola	FL	SP
Global Security Services IA	Global Security Services IA	Davenport	IA	MP
Global Skills Exchange Corporation	GSX, Global Skills X-Change	Alexandria	VA	SG
Global Support and Developmet	Global Support and Development	Charlotte	NC	SG
GLOTECH, Inc		Rockville	MD	MP
GMRE		South Ogden	UT	MG
Go Energistics		Dallas	TX	SG
Goldbelt Apex		Herndon	VA	MP
Goldbelt C6, LLC		Chesapeake	VA	MP
Goldbelt Falcon, LLC		Chesapeake	VA	SP
Goldbelt Frontier, LLC		Alexandria	VA	MP
Goldbelt Glacier Health Services, LLC		Herndon	VA	MP
Goldbelt Hawk, LLC		Newport News	VA	MP
Goldbelt Incorporated		Juneau	AK	SG
Goldbelt Integrated Logistics Services		Chesapeake	VA	SP
Goldbelt Nighthawk, LLC		Newport News	VA	SP
Goldbelt Operations Support Services		Herndon	VA	SP
Goldbelt Security, LLC		Juneau	AK	SP
Golden Key Group, LLC		Reston	VA	MP
Government Tactical Solutions		Vienna	VA	MP
Green Expert Technology Inc		Haddonfield	NJ	MG
Greencastle Associates Consulting		Malvern	PA	MP
GSI Service Group	GSI Service Group	Honolulu	HI	MG
Guardian Angels Medical Service Dogs		Williston	FL	SP
GuidePoint Security		Herndon	VA	LG
H2 Performance Consulting Corp	H2 Performance Consulting Corp	Gulf Breeze	FL	MP
H2L Solutions, Inc		Huntsville	AL	MG
Haastech	Heavy Duty Headquarters	Dallas	TX	SP
Hartman King PC		Sacramento	CA	SG
Haze Gray Vineyards LLC	Haze Gray Vineyards LLC	Dobson	NC	SG
Helimax Aviation, Inc		McClellan	CA	MG
Helmets To Hardhats	Center for Military Recruitment, Assessment and Veterans' Employment.	Washington	DC	SG
Heptagon Information Technology, LLC		Montgomery	AL	MP
Hernandez Consulting & Construction LLC		New Orleans	LA	SP
Hexagon US Federal		Chantilly	VA	MP
High Order Solutions		Plano	TX	SG
HigherEchelon, Inc		Huntsville	AL	MP
Hiller Companies, LLC		Mobile	AL	LG
Hilliard Division of Police	Hilliard Division of Police	Hilliard	OH	MP
Hire Heroes USA		Alpharetta	GA	MG
HM Cragg		Edina	MN	MG
HomeFree, Inc		Carlsbad	CA	SG
HTI Hall Trucking Express, Inc		Findlay	OH	SG
Hudgins Contracting Corp		Hampton	VA	SG
Huff Consulting, LLC		Oxford	NC	SG
Huot Construction & Services	Huot Construction & Services	South St. Paul	MN	SG
HurtVet Subcontracting, LLC		Park City	UT	SP
Hydro Vac Services LLC dba GroundBreakers LLC.	GroundBreakers LLC	Indianapolis	IN	SG
Ignite Fueling Innovation		Huntsville	AL	MG
Independence Hydrogen		Ashburn	VA	SP
Indigo IT, LLC		Herndon	VA	MP
Industrial Packaging Supplies, Inc	IPS Packaging & Automation	Greenville	SC	MP
Infinity Technology Services, LLC	ITS, LLC	Colorado Springs	CO	MP
Information Management Group, Inc		Fairfax	VA	MG
Innovative Systems Group Inc		Raleigh	NC	SG
iNovex Information Systems		Columbia	MD	MP
Inspections Experts, Inc		Columbia	MD	MP
Inspired Solutions, Inc		Manassas	VA	SG
Inspiring Lives Forever LLC	ILF Transportation	Jacksonville	FL	SP
Integrated Data Services		Henderson	NV	MG
Integration Innovation, Inc	i3	Huntsville	AL	LG
IntelliDyne, LLC		Vienna	VA	MG
Intelligence and Security Academy		Arlington	VA	MP
Intellivega	Intellivega	San Angelo	TX	SG

Employer name	DBA	City	State/ terr.	Award type
IntePros Federal Incorporated	IntePros Federal incorporated	Waltham	MA	MG
Interactive Government Holdings, Inc .....	.....	Springfield	VA	MP
Interactive Process Technology, LLC	IPTA or IPT Associates	Burlington	MA	MG
International Controls Systems, Inc .....	.....	Parker	CO	SG
International Training Fund .....	.....	Annapolis	MD	LP
Interstates, Inc .....	.....	Sioux Center	IA	LG
Intrepid .....	.....	Huntsville	AL	MG
Intrepid Solutions and Services, LLC .....	.....	Ashburn	VA	MP
Intuitive Research and Technology Corporation ...	.....	Huntsville	AL	LP
iostudio, LLC .....	.....	Nashville	TN	MP
IronMountain Solutions .....	.....	Huntsville	AL	MP
IRONWORKERS LOCAL UNION #399 JATC	IRONWORKERS LOCAL UNION #399 JATC	Hammonton	NJ	SG
ISI Professional Services	Interior Systems, Inc	Sterling	VA	MG
IT Concepts, Inc .....	.....	Vienna	VA	MG
IT Depot LLC .....	.....	Leesburg	VA	SP
IT Veterans, LLC	IT Veterans, LLC	Herndon	VA	SP
Itero Group, LLC .....	.....	New Cumberland	PA	MG
iWorkforce Solutions LP .....	.....	Spring	TX	MG
J Vollbrecht Consulting Inc .....	.....	Escalon	CA	SP
JAOW Group, LLC .....	.....	Cottonwood Heights	UT	SG
Jamison Professional Services, Inc .....	.....	East Point	GA	SG
Jane's Group Americas LLC .....	.....	Arlington	VA	MG
Janissary, LLC .....	.....	Houston	TX	MP
JANUS Research Group, LLC	JANUS Research Group, LLC	Evans	GA	LG
JAY AND KAY MANUFACTURING LLC .....	.....	Croswell	MI	SG
JB Management Inc	JBM	Alexandria	VA	SG
JBW Energy Solutions, LLC .....	.....	Lawrenceville	NJ	SP
JCTM LLC .....	.....	Charlotte	NC	MP
JHT, A Precise Systems Company	JHT, A Precise Systems Company	Orlando	FL	MG
Jingoli Nuclear Services, LLC .....	.....	Lawrenceville	NJ	SG
Jingoli Power, LLC .....	.....	Lawrenceville	NJ	MP
JMA Resources, Inc .....	.....	Mechanicsburg	PA	MP
JOBMARKET TRAINING.COM LLC	Intellectual Point	Sterling	VA	SP
Joelle Rabow Maletis & Associates, Inc .....	.....	Mountain View	CA	SG
John H. Northrop & Associates, Inc	JHNA	Clifton	VA	MG
Jovian Concepts, Inc .....	.....	Hanover	MD	MP
JR Kays Trucking Inc .....	.....	Clarendon	PA	SP
KaDSci, LLC .....	.....	Fairfax	VA	SP
Kaizen Approach, Inc .....	.....	Columbia	MD	SP
Kane County Veterans Assistance Commission ...	.....	Geneva	IL	SP
KASTELLUM Group LLC .....	.....	Odessa	FL	SP
Kationx Corp	Kationx	Melbourne	FL	SG
Kent, Campa and Kate (KCK) Inc .....	.....	Arlington	VA	MP
KENTCO Corporation	ProteQ	Herndon	VA	SP
Kern Technology Group, LLC .....	.....	Virginia Beach	VA	SG
Kilda Group LLC .....	.....	Severna Park	MD	SG
Kinaras Solutions .....	.....	Bristow	VA	SG
Kingfisher Systems, Inc .....	.....	Chantilly	VA	MG
Kingsky Flight Academy LLC .....	.....	Lakeland	FL	SG
Kitty Hawk Technologies, LLC .....	.....	King George	VA	SG
Kizano Corp .....	.....	Woodbridge	VA	SP
Knowesis, Inc .....	.....	Fairfax	VA	MP
KODA Technologies Inc .....	.....	Huntsville	AL	MG
Kolme Group LLC .....	.....	Phoenix	AZ	SP
Korn Ferry Professional Search (US) .....	.....	Los Angeles	CA	LG
Kwest Group LLC	Kwest Group	Perrysburg	OH	MP
Lazarus Alliance, Inc	Lazarus Alliance, Inc	Scottsdale	AZ	SP
Leffler Consulting, LLC .....	.....	Chantilly	VA	SP
Legato, LLC .....	.....	Columbia	MD	SP
Leidos .....	.....	Reston	VA	LG
Leonardo DRS, Inc	Leonardo DRS, Inc	Arlington	VA	LG
Leyden Solutions Inc .....	.....	Pinehurst	NC	SG
LG-TEK	LG-TEK	Elkridge	MD	MG
Liberty Alliance, LLC .....	.....	Tampa	FL	SG
Liberty Business Associates, LLC .....	.....	Ladson	SC	MG
Liberty Energy Inc .....	.....	Denver	CO	LG
Life Cycle Engineering .....	.....	Charleston	SC	MP
LinkItAll, LLC	LIA	Fredericksburg	VA	SG
LiveOak, LLC .....	.....	Brunswick	GA	MG
Lockheed Martin Corporation .....	.....	Bethesda	MD	LG
Lodestar Consulting, Inc .....	.....	Charlotte	NC	MP
Long Capture & Contract Management LLC .....	.....	Colorado Springs	CO	SP
LORING JOB CORPS CENTER .....	.....	Limestone	ME	MG

Employer name	DBA	City	State/ terr.	Award type
Lovin Acres Farms LLC		Brandon	MS	SG
LOWEN Marine and Industrial, LLC		Willow Grove	PA	SG
LTC Solutions	LTC Solutions	Stafford	VA	SG
Lynch Consultants, LLC	Lynch Consultants, LLC	Arlington	VA	MG
Mackay Communications, Inc	Mackay Marine	Raleigh	NC	MG
Mainsail Group LLC	Mainsail Group LLC	Bedford	MA	SP
Mammoth Dive Academy		Lake Jackson	TX	SG
ManTech International Corp	ManTech	Herndon	VA	LG
Marathon Coach Inc		Coburg	OR	MG
Mark My Words LLC	Walker Bookstore	Tempe	AZ	SP
Markon, LLC	Markon Solutions	Falls Church	VA	MP
MartinFederal Consulting, LLC	MartinFed	Huntsville	AL	MP
Maryland Center for Veterans Education & Training.	Maryland Center for Veterans Education & Training (MCVET).	Baltimore	MD	SG
Maveris, LLC	Maveris	Martinsburg	WV	MP
Mb Solutions, Inc		Huntsville	AL	MG
MBL Technologies	MBL Technologies	Arlington	VA	MG
Mesa Natural Gas Solutions LLC		Loveland	CO	MP
Messer North America, Inc	Messer North America, Inc	Bridgewater	NJ	LG
Metallus Inc		Canton	OH	LG
Metis Technology Solutions, Inc		Albuquerque	NM	MP
Metro Data, Inc		Cockeysville	MD	SG
MI Technical Solutions, Inc		Chesapeake	VA	MP
Midwestern Construction Services, Inc		Ruskin	FL	SG
Miles Technology Solutions LLC	Miles Enterprise Solutions	Charlotte	NC	SP
MILLENNIUM CORPORATION		Arlington	VA	MG
Mischler Financial Group		Corona Del Mar	CA	MP
Mission Connect ETA LLC		Independence	OH	SG
MIT Lincoln Laboratory	MIT Lincoln Laboratory	Lexington	MA	LP
Mitchell Technical College		Mitchell	SD	MG
Montachusett Veterans Outreach Center		Gardner	MA	SP
Monte Sano Research Corporation		Huntsville	AL	MP
Monterey Consultants, Inc		Dayton	OH	MP
MorningStar Myco LLC	MorningStar Myco	Reno	NV	SG
Moseley Technical Services, Inc		Huntsville	AL	MG
Mountain Logistics LLC	Sierra Transportation	Myrtle Beach	SC	SG
Mountaineer Community Health Center, Inc		Paw Paw	WV	SG
Mr Hemp House, llc	Mr Hemp House	Fishers	IN	SP
MSM Technology LLC		Gainesville	VA	MG
MTIV LLC	MTIV	Carleton	MI	SG
MTNT Intelligence Solutions, LLC		Anchorage	AK	SG
Mule Engineering, Inc	MULE Engineering & Construction, Inc	Winter Garden	FL	SP
Mustard Seed PMO, LLC	MustardSeed	West Chester	PA	SG
Naniq Government Services, LLC		Atlanta	GA	SP
National Consulting Partners LLC		Woodbridge	VA	SP
National Grid Solutions LLC		Cypress	CA	SG
National Native American Construction, Inc	NNAC, Inc	Coeur D'Alene	ID	MG
Nationwide IT Services, Inc		Fairfax	VA	MP
Native American Industrial Solutions, LLC		Pawleys Island	SC	SP
Naval Systems, Inc		Lexington Park	MD	MG
Navigator Development Group Inc	Navigator Development Group Inc	Enterprise	AL	MP
Navigator International LLC		Huntsville	AL	MG
Neighbors Bank		Columbia	MO	MG
Nemean Solutions, LLC		Sierra Vista	AZ	MP
NetCentrics		Herndon	VA	MG
NetImpact Strategies	NetImpact Strategies, Inc	Herndon	VA	MP
NeuroScience Associates, Inc	NSALabs	Knoxville	TN	SG
NextEra Energy		Juno Beach	FL	LP
NextGen Federal Systems		Morgantown	WV	MG
NextOp, Inc	NextOp	Houston	TX	SP
Nighthawk Cyber, LLC		Orlando	FL	SG
Nisga'a CIOPS		Chantilly	VA	SP
Nisga'a MOSTT		Chantilly	VA	SP
Nisga'a Tek, LLC		Chantilly	VA	MP
Nonprofit Development Corporation		East Butler	PA	SG
North America Mattress Corp	North America Mattress Corp	Clackamas	OR	SG
North American Consulting Services		Point Pleasant	WV	SP
NORTH LAWRENCE WATER AUTHORITY		Bedford	IN	SG
North Wind Resource Consulting	North Wind Resource Consulting	Idaho Falls	ID	MG
Northeast Illinois Regional Commuter Railroad Corporation.	Metra	Chicago	IL	LG
Northrop Grumman Corporation	Northrop Grumman Corporation	Falls Church	VA	LG
Northstrat		Sterling	VA	MG

Employer name	DBA	City	State/ terr.	Award type
Northwest Veterans Law		Salem	OR	SP
NTT Global Data Centers Americas, Inc		Sacramento	CA	LG
Oaklea Security Services	Oaklea Simpson Security	Alexandria	VA	MP
Obsidian Solutions Group	Obsidian Solutions Group, LLC	Fredericksburg	VA	MG
OBXtek Inc		McLean	VA	MG
Offset Strategic Services, LLC		Huntsville	AL	MP
Okaloosa-Walton Jobs and Education Partner- ship, Inc.	CareerSource Okaloosa Walton	Shalimar	FL	SG
Olympus Solutions Inc		Daytona Beach	FL	SG
Omega Consultants, Inc	Omega Technical Services	Oak Ridge	TN	MG
On Time Pkgs LLC		Daytona Beach	FL	MG
On Time Plumbing & Air Corp	Benjamin Franklin Plumbing & Mister Sparky Electric.	Wilmington	NC	SP
Ondra-Huyett Associates, Inc		Allentown	PA	SP
One Corps, Inc		Carolina	PR	MG
OP2 Labs		Fort Worth	TX	SG
Open Systems Technologies Corporation		Gainesville	VA	MP
Operation Healing Forces		Tampa	FL	SP
Operation Homefront		San Antonio	TX	MG
Optimus Technologies, Inc		Pittsburgh	PA	SG
Oregon Transmission and Diesel Center Inc	Town Center Automotive	Clackamas	OR	SG
Ottumwa Job Corps Center	Career Systems Development	Ottumwa	IA	MG
OWT Global, LLC	OWT Global, LLC	Tampa	FL	MG
Oxley Enterprises, Inc		Stafford	VA	MG
P-11 Security, Inc		Torrance	CA	SP
Pacific Aerospace Consulting, Inc		San Diego	CA	SG
Pacific Gas & Electric Company		Oakland	CA	LG
Paragon Cyber Solutions, LLC		Tampa	FL	SP
PatchPlus Consulting Inc		Medford	NJ	MG
Pathfinder Consultants LLC		Washington	DC	MG
Patricio Enterprises, Inc		Stafford	VA	MP
Patriot Products LLC		Franklin	IN	SP
Patriot Supply Unlimited, Inc	The Patriot Group	Lakeside	CA	SG
Patronus Systems Inc	Patronus Systems Inc	Melbourne	FL	MP
PavCon, LLC		Latrobe	PA	SG
PeopleTec, Inc		Huntsville	AL	LG
Peraton		Reston	VA	LG
PERCIVAL, INC	Percival Engineering	Columbia	MD	SP
Peregrine Energy Solutions, LLC		Boulder	CO	SP
Peregrine Technical Solutions		Yorktown	VA	MP
Permuta Technologies, Inc		Vienna	VA	SG
Persistent Systems LLC		New York	NY	MP
Phase II Staffing and Contracting, LLC		Quantico	VA	SP
phia LLC		Fairfax	VA	SP
Phillips 66		Houston	TX	LG
Phoenix Global Support, LLC		Fayetteville	NC	SP
Phoenix Management, Inc		Cedar Park	TX	MG
Physician Services USA	Physician Services USA	Columbia	SC	MG
PingWind INC		Annandale	VA	MG
PL Consulting, Inc		Great Falls	VA	SG
Planate Management Group LLC		Alexandria	VA	MP
Planet Technologies, Inc	Planet Technologies Inc	Gaithersburg	MD	MG
Planned Systems International, Inc	Planned Systems International, Inc. (PSI)	Columbia	MD	LG
Platinum Business Services LLC		Clarksville	MD	MG
PLEXSYS Interface Products, Inc		Camas	WA	MG
Pole Star Space Applications USA, Inc	Pole Star Defense	Saint Petersburg	FL	SG
Positive Construction Solutions LLC	Positive Construction Solutions LLC	Huntingtown	MD	SG
Posterity Group LLC	Posterity Group LLC	Rockville	MD	MG
PowerTrain, Inc		Hyattsville	MD	MP
PPC SOLUTIONS INC		Spokane Valley	WA	MG
PPT Solutions, Inc		Huntsville	AL	SG
Practical Intelligence, LLC		Gambrills	MD	SP
Precise Systems, Inc	Precise Systems	Lexington Park	MD	LG
Precision Concrete Cutting	Precision Concrete Cutting	Escondido	CA	SG
Prevailance, Inc	Prevailance, Inc	Virginia Beach	VA	MP
Principle Services L.L.C		Canyon	TX	SG
Priority 1 Air Rescue Operations (Arizona) LP		Mesa	AZ	SG
Professional Contract Services, Inc. PCSI		Austin	TX	LP
Professional Solutions Delivered, LLC		King George	VA	MP
Programatics, LLC		Alexandria	VA	SP
Project Management Professional Services Cor- poration.	The PMO Squad	Gilbert	AZ	SP
Promising People, LLC		Minneola	FL	SP

Employer name	DBA	City	State/ terr.	Award type
ProSync Technology Group		Ellicott City	MD	MG
Provalus		Atlanta	GA	LG
PSI		Knoxville	TN	MG
Puget Sound Energy		Bellevue	WA	LG
Qualis Corporation		Huntsville	AL	MP
Quecon, Inc		Front Royal	VA	MP
Quick Services LLC	QSL	Fayetteville	NC	MP
Quiet Professionals LLC		Tampa	FL	MP
R3		Coronado	CA	MP
Radiance Technologies		Huntsville	AL	LG
Radline Consulting, INC	Radline Consulting	Lincoln	CA	SG
RB Consulting, Inc	RBCI	Frederick	MD	MP
RB Intermodal LLC	RB Intermodal LLC	Jackson	TN	SG
RC4VETS LLC		San Antonio	TX	SG
Ready Support Services, LLC		Plano	TX	SP
Realized Solutions for Government, LLC	RS4G LLC	Oakton	VA	SG
REDI Transports		Green Bay	WI	SP
RedSky LLC		Aldie	VA	SP
REE Medical, LLC		Surprise	AZ	MP
ReefPoint Group, LLC		Annapolis	MD	MP
Regenesi Biomedical, Inc		Scottsdale	AZ	MG
Reinaert LLC		Pinellas Park	FL	SG
RELI Group Inc		Catonsville	MD	LG
Reliability & Performance Technologies, LLC	R&P Technologies, LLC	Dublin	PA	MP
RELYANT Global, LLC		Maryville	TN	MP
Rembert Area Community Coalition	RACC	Rembert	SC	SG
Renaissance Global Services LLC		Holmdel	NJ	SP
Renewable Energy Systems LLC	Renewable Energy Systems	Avilla	IN	SP
Research and Development Solutions, Inc	RDSI	North Kingston	RI	MG
Resolute ISR, Inc		Howell	MI	SG
ResolveSoft, Inc		Elkridge	MD	SG
Responsible Medical Solutions		Temecula	CA	MP
RESULTS Technology, INC		Overland Park	KS	SG
Revolution National Pest Council		Carson	CA	SP
RF Logistics, LLC	RF Logistics LLC	Fairfax	VA	MP
Ricardo Defense	Ricardo Defense	Troy	MI	MG
Richard Group LLC	Richard Group LLC	Chicago	IL	MG
RightDirection Technology Solutions LLC	RDTs	Baltimore	MD	MP
risk3sixty LLC		Roswell	GA	SP
Rite-Solutions, Inc	Rite-Solutions, Inc	Middletown	RI	MP
Riverside Research Institute		Arlington	VA	LG
Roberts & Ryan Inc		New York	NY	SG
rocklTdata LLC		Philadelphia	PA	MP
Rolle IT LLC	Rolle IT	Melbourne	FL	SG
RTI Consulting, LLC		Marshall	VA	SG
RTX	RTX	Arlington	VA	LP
Rubicon Technical Services, LLC		Kennesaw	GA	MP
Ruchman and Associates, Inc		Nottingham	MD	MG
Rullan-O'Brien LLC	Maricamp Animal Hospital	Ocala	FL	SG
RVET Operating, LLC	RecruitMilitary	Chesapeake	VA	MG
S.B, Inc	Sherman Bros. Heavy Trucking	Harrisburg	OR	MP
Sabre Systems, Inc		Warminster	PA	MG
Safespill		Houston	TX	SP
Sakom Services WI LLC		Shawano	WI	SP
Saliense Consulting		Tysons	VA	MG
Salute Mission Critical, LLC		Franklin	WI	LP
Sam Pack's Five Star Ford Carrollton	Sam Pack's Five Star Ford Carrollton	Carrollton	TX	MG
Samsung Austin Semiconductor		Austin	TX	LG
Sancorp Consulting, LLC	Sancorp Consulting, LLC	Mclean	VA	MG
Sandia National Laboratories	Sandia National Laboratories	Albuquerque	NM	LP
scDataCom	scDataCom	Savannah	GA	SP
Science Applications International Corporation (SAIC)	SAIC	Reston	VA	LG
Scientific Research Corporation	Scientific Research Corporation	Atlanta	GA	LG
SDV Construction Inc		Albuquerque	NM	MG
SEACORP, LLC		Middletown	RI	LP
Sealing Technologies, LLC		Columbia	MD	MG
Security 1 Solutions LLC	Security 1 Solutions LLC	Gaithersburg	MD	MG
Segment HR LLC		The Woodlands	TX	MG
Semper Valens Solutions, Inc		Canyon Lake	TX	MP
Senspex, Inc		Rio Rancho	NM	MG
Sentar, Inc	Sentar, Inc	Huntsville	AL	MP
Serco, Inc	Serco, Inc	Herndon	VA	LG

Employer name	DBA	City	State/ terr.	Award type
ServiceSource, Inc		Oakton	VA	LG
SERVPRO of Belle Meade	SERVPRO of Belle Meade	Nashville	TN	SG
Sevan Multi-Site Solutions, Inc		Downers Grove	IL	MG
Seventh Dimension, LLC		Mocksville	NC	MG
Sharp Decisions, Inc	Sharp Decisions, Inc	New York	NY	MG
Shearer & Associates, Inc		Huntsville	AL	SP
Sherpa 6, Inc		Littleton	CO	MG
Shine Systems LLC	Shine Enterprises LLC	Charlottesville	VA	MG
Short Powerline Service, LLC		Glenrock	WY	MG
Siemens Energy Inc		Orlando	FL	LG
Sierra Management and Technologies, Inc		California	MD	MG
Sierra Nevada Co LLC	SNC	Sparks	NV	LG
Sierra7, Inc		McLean	VA	MG
Sigma Defense Systems, Inc		Perry	GA	MP
SIMCO Electronics		Santa Clara	CA	MG
Simulation Technologies, Inc.—SimTech		Huntsville	AL	MP
SITE Staffing, Inc		Milwaukee	WI	MP
SkillStorm Commercial Services, LLC		Jacksonville	FL	MG
Sky Climber Wind Solutions, LLC	Sky Climber Renewables	Delaware	OH	LP
SkyBridge Tactical LLC		Tampa	FL	MP
SMS Data Products Group, Inc		McLean	VA	LG
SNVC, LC		Herndon	VA	SP
SOLKOA Inc		Colorado Springs	CO	MG
Solution One Industries Inc		Killeen	TX	MG
Solutions for Information Design, LLC	SOLID	Fairfax Station	VA	MG
Sonalysts Inc		Waterford	CT	MP
SOSi | SOS International		Reston	VA	LG
South Central Workforce Development Board		Bowling Green	KY	SP
South River Federal Solutions LLC	SRFed	Edgewater	MD	SP
Southeast Medical Group	Southeast Primary Care Partners	Alpharetta	GA	LG
Southern Company	Southern Company	Atlanta	GA	LP
Spathe Systems		Tampa	FL	MP
Spectral Labs Incorporated	Spectral Labs Incorporated	San Diego	CA	SG
Spees LLC	Spees Design Build	Kent	WA	SP
SteerBridge Strategies, LLC		Vienna	VA	MP
Stellar Solutions, Inc		Los Altos	CA	MG
STEMBoard, LLC		Arlington	VA	SG
Stop the Addiction Fatality Epidemic (SAFE) Project US.	SAFE Project	Arlington	VA	SP
Strata-G, LLC		Knoxville	TN	MP
Strategic Alliance Business Group LLC		Fairfax	VA	MP
Strategic Staffing Solutions L.C		Detroit	MI	MG
StrateZen	ZENDEV & Co	Mesa	AZ	SP
Sumaria Systems, LLC		Peabody	MA	MG
Summit 7 Systems, LLC	Summit 7 Systems, LLC	Huntsville	AL	MG
Summit Aviation		Middletown	DE	MP
Summit Exercises and Training		Saint Petersburg	FL	SG
SupplyCore, Inc		Rockford	IL	MG
Support The Enlisted Project, Inc	STEP	San Diego	CA	SG
SURVICE Engineering Company, LLC		Belcamp	MD	MG
Survival Systems USA, Inc		Groton	CT	SG
Sycamore Concierge LLC	Sycamore Springs Farm on Springboro	Brookston	IN	SG
Syndetix, Inc		Las Cruces	NM	SG
Syntelligent Analytic Solutions, LLC		Falls Church	VA	MP
Sysmex America Inc	Sysmex America Inc	Lincolnshire	IL	LG
System Studies & Simulation, Inc		Huntsville	AL	MP
Systems Planning & Analysis		Alexandria	VA	LG
Systems Products and Solutions, Inc		Huntsville	AL	MG
Systems Technology & Research, Inc		Huntsville	AL	SP
T and T Consulting Services, In		Falls Church	VA	MP
T3i, Inc		San Antonio	TX	MG
TAC Transportation Inc	Pacific Crest Bus Lines	Redmond	OR	SG
Tactical Air Support, Inc		Reno	NV	MP
Tactical Engineering & Analysis, Inc		San Diego	CA	MG
Tactical Rehabilitation, Inc		Vero Beach	FL	SP
Tactical Training Center, LLC	TTC, LLC	Flemington	NJ	SG
Tailored Access, LLC	Tailored Access, LLC	Annapolis Junction	MD	MG
Tangent Technologies, LLC		McLean	VA	SG
Target Media Mid Atlantic, Inc	Target Systems	Mechanicsburg	PA	MG
TBS CHARITY INCORPORATED		Queens Village	NY	SG
Team Carney, Inc		Alexandria	VA	MP
Team Cymru, Inc		Lake Mary	FL	MG
TeamWorx Security Inc		Columbia	MD	SP

Employer name	DBA	City	State/ terr.	Award type
Tech62, Inc	Tech62	Fairfax	VA	SG
TechFlow, Inc		San Diego	CA	MG
Tech-Marine Business, Inc. (TMB)		Washington	DC	MG
Technical Assent, LLC		Arlington	VA	MG
Technology Learning Group Inc	TLG Learning	Bellevue	WA	SG
Technology Security Associates, Inc	TSA	California	MD	MG
TechOp Solutions International, Inc		Stafford	VA	MP
Tekmanagement, Inc	Tekmanagement, Inc	Medford	OR	SP
TekSynap		Reston	VA	LG
Telum Protection Corporation	Telum	Southern Pines	NC	SG
Tenacity Solutions, LLC		North Bethesda	MD	SP
Tenova, LLC		Fairfax	VA	MG
Tetrad Digital Integrity, LLC		Washington	DC	MG
Textron Systems Corporation	Textron Defense Systems	Hunt Valley	MD	LG
TG Oil Services Inc		Hialeah	FL	SG
The Arbinger Institute LLC		Farmington	UT	MG
The Boeing Company	The Boeing Company	Arlington	VA	LG
The Construction Services Group, Inc		Charleston	SC	SP
The Emfield Team		Pleasant Grove	UT	SG
The Greentree Group		Beavercreek	OH	MP
The Informatics Applications Group, Inc	TIAG	Reston	VA	MP
The Intellect Group		San Antonio	TX	MG
The McHenry Management Group (TMMG)	TMMG	Chesapeake	VA	MG
The Metamorphosis Group, Inc		Vienna	VA	SG
The Podmilsak Group, Inc	PGTEK	Ashburn	VA	MP
The Rockhill Group, Inc		Molino	FL	MP
THE ROCKWOOD GROUP INC		Athens	AL	SG
The Winvale Group, LLC		Richmond	VA	SG
The Wolverine Group		Washington	DC	SG
THMG Inc	The Garrett Group	Bellevue	NE	MG
Thompson Metal Fab, Inc		Vancouver	WA	MG
Thrust Tech Accessories, Inc		Ft. Lauderdale	FL	SG
Titan Associates Group Inc	Titan Associates Group Inc	Athens	TN	SG
Topsarge Business Solutions	Topsarge Business Solutions	Temple	TX	SG
Torden LLC	Torden LLC	Tiverton	RI	LG
Total Systems Technologies Corporation	TSTC	Arlington	VA	SP
Trade Training Company	Sonoran Desert Institute	Tempe	AZ	MG
Transmission Distribution Service	TDS Construction	Glenrock	WY	SG
TREALITY SVS, LLC		Xenia	OH	SP
TREIG LLC		Rockwall	TX	SP
Trewon Technologies, LLC		Leesburg	VA	SP
T-Rex Solutions LLC		Bethesda	MD	MG
Tri Sea Stabilizers, LLC		Ft Lauderdale	FL	SG
TRIDENT 11 LLC		Tulsa	OK	SG
Trident Technologies and Consulting—Global, LLC.	T2C-Global	Wesley Chapel	FL	SG
Trideum Corporation		Huntsville	AL	MP
Trinity Information Technology LLC		Yardley	PA	SG
Tripoint Solutions Group	Athios	Alexandria	VA	SG
TriWest Healthcare Alliance		Phoenix	AZ	LG
Trust Consulting Services		Washington	DC	MG
TruView BSI, LLC		Melville	NY	MG
TruWeather Solutions, Inc		Syracuse	NY	SP
TWO HAWK EMPLOYMENT SERVICES	TWO HAWK EMPLOYMENT SERVICES	Lumberton	NC	MG
Two-Tac, LLC	G.I. Johns	Manassas Park	VA	SG
U.S. Vet General Contracting, LLC		McFarland	WI	SG
Umpqua Family Therapy llc	Umpqua Family Therapy llc	Roseburg	OR	SG
United Brotherhood of Carpenters—UBC MVP	United Brotherhood of Carpenters	Washington	DC	MP
United Brotherhood of Carpenters and Joiners of America Local 254.		Edison	NJ	LG
United Rentals, Inc		Stamford	CT	LP
United Veterans Construction and Landscape Solutions, Inc.		Fort Worth	TX	SP
Universal Strategy Group Incorporated		Franklin	TN	MG
Universal Technical Resource Services, Inc		Cherry Hill	NJ	MG
Universal Thin Film Lab Corp	Universal Thin Film Lab Corp.	Newburgh	NY	SG
USA Environmental, Inc	USA Environmental, Inc	Oldsmar	FL	MG
USfalcon, Inc	USfalcon, Inc	Cary	NC	MG
Ute Water Conservancy District		Grand Junction	CO	MG
VA Wholesale Mortgage Inc		Virginia Beach	VA	SP
Valor Network Inc		Glassboro	NJ	SG
VANTAGE POINT CONSULTING INC		West Linn	OR	SG
Vaultes, LLC		Reston	VA	SG

Employer name	DBA	City	State/ terr.	Award type
Vector Force Development, LLC		Westminster	CO	MG
Velocity Maintenance Solutions LLC		Absecon	NJ	SG
Verium, LLC		Owings	MD	SG
Veterans Alliance		Stateline	NV	SG
Veterans Assistance Commission of Lake County		Gurnee	IL	SG
Veterans Bridge Home		Charlotte	NC	SP
Veterans Changing Services, Inc	Veterans Life Changing Services	Gary	IN	SG
Veterans Guardian VA Claim Consulting		Pinehurst	NC	MP
Veterans Inc	Veterans Inc	Worcester	MA	MP
Veterans Management Services, Inc	VMSI	Sterling	VA	MP
Veterans Medical Distributors, Inc		Jupiter	FL	SG
Veterans Medical Supply Inc		St. Petersburg	FL	SG
Veterans Mortgage of America, Inc		Dallas	TX	SG
Veterans Moving America LLC		Fort Worth	TX	SG
Veterans Outreach Center, Inc		Rochester	NY	SG
Veterans Stand Together		South Gate	CA	SG
Veterans Trading Company Inc		Salt Lake City	UT	MG
Veterans United Home Loans	Veterans United Home Loans	Columbia	MO	LG
VETForce, Inc	VETFORCE, INC	Lock Haven	PA	SG
VETS, LLC	Veterans Engineering, Training, & Services	Huntsville	AL	SP
Vets2PM, LLC		Indianapolis	IN	SG
VetsEZ		San Diego	CA	MG
Vetted Tech Inc		Syracuse	NY	SP
ViaPath Technologies	Global Tel*Link	Falls Church	VA	LP
Victory Solutions, Inc		Huntsville	AL	MP
Village of Hanover Park		Hanover Park	IL	MG
Virtual Service Operations	VSO	Manassas	VA	MP
VISTA Technology Services, Inc		Arlington	VA	MP
Vulcan, Inc		Foley	AL	MG
W R Systems, Ltd		Fairfax	VA	MG
Walsh Enterprises, LLC		Dayton	TX	SG
Walsingham Group, Inc		Fayetteville	NC	MP
Wander Staffing		Austin	TX	SG
Warfeather		Coweta	OK	SP
Warrior Service Company LLC		Palm Springs	FL	MG
Watco	Watco Companies, LLC	Pittsburg	KS	LG
Waterdogs SCUBA and Safety LLC		Clarksville	TN	SG
Watermark Risk Management International, LLC		Triangle	VA	MP
Watershed Security, LLC		Chesapeake	VA	SP
Watteredge, LLC		Avon Lake	OH	MG
Web Business Solutions Inc	WBSI	Fredericksburg	VA	SG
WEL Companies Inc		De Pere	WI	MG
West Point Engineers LLC		Louisville	KY	SG
Westerwood Global USA Corporation	WGNSTAR	Malta	NY	MP
Whalls Group LLC		Aliso Viejo	CA	SG
William C. Brown, Inc	William C Brown Inc	Manassas	VA	SP
Williams Creek Management Corporation		Plainfield	IN	SG
Willis Mechanical Inc		Norcross	GA	SP
Windstream Holdings		Little Rock	AR	LP
WorkerBees Staffing LLC		Lakeland	FL	SG
Worldwide Counter Threat Solutions, LLC		Fredericksburg	VA	SG
Wounded Warrior Project, Inc	Wounded Warrior Project	Jacksonville	FL	LG
WPS Labor, LLC		Rogers	AR	SG
XCEL Engineering, Inc		Oak Ridge	TN	SP
Xynergie Corp		Gurabo	PR	SG
Zero Point, Incorporated	Zero Point Incorporated	Virginia Beach	VA	MP

Dated: December 17, 2024.

James D. Rodriguez,

*Assistant Secretary, Veterans' Employment
and Training Service.*

[FR Doc. 2024-30419 Filed 12-19-24; 8:45 am]

BILLING CODE 4510-79-P

OFFICE OF MANAGEMENT AND BUDGET

Initial Guidance for Environmental- Economic Accounting Classifications for Economic Statistics—Request for Comments on Future Natural Capital Accounting Statistical Classifications

AGENCY: Office of Information and
Regulatory Affairs, Office of
Management and Budget, Executive
Office of the President.

ACTION: Notice of solicitation of
comments on a preliminary draft of new
statistical classification guidance for
environmental-economic statistics.

SUMMARY: The Office of Management
and Budget (OMB), on behalf of the
Environmental-Economic Accounting
Classification Interagency Technical
Working Group (ITWG), seeks public
comments on an Interim Report which
contains initial draft statistical
classification guidance for

environmental-economic accounting classifications. Details about the Interim Report, its contents, and specific questions of interest for public comment are available in the **SUPPLEMENTARY INFORMATION** section below.

DATES: To ensure consideration of comments on this notice, they must be received no later than February 18, 2025. Because of delays in the receipt of regular mail related to security screening, respondents are encouraged to send comments electronically (see **ADDRESSES** section, below).

ADDRESSES: Submit comments through www.regulations.gov, a Federal E-Government website that allows the public to find, review, and submit comments on documents that agencies have published in the **Federal Register** and that are open for comment. Enter “OMB–2024–0011” (in quotes) in the Comment or Submission search box, click Go and follow the instructions for submitting comments. Comments received by the date specified above will be included as part of the official record. OMB and the ITWG will respond to comments by issue and theme, and not to individual submissions. Please include the Docket ID (OMB–2024–0011) and the phrase “Environmental-Economic Accounting Classifications Guidance” at the beginning of your comments. Please also indicate which questions in the **SUPPLEMENTARY INFORMATION** of this notice are addressed in your comments.

Privacy Act Statement: OMB is issuing this request for comments pursuant to its authority to oversee the Federal statistical system under 44 U.S.C. 3504(e). Submission of comments in response to this notice is voluntary. Information you provide will be used to inform sound decision making regarding potential future OMB statistical classifications. Please note that all submissions received in response to this notice may be posted on www.regulations.gov or otherwise released in their entirety, including any personal and business confidential information provided. Do not include in your submissions any copyrighted material; information of a confidential nature, such as personal or proprietary information; or any information you would not like to be made publicly available. The OMB System of Records Notice, OMB/INPUT/01, 88 FR 20913 (www.federalregister.gov/documents/2023/04/07/2023-07452/privacy-act-of-1974-system-of-records), includes a list of routine uses associated with the collection of this information.

Electronic Availability: **Federal Register** notices are available electronically at <http://www.federalregister.gov/>.

For general inquiries email: Statistical_Directives@omb.eop.gov. Please note: Communication through this email will not be included in the record for OMB–2024–0011. Comments should be submitted through www.regulations.gov.

SUPPLEMENTARY INFORMATION: Pursuant to its authority under 44 U.S.C. 3504(e), the Office of Management and Budget (OMB) announces the start of the classification development process for new statistical classification guidance for environmental-economic statistics. OMB, on behalf of its Environmental-Economic Accounting Classification Interagency Technical Working Group (ITWG), seeks public comment on an Interim Draft report which contains an initial draft of statistical classification guidance, as well as on the specific topics presented in Section IV of this **Federal Register** Notice (FRN). This is the first of multiple FRNs requesting public comment in the process leading up to OMB publishing new statistical classification guidance for environmental-economic statistics. OMB anticipates issuing final guidance in 2028.

I. Background on National Economic Accounts

National economic accounts were created to organize the broad concept of an economy in a useful way, beyond just an understanding of the size of its many components, to also understand their systematic interdependencies. The U.S. National Income and Product Accounts (NIPA) are used to compute Gross Domestic Product (GDP), calculate a national balance sheet, and help conduct long-term forecasting. Existing national economic accounts data for the United States, however, do not include environmental data, leaving an incomplete view of U.S. assets and economic dependencies on natural assets.¹

International statistical standards are created for national economic statistics in order to promote consistency and comparability that can help all nations in a complex, interconnected world economy, but are also broad enough and allow for nation-level adaptations. The United States actively participates and

assists in developing these international standards. The United States' NIPA accounts are compliant with the United Nations Statistical Commission's System of National Accounts (SNA, 2008),² which is being revised in 2025.

U.S. and international economic accounting standards and account structures are routinely and cyclically improved to make them more comprehensive and accurate. As part of this iterative improvement process, the United States and the international statistical community have committed to developing environmental-economic statistics that extend the SNA through the newer international statistical standards and supporting documents that comprise the System of Environmental-Economic Accounting (SEEA) framework. The U.S. commitment includes the United States' January 2023 National Strategy to Develop Statistics for Environmental-Economic Decisions (National Strategy). The SEEA Central Framework (SEEA–CF, 2012)³ is an international statistical standard that offers principles and guidance for constructing physical flow accounts and physical asset accounts that cover specific environmental assets (e.g., land, water, timber, harvestable marine resources), along with economic accounts that cover a named set of human economic activities that manage environmental resources.

As the SEEA is generally additive with the SNA, it does not alter the SNA's fundamental principles. The SEEA aligns with existing SNA accounting principles and boundaries, while extending them to explicitly include the environment and environmental flows. Thus, accounting rules for environmental-economic accounting begin by orienting, to the extent possible, with preexisting rules for national economic statistics including the national balance sheet.

II. Role of the Office of the Chief Statistician of the United States and the U.S. Federal Statistical System in Developing Statistical Classification Standards

The U.S. Federal statistical system is decentralized, with 16 OMB-recognized statistical agencies and units (RSAUs) that have data collection as their primary mission and over 100 other agencies that collect statistical data,

² United Nations Stat. Comm'n, *System of National Accounts 2008*, United Nations, unstats.un.org/unsd/nationalaccount/sna2008.asp (last visited Oct. 30, 2024).

¹ Off. of Sci. & Tech. Pol'y, Off. of Mgmt. & Budget, & Dep't of Com., National Strategy to Develop Statistics for Environmental-Economic Decisions (Jan. 2023), available at www.whitehouse.gov/wp-content/uploads/2023/01/Natural-Capital-Accounting-Strategy-final.pdf.

³ United Nations et al., *System of Environmental-Economic Accounting 2012 (2014)*, available at seea.un.org/sites/seea.un.org/files/seea_cf_final_en.pdf.

along with carrying out other primary missions. The Chief Statistician of the United States at OMB serves as coordinator of the Federal statistical system under the authority of the Paperwork Reduction Act of 1995 (PRA), and must ensure the efficiency and effectiveness of the system as well as the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes.⁴ The PRA also charges the Chief Statistician of the United States with coordinating the Federal statistical system by developing and overseeing the implementation of Government-wide principles, policies, standards, and guidelines concerning the presentation and dissemination of statistical information.⁵ These coordination efforts promote the efficiency and effectiveness of the Federal statistical system. More information on the Federal statistical system, including its structure and policies that govern it, is available at www.statspolicy.gov.

The Office of the Chief Statistician of the United States is initiating the development of new statistical classification guidance for an environmental-economic statistics series, in alignment with the January 2023 National Strategy to Develop Statistics for Environmental-Economic Decisions (National Strategy). This National Strategy was jointly published by the Office of Science and Technology Policy, the Office of Management and Budget, and the Department of Commerce, and presents a plan for developing the first U.S. national system to standardize environmental-economic statistics, built from the collaborative efforts of 27 Federal departments, agencies, and offices. The National Strategy itself underwent public comment,⁶ and is built on decades of theoretical and empirical research.

Ultimately, completion of the National Strategy's 15-year plan would create statistical classifications for a new national economic statistics series, that further connects the environment to the economy. This would provide a reliable, regularly updated statistical series of data. It would introduce environmental-economic accounting of the nation's environmental assets like land, water, and clean air, and economic flows associated with these assets, to supplement the National Income and

Product Accounts (NIPA) from which the United States calculates GDP and understands economic interdependencies across sectors and resources. This FRN publicly announces the start of this classification development process and also seeks public comment on the initial draft of statistical classification guidance on the Phase I accounts within the National Strategy.

The Chief Statistician of the United States initiated the development of new statistical classification guidance via the convening of an Environmental-Economic Accounting Classification Interagency Technical Working Group (EEA-C ITWG) in November 2023. This working group, made up of Federal experts on economic classification and environmental-economic accounting from more than a dozen Federal agencies, is charged to help advise OMB by providing recommendations for account classifications and guidance on how to develop official environmental-economic accounting classifications to define accounts for environmental-economic statistics to pair with traditional economic statistics accounts.

The EEA-C ITWG developed an Interim Report,⁷ which contains the first draft of their recommendations for future statistical classification guidance for environmental-economic accounting classifications. This Interim Report represents the first interagency effort to build the principles and processes to construct an environmental-economic accounting classification system for use in official economic statistics in the United States. This classification work will deepen and expand from this foundation.

The Interim Report includes one chapter for each of six Environmental Sectors per Phase I in the National Strategy, and in full knowledge that the Interim Report is preliminary. The accounts are Air Emissions, Water, Land, Environmental Activities & Jobs, the first phase of Marine natural capital accounts, and Forests.⁸

Request for comment at this stage is the first of several public interaction and solicitations in support of this effort, in the spirit of robust and wide engagement during the classification development processes, and a key step in the EEA-C ITWG's development of

account classifications and guidance. As that process continues, the EEA-C ITWG will consider public feedback from this request for comments and from any public listening sessions that this group or its account sub-groups may hold. There will be a further request for public comment in 2025, before an EEA-C ITWG Final Report is submitted to the Chief Statistician of the United States. Further, similar classification work and public comment opportunities are expected on Phase II and Phase III accounts (*i.e.*, the remaining 10 environmental sector accounts) from the National Strategy.

This FRN seeks public input on the potential approaches to building categories and on the initial six accounts. It is general, checking alignment with theory and practical constraints, and also requests comment on certain potential metrics associated with specific accounts and categories that are presented in the Interim Report's account chapters. In the next round of public comment in 2025, the EEA-C ITWG expects to ask for public comment about a more detailed and complete classification set, including possible metrics for the classification tables. Note that constructing the classification system is key, but only one part of the larger effort to develop environmental-economic accounts.

The National Strategy defines a suite of targets, timelines, and tasks to build statistics to support environmental-economic decisions. Among these are Headline Summaries (*e.g.*, changes in natural capital wealth); Satellite Accounts and Supporting Products (*e.g.*, "Hazards" account, dashboards, and an environmental activities report); Environmental Sector accounts (in Phases I, II and III); and Supporting Activities (*e.g.*, engagement across accounts and cross-cutting topics like classification systems, data sharing, and valuation standards). From this wider suite, the building of common U.S. environmental-economic accounting classifications will help to ensure agencies are using standardized categories and definitions. As with any standardized statistical classification, common taxonomies of mutually exclusive and comparable categories will serve as a unifying platform for consistent statistical data development. Each Environmental Sector account (*e.g.*, Water, Land) will be comprised of multiple tables or sub-accounts. Environmental-economic accounting classifications will name essential rows and columns in specific tables or accounts.

⁴ See 44 U.S.C. 3504(e)(1).

⁵ See 44 U.S.C. 3504(e)(3).

⁶ See Off. of Mgmt. & Budget, *Revised Strategic Plan on Statistics for Environmental-Economic Decisions*, 88 FR 5374 (Jan. 27, 2023), available at www.federalregister.gov/documents/2023/01/27/2023-01608/revised-strategic-plan-on-statistics-for-environmental-economic-decisions.

⁷ The Interim Report is available on [regulations.gov](https://www.regulations.gov) docket.

⁸ Note that Forests accounts were added from the Phase II set to the Phase I set described in the National Strategy, because the ITWG agreed they were mature enough to be included in this first classification effort, provided that ecosystem services are not considered in this "Phase I" classification building effort.

III. EEA-C ITWG Interim Report—Chapter Content

Each of the six account chapters in the Interim Report begins with an introduction of the account topic area, followed by an overview of the relevant conceptual history and an exploration of other countries' or intergovernmental organizations' relevant work in the account topic area that may be considered for application in the United States (e.g., "United Nations," "Organisation for Economic Co-operation and Development," or "European Union"). Any relevant U.S. work is also described, in order to promote efficiency when the application of past U.S. or international approaches is feasible and desirable (section 2). Each account chapter then proposes a classification framework and guidance particular to that account (which is usually a set of accounts within that topic area (section 3); discusses current data gaps and limitations to be considered when attempting consistent national quantification within the proposed classification framework (section 4); and closes with a conceptual discussion of connections to other accounts, and guidance for using the proposed account in its current form (section 5).

IV. Request for Information

The National Strategy recommends that environmental-economic accounts be pragmatic and useful for a wide range of decision-making (Recommendation 1), comparable through time and across accounts (Recommendation 2), and align with international accounting standards as our national economic accounts do (Recommendation 3). The accounts have been developed thus far with beneficial input from 27 U.S. departments and agencies. In order to improve the utility of these accounts to users as the accounts are further developed over time, it is important to seek feedback across a broad range of perspectives. We therefore focus this request for public comment on the following questions. The questions posed below are those the EEA-C ITWG deemed most significant and relevant to its recommendations and do not indicate positions of OMB or the agencies participating in the EEA-C ITWG. The questions have been sorted into broad categories for ease of review. Responses should be concise, and if summarizing or depending on published works, please include citations and electronic links to reference materials, studies, research, and other empirical data that are not widely available.

1. Is the overall U.S. approach to environmental-economic accounting, as proposed through this initial set of classifications, consistent with the principles of environmental-economic accounting and economic statistics? Is there pertinent information or are there key priorities that the EEA-C ITWG should consider when improving the recommendations for classifications? Does the overall approach adhere to national economic accounting concepts, and reasonably balance these with the goals of simplicity, feasibility, and reproducibility? If noting a break from the Interim Report's methods or current recommendations, please cite sources and be specific as to anticipated consequences of not making the change.

2. Are the specific approaches—framing of accounts, which account tables are recommended in each environmental-economic account type—taken in these six account chapters and any related supplemental materials clear, logical, and consistent with (a) the precepts of national economic accounting (SEEA-CF as supplemental to SNA); (b) the environmental-economic accounting needs of U.S. agencies and other domestic stakeholders; and (c) the need for international comparability of environmental-economic accounts? If there are concerns with any specific approaches, please note how the overall approach or specific accounting structures as recommended in the Interim Report may be improved, being as specific as possible.

3. Considering first what agencies can currently measure, what relevant categories or subcategories are missing from the initial set of accounts? Or, are there categories included in this draft that should not be included? Please name or describe them, and reasons for changing the proposal. Where metrics are discussed that may fill account table cells, comment on the appropriateness of these metrics, and whether specific changes may improve the usefulness of the accounts to specific stakeholders.

4. Are there additional, alternative, or forthcoming data sources that should be considered to (a) improve classifications in these chapters; or (b) facilitate how these accounts accurately measure the components and subcomponents of these accounts? Please explain why or why not, and how specific data sources would improve the utility of specific accounts.

5. As the EEA-C ITWG moves to consider metrics that cannot yet be measured, but that may serve stakeholder needs, are there recommendations for specific categories and metrics not presently measurable

but that should be targeted for inclusion in the future, or general recommendations for how to expand on that list? If a metric or classification has not been considered to date in the United States nationally, is there an example of its feasibility (sub-nationally in the United States or elsewhere internationally)?

V. Timing for Developing This New OMB Statistical Classification Guidance

Following this public comment period, the EEA-C ITWG will review the comments and revise draft statistical classification guidance on the Phase I accounts. Then OMB will publish the EEA-C ITWG's proposed recommendations for public comment in a subsequent **Federal Register** Notice. The EEA-C ITWG will then review the comments and develop final recommendations to the Chief Statistician of the United States at OMB on the statistical classification guidance on the Phase I accounts in a Final Report. The EEA-C ITWG will follow a similar process to make recommendations for the Phase II and III accounts (i.e., the remaining 10 environmental sector accounts) in the National Strategy. OMB will review the culminative recommendations and make decisions for Phases I–III. It is expected that OMB would be issuing final guidance in an Environmental-Economic Accounting Classifications Manual in 2028.

Karin A. Orvis,

Chief Statistician of the United States.

[FR Doc. 2024–30058 Filed 12–19–24; 8:45 am]

BILLING CODE P

OFFICE OF MANAGEMENT AND BUDGET

Statistical Policy Directive No. 8 North American Industry Classification System (NAICS)—Request for Comments on Possible Revisions for 2027

AGENCY: Office of Information and Regulatory Affairs, Office of Management and Budget, Executive Office of the President.

ACTION: Notice of Solicitation for Proposals to Revise Portions of the NAICS for 2027.

SUMMARY: The Office of Management and Budget (OMB), on behalf of the Economic Classification Policy Committee (ECPC), announces the review of the 2022 North American Industry Classification System (NAICS) for potential revisions to be made to the

structure and content of the NAICS for 2027 and solicits public comment.

Details about these topics are available in the **SUPPLEMENTARY INFORMATION** section below.

DATES: To ensure consideration of comments on this notice, they must be received no later than February 18, 2025. Because of delays in the receipt of regular mail related to security screening, respondents are encouraged to send comments electronically (see **ADDRESSES**, below).

ADDRESSES: Submit comments through www.regulations.gov—a Federal E-Government website that allows the public to find, review, and submit comments on documents that agencies have published in the **Federal Register** and that are open for comment. Simply type “USBC–2024–0032” (in quotes) in the Comment or Submission search box, click Go, and follow the instructions for submitting comments. Comments received by the date specified above will be included as part of the official record. Please include the Docket ID (USBC–2024–0032) and the phrase “2022 North American Industry Classification System (NAICS)—Revisions for 2027 Comments” at the beginning of your comments.

Privacy Act Statement: OMB is issuing this solicitation of input on the 2027 NAICS revision pursuant to its authorities under 31 U.S.C. 1104(d) and 5 U.S.C. 3504(e). Submission of comments in response to this request is voluntary. Comments may be used to inform sound decision making on topics related to this request, including potential revisions to the NAICS. Please note that submissions received in response to this notice may be posted on www.regulations.gov or otherwise released in their entirety, including any personal information, business confidential information, or other sensitive information provided by the commenter. Do not include in your submissions any copyrighted material; information of a confidential nature, such as personal or proprietary information; or any information you would not like to be made publicly available. Comments and commenter information are maintained under the OMB Public Input System of Records, OMB/INPUT/01; the system of records notice is accessible at 88 FR 20913 (www.federalregister.gov/documents/2023/04/07/2023-07452/privacy-act-of-1974-system-of-records) and includes a list of routine uses associated with the collection of this information.

Electronic Availability: Federal Register notices are available electronically at

www.federalregister.gov. This document is also available on the NAICS website at www.census.gov/naics. This site contains previous NAICS United States **Federal Register** notices, ECPC Issues Papers, ECPC Reports, the structure and industry definitions for all NAICS United States versions, and related documents.

Public Review Procedure: All comments and proposals received in response to this notice will be available for public inspection. OMB will publish all ECPC recommendations for changes to NAICS for 2027 resulting from this notice in the **Federal Register** for review and comment prior to final action.

For general inquiries email: Statistical_Directives@omb.eop.gov. The NAICS classification staff may be reached by email at econ.naics2027@census.gov. Please note: Communication through this email will not be included in the record for USBC–2024–0032. Comments should be submitted through <https://www.federalregister.gov>.

SUPPLEMENTARY INFORMATION: Under the authority of the *Budget and Accounting Procedures Act* of 1950 (31 U.S.C. 1104(d)) and the *Paperwork Reduction Act* of 1995 (44 U.S.C. 3504(e)), OMB, on behalf of the ECPC, announces the review and potential revision of the structure and content of the 2022 NAICS. OMB solicits public comment on all aspects of the NAICS, with an emphasis on new and emerging industries. However, in soliciting comments about revising NAICS, the ECPC does not intend to open the entire classification structure for substantial change in 2027. The ECPC will consider public comments and proposals for changes or modifications that are consistent with the principles guiding the development of NAICS as outlined in the “BACKGROUND” section below.

This is the first **Federal Register** Notice requesting public comment in the process leading up to the potential 2027 NAICS revision. More information on the NAICS, including information on past revision processes, is available at www.census.gov/naics.

I. Background

The Chief Statistician of the United States at OMB coordinates the Federal statistical system by developing and overseeing the implementation of Government-wide principles, policies, standards, and guidelines concerning the presentation and dissemination of statistical information. These coordination efforts promote the efficiency and effectiveness of the Federal statistical system. More information on the Federal statistical system, including its structure and

policies that govern it, is available at www.statspolicy.gov.

One such standard for statistical data classification established by OMB is Statistical Policy Directive No. 8: *North American Industry Classification System: Classification of Establishments (NAICS)*. NAICS is a system for classifying establishments (individual business locations) by type of economic activity. Its purposes are (1) to facilitate the collection, tabulation, presentation, and analysis of data relating to establishments; and (2) to promote uniformity and comparability in the presentation and analysis of statistical data describing the North American economy. The OMB-Recognized Statistical Agencies and Units use NAICS to collect and publish data by industry, and NAICS is also widely used by State agencies, trade associations, private businesses, and other organizations.

Mexico’s *Instituto Nacional de Estadística y Geografía* (INEGI), Statistics Canada, and the United States Office of Management and Budget, through the ECPC, collaborate on NAICS to make the industry statistics produced by the three countries comparable. NAICS is an industry classification system developed in accordance with a single principle of aggregation: producing units that use similar production processes should be grouped together in the classification. NAICS also reflects changes in technology and in the growth and diversification of services in recent decades. Industry statistics presented using NAICS 2022 are extensively comparable with statistics compiled according to the latest revision of the United Nations’ International Standard Industrial Classification of All Economic Activities (ISIC, Revision 5). For the three North American countries, NAICS provides a consistent framework for the collection, tabulation, presentation, and analysis of industry statistics used by government policy analysts, academics and researchers, the business community, and the public.

Please note that NAICS is designed and maintained solely for statistical purposes, in order to improve and keep current the statistical rigor of this Federal statistical standard. Consequently, although the classification may also be used for various nonstatistical purposes (e.g., for administrative, regulatory, or taxation functions), the requirements of government agencies or private users that choose to use NAICS for nonstatistical purposes play no role in its development or revision.

Four principles guide NAICS development:

(1) NAICS is erected on a production-oriented conceptual framework. This means that producing units that use the same or similar production processes are grouped together in NAICS.

(2) NAICS gives special attention to developing production-oriented classifications for (a) new and emerging

industries, (b) service industries in general, and (c) industries engaged in the production of advanced technologies.

(3) Time series continuity is maintained to the extent possible.

(4) The system strives for compatibility with the two-digit level (see below) of the International Standard Industrial Classification of All

Economic Activities (ISIC, Rev. 5) of the United Nations.

The ECPC is committed to maintaining the principles of NAICS as it develops recommendation for further refinements.

NAICS uses a hierarchical structure to classify establishments from the broadest level to the most detailed level using the following format:

Sector	2-digit	Sectors represent the highest level of aggregation. There are 20 sectors in NAICS.
Subsector	3-digit	Subsectors represent the next, more detailed level of aggregation. There are 96 subsectors in NAICS 2022.
Industry Group	4-digit	Industry groups are more detailed than subsectors. There are 308 industry groups in NAICS 2022.
NAICS Industry	5-digit	NAICS industries, in most cases, represent the lowest level of three-country comparability. There are 689 five-digit industries in NAICS 2022.
National Industry	6-digit	National industries are the most detailed level and represent the national level detail. There are 1,012 national industries in NAICS United States 2022.

To ensure the accuracy, timeliness, and relevance of the classification, NAICS is reviewed every five years to determine what, if any, changes are required. The 2027 review will be the sixth since OMB adopted the NAICS as an official standard statistical classification in 1997. The ECPC

recognizes the potential costs involved when adopting, implementing, and tracking the impacts of industry classification revisions in statistical programs. The ECPC also recognizes the economic, statistical, and policy implications that arise when the industry classification system does not

identify and account for important economic developments. Balancing the costs of change against the potential for more accurate and relevant economic statistics requires significant input from data producers, data providers, and data users.

NAICS version	Date published	Federal Register
1997	April 9, 1997	62 FR 17288.
2002	January 16, 2001	66 FR 3826.
2007	May 16, 2006	71 FR 28532.
2012	August 17, 2011	76 FR 51240.
2017	August 8, 2016	81 FR 52584.
2022	December 21, 2021	86 FR 72277.

The ECPC solicits and welcomes comments across all of the NAICS sectors, and also seeks comments concerning the following items: new and emerging industries and recommended revisions for measuring elements of the bioeconomy.

II. New and Emerging Industries

NAICS is a dynamic industry classification. Every five years, the classification is reviewed to determine the need to identify new and emerging industries. The ECPC is soliciting public comments on the advisability of revising NAICS for new and emerging industries in 2027 and soliciting proposals for these new industries.

When developing proposals for new and emerging industries, please note that there are two separate but related economic classifications in the United States. NAICS, the industry classification, is the subject of this notice, while the North American Product Classification System (NAPCS) is product classification. The NAPCS product system described below complements the NAICS industry

system and provides an alternate way of classifying output.

NAICS classifies units according to their production function. NAICS industries group units undertaking similar activities using similar resources but does not necessarily group all similar products or outputs. NAPCS, on the other hand, classifies the outputs of units, or in other words their products or transactions, within a demand-based conceptual framework. For example, the hypothetical product of a flu shot can be provided by a doctor's office, a hospital, or a walk-in clinic. Because these three units are classified to three different NAICS industries, data users who want information about all flu shots provided must be able to identify the individual products coming out of the units, which NAPCS is designed to do. Thus, in many cases, the need for specific statistical data can be met by aggregating product data across industries as NAPCS does, rather than by creating a new industry. This cross-sector measurement level is particularly true with NAICS, which groups establishments into industries based on

their primary production function. NAPCS was initiated in 1999, followed by a lengthy development and collaborative harmonizing efforts. The first NAPCS revision cycle began in 2022, concurrent with the NAICS. This cycle will continue on the same 5-year revision cycle as NAICS.

Proposals for new industries in NAICS for 2027 will be evaluated within the context of the industry and product classification systems to determine the most appropriate resolution. For a detailed description of the NAPCS initiative, see the April 16, 1999, **Federal Register** notice (64 FR 18984), available at www.census.gov/naics/napcs.

Proposals for new industries will be evaluated using a variety of criteria. As previously mentioned, each proposal will be evaluated based on the application of the production function concept, its impact on comparability within North America and with other regions, and its impact on time series. For any proposals that cross three-country levels of agreement, negotiations with Canada and Mexico,

our partners in NAICS, will also influence the ECPC's recommendations on those proposals.

In addition, other criteria may affect recommendations for adoption. From a practical standpoint, industries must be of appropriate size. At the national level, this is generally not a major concern, but there are a variety of statistical programs that produce industry data at the regional, State, metropolitan area, or even county or local level. A proposed industry must include a sufficient number of establishments so that Federal agencies can publish industry data without disclosing information about the operations of individual firms.

The ability of government agencies to classify, collect, and publish data on the proposed basis will also be taken into account. Proposed changes must be such that they can be applied by agencies within their normal processing operations. Any recommendations for change by the ECPC for consideration will also take into account the cost of making the changes. These costs can be considerable and the availability of funding to make changes is critical. The budgetary environment will be considered when the ECPC makes recommendations. As mentioned above, certain proposals may be more adequately addressed through the identification and collection of product data.

Proposals for new or revised industries should be consistent with the production-oriented conceptual framework incorporated into the principles of NAICS. When formulating proposals, please note that an industry classification system groups the economic activities of producing units, which means that the activities of similar producing units cannot be separated in the industry classification system.

Proposals must include the following information:

(1) Specific economic activities to be covered by the proposed industry, the proposed industry's production processes, its specialized labor skills, and any unique equipment and materials used. This detail should demonstrate that the proposed industry will group establishments with similar production processes that are unique and clearly separable from the production processes of other industries.

(2) Relationship of the proposed industry to existing NAICS United States 2022 six-digit national industries and whether the proposed industry would impact trilateral NAICS levels (as

specified by "T" superscripts in the 2022 NAICS structure).

(3) Documentation of the size and recent and projected growth of the proposed industry in the United States.

(4) Information about the size and importance of the proposed industry in Canada and Mexico, if available.

Proposals will be collected, reviewed, and analyzed by the ECPC. As necessary, proposals for change will be negotiated with our partners in Canada and Mexico. When this process is complete, OMB will publish a **Federal Register** notice that contains the ECPC recommendations for revisions for additional public comment prior to a final OMB determination of any changes to NAICS for 2027.

III. Improve Measures of Emerging/ Innovative Industrial Activity, Including the Bioeconomy

Consistent with Executive Order 14081, *Advancing Biotechnology and Biomanufacturing Innovation for a Sustainable, Safe, and Secure American Bioeconomy*, the Interagency Technical Working Group on Developing, Recommending and Assessing Current Industry and Product Classifications for the Emerging Bioeconomy submitted a report to OMB with recommendations for revisions to NAICS for advancing measurement in this area.¹ In this report, the Working Group stated that there has been sustained growth and diversification in biotechnology, biomanufacturing, and the related use of biological resources to supplement, and in some industries, replace more traditional production methods. The report also discussed several challenges with measuring this part of the economy, and included recommendations for revisions to both the NAICS and NAPCS. As mentioned above, especially in this area, some proposals may be more adequately addressed through the identification and collection of product versus industry data.

The ECPC is soliciting public comments regarding the recommendations included in the report, to support development of related final ECPC recommendations to OMB. In particular, ECPC is interested in the following issues: What impact might these potential changes to the NAICS have on existing industry

¹ Interagency Tech. Working Grp. on Developing, Recommending and Assessing Current Indus. & Product Classifications for the Emerging Bioeconomy, *Measuring the Bioeconomy: Recommended Revisions to the NAICS and NAPCS* (Sept. 12, 2023), available at www.usda.gov/sites/default/files/documents/OCE-Measuring-the-Bioeconomy.pdf.

measurements, for example economic output and employment, continuity of time series measures? What methodologies should compilers of Federal economic data apply to differentiate bioeconomic processes from current production processes to enable measurement? What potential bioeconomy measurement strategies might be considered other than revisions to and inclusion in the NAICS?

IV. Errors and Omissions in NAICS

No significant errors or omissions have been identified in NAICS 2022. Any errors or omissions that are identified in NAICS in the future will be corrected and posted on the official NAICS website at www.census.gov/naics.

V. Timing for the 2027 NAICS Revision Process

Following this public comment period, the ECPC will review the comments and develop any proposed revisions for the 2027 NAICS. Then OMB will publish ECPC's proposed revisions for public comment in a subsequent **Federal Register** Notice. The ECPC will then review the comments and develop final recommendations to the Chief Statistician of the United States at OMB on the proposed revisions for the 2027 NAICS. OMB will consider the final recommendations from the ECPC and will publish the updated classification for 2027 NAICS in calendar year 2026. The NAICS 2027 will be available on the Census Bureau website in January 2027.

Karin A. Orvis,

Chief Statistician of the United States.

[FR Doc. 2024-30060 Filed 12-19-24; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

[NRC-2024-0172]

Information Collection: Human Performance Test Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on this proposed information collection. The information collection is entitled, "Human Performance Test Facility."

DATES: Submit comments by February 18, 2025. Comments received after this

date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0172. 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.

- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2024–0172 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0172.

- *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. The supporting statement is available in ADAMS under Accession No. ML24197A213.

- *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.

- *NRC’s Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC’s Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2024–0172, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC is requesting public comment on its intention to request the OMB’s approval for the information collection summarized as follows.

1. *The title of the information collection:* Human Performance Test Facility.
2. *OMB approval number:* An OMB control number has not yet been assigned to this proposed information collection.
3. *Type of submission:* New.
4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* On occasion.

6. *Who will be required or asked to respond:* The potential respondent universe consists of NRC staff (defined as full-time permanent staff and management level personnel, licensed plant operators, summer interns, and co-operative education students). Respondents may be selected to cover a broad sample or to include specific characteristics (*i.e.*, individual differences such as operator experience) in order to facilitate research aims.

7. *The estimated number of annual responses:* 300.

8. *The estimated number of annual respondents:* 300.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 300.

10. *Abstract:* The NRC is requesting OMB approval of a plan for a generic collection of information. The need and practicality of the collection can be evaluated, but the details of the specific individual collections will not be known until a later time. In accordance with the Paperwork Reduction Act of 1995, the NRC is seeking public comment on approval of data collections for the Human Performance Test Facility. The purpose of the data collections submitted under this generic clearance will be to address research gaps in human performance and human reliability analysis in the nuclear domain and contribute to our understanding of various cognitive and physical elements that facilitate interactions with state-of-the-art technology and support safe control room operation. Research findings from these data collections will support informational needs of the NRC and ensure that our human factors engineering guidance documents and human risk analysis methods support the review and evaluation of “state-of-the-art” human factors programs.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of

automated collection techniques or other forms of information technology?

Dated: December 17, 2024.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2024–30392 Filed 12–19–24; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 72–70, 50–373, and 50–374; NRC–2024–0205]

Constellation Energy Generation, LLC; LaSalle County Station Units 1 and 2; Independent Spent Fuel Storage Installation; Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and a finding of no significant impact (FONSI) for an exemption request submitted by Constellation Energy Generation, LLC (CEG), that would permit LaSalle County Station (LSCS) to maintain four loaded and to load four 68M multi-purpose canister (MPC) with continuous basket shims (CBS) in the HI–STORM 100 Cask System at its LSCS Units 1 and 2 independent spent fuel storage installation (ISFSI) in a storage condition where the terms, conditions, and specifications in the Certificate of Compliance (CoC) No. 1014, Amendment No. 8, Revision No. 1, are not met.

DATES: The EA and FONSI referenced in this document are available on December 20, 2024.

ADDRESSES: Please refer to Docket ID NRC–2024–0205 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0205. 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:

Martin Ortiz Gonzalez, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3637; email:

Martin.OrtizGonzalez@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is reviewing an exemption request from CEG, dated September 19, 2024. CEG is requesting an exemption, pursuant to section 72.7 of title 10 of the *Code of Federal Regulations* (10 CFR), in paragraphs 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11), and 72.214 that require CEG to comply with the terms, conditions, and specifications of the CoC No. 1014, Amendment No. 8, Revision No. 1. If approved, the exemption would allow CEG to maintain four loaded and to load four new MPC–68M–CBS in the HI–STORM 100 Cask System at the LSCS ISFSI in a storage condition where the terms, conditions, and specifications in the CoC No. 1014, Amendment No. 8, Revision No. 1, are not met.

II. Environmental Assessment

Background

The LSCS site is approximately 75 miles (mi) (120 kilometers (km)) southwest of downtown Chicago, Illinois, and approximately 26 mi (42 km) west of Exelon’s Braidwood Station in Braceville, Illinois, and 23 mi (37 km) southwest of the Dresden Nuclear Power Station near Morris, Illinois. Interstate Highway 80 is 8 mi (13 km) north of the site. The LSCS site is located in a rural and agricultural setting. The town of

Seneca lies 6 mi (10 km) northeast of LSCS. The town of Marseilles lies 7 mi (11 km) north-northwest of LSCS. The Illinois River is 5 mi (8 km) north of LSCS. Unit 1 and Unit 2 began operating in 1984. CEG has been storing spent fuel in an ISFSI at LSCS under a general license as authorized by 10 CFR part 72, subpart K, “General License for Storage of Spent Fuel at Power Reactor Sites.” CEG currently uses the HI–STORM 100 Cask System under CoC No. 1014, Amendment No. 8, Revision No. 1, for dry storage of spent nuclear fuel in a specific MPC (*i.e.*, MPC–68M) at the LSCS ISFSI.

Description of the Proposed Action

The CoC is the NRC-approved design for each dry cask storage system. The proposed action would exempt the applicant from the requirements of 10 CFR 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11), and 72.214 only as these requirements pertain to the use of the MPC–68M–CBS in the HI–STORM 100 Cask System for the four already loaded canisters and the planned loading of four new canisters. The exemption would allow CEG to maintain four loaded and to load four new MPC–68M–CBS in the HI–STORM 100 Cask System at the LSCS ISFSI, despite the MPC–68M–CBS in the HI–STORM 100 Cask System not being in compliance with the terms, conditions, and specifications in the CoC No. 1014, Amendment No. 8, Revision No. 1.

The HI–STORM 100 Cask System CoC provides the requirements, conditions, and operating limits necessary for use of the system to store spent fuel. Holtec International (Holtec), the designer and manufacturer of the HI–STORM 100 Cask System, developed a variant of the design with continuous basket shims (CBS) for the MPC–68M, known as MPC–68M–CBS. Holtec originally implemented the CBS variant design under the provisions of 10 CFR 72.48, which allows licensees to make changes to cask designs without a CoC amendment under certain conditions (listed in 10 CFR 72.48(c)). After evaluating the specific changes to the cask designs, the NRC determined that Holtec erred when it implemented the CBS variant design under 10 CFR 72.48, as this was not the type of change allowed without a CoC amendment. For this reason, the NRC issued three Severity Level IV violations to Holtec. CEG had previously loaded four MPC–68M–CBS in the HI–STORM 100 Cask System and plans to load four MPC–68M–CBS in the HI–STORM 100 Cask System beginning in June 2025. This exemption considers the storage of the

already loaded systems and the planned loading of the four canisters with the CBS variant basket design.

Need for the Proposed Action

CEG requested this exemption because CEG is currently out of compliance with NRC requirements, resulting from the previous loading of spent fuel into a storage system with the CBS variant basket design. This exemption would allow four already loaded MPC-68M-CBS in the HI-STORM 100 Cask System to remain in storage at the LSCS ISFSI. The exemption would also allow CEG to load four new MPC-68M-CBS in HI-STORM 100 Cask System at the LSCS ISFSI for the future loading campaign scheduled to begin in June 2025.

Approval of the exemption request would allow CEG to effectively manage the margin to full core discharge capability in the spent fuel pool. It would also allow CEG to effectively manage the availability of the specialized resources and equipment needed to support multiple competing priorities at LSCS and throughout CEG's fleet.

Environmental Impacts of the Proposed Action

This EA evaluates the potential environmental impacts of granting an exemption from the terms, conditions, and specifications in CoC No. 1014, Amendment No. 8, Revision No.1. The exemption would allow four already loaded MPC-68M-CBS in the HI-STORM 100 Cask system to remain loaded at the LSCS ISFSI. The exemption would also allow four new MPC-68M-CBS to be loaded in the HI-STORM 100 Cask System in a future loading campaign and maintained in storage at the LSCS ISFSI.

The potential environmental impacts of storing spent nuclear fuel in NRC-approved storage systems have been documented in previous assessments. On July 18, 1990 (55 FR 29181), the NRC amended 10 CFR part 72 to provide for the storage of spent fuel under a general license in cask designs approved by the NRC. The EA for the 1990 final rule analyzed the potential environmental impacts of using NRC-approved storage casks. The EA for the HI-STORM 100 Cask System, CoC No. 1014, Amendment No. 8, Revision No. 1 (80 FR 49887), published in 2015, tiers off of the EA issued for the July 18, 1990, final rule. "Tiering" off earlier EAs is a standard process encouraged by the regulations implementing the National Environmental Policy Act of 1969 (NEPA) that entails the use of impact analyses of previous EAs to

bound the impacts of a proposed action where appropriate. The Holtec HI-STORM 100 Cask System is designed to mitigate the effects of design basis accidents that could occur during storage. Considering the specific design requirements for the accident conditions, the design of the cask would prevent loss of containment, shielding, and criticality control. If there is no loss of containment, shielding, or criticality control, the environmental impacts would not be significant.

The exemptions requested by CEG at the LSCS site as they relate to CoC No. 1014, Amendment No. 8, Revision No.1, for the HI-STORM 100 Cask System are limited to the use of the CBS variant basket design only for the four previously loaded canisters and planned loading of four canisters utilizing the CBS variant basket design. The NRC staff has determined that this change in the basket will not result in either radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the issuance of CoC No. 1014, Amendment No. 8, Revision 1. If the exemption is granted, there will be no significant change in the types or amounts of any effluents released, no significant increase in individual or cumulative public or occupational radiation exposure, and no significant increase in the potential for or consequences from radiological accidents. Accordingly, the Commission concludes that there would be no significant environmental impacts associated with the proposed action.

Alternative to the Proposed Action

CEG considered requesting that Holtec provide eight fully compliant canisters for the June 2025 campaign. However, CEG expects that Holtec will not be able to meet this request based on current manufacturing schedules. Additionally, CEG considered delaying the start of the 2025 campaign until Amendment No. 19 of the HI-STORM 100 CoC is approved. This delay would result in the LSCS ISFSI campaign needing to pull specialty resources which would otherwise be required to support other CEG refueling and ISFSI campaigns.

The NRC staff considered the no-action alternative. The no-action alternative (denial of the exemption request) would require LSCS to unload spent fuel from the MPC-68M-CBS in the HI-STORM 100 Cask System to bring it in compliance with the CoC terms, conditions, and specifications in the CoC No. 1014, Amendment No. 8, Revision No 1. Unloading the cask

would subject station personnel to additional radiation exposure, generate additional contaminated waste, increase the risk of a possible fuel handling accident, and increase the risk of a possible heavy load handling accident. Furthermore, the removed spent fuel would need to be placed in the spent fuel pool, where it would remain until it could be loaded into an approved storage cask. Not allowing the planned future loading campaign could affect LSCS's ability to manage the margin to full core discharge capability. It could also pose challenges to spent fuel heat removal and impact the availability of the specialized resources and equipment needed to support competing fuel loading and operational activities at LSCS, including spent fuel pool clean-up and refueling outages. The NRC has determined that the no-action alternative would result in undue potential human health and safety impacts that could be avoided by proceeding with the proposed exemption, especially given that the NRC staff has concluded in NRC's Safety Determination Memorandum, issued with respect to the enforcement action against Holtec regarding these violations, that fuel can be stored safely in the MPC-68M-CBS canisters.

Agencies Consulted

The NRC provided the Illinois Emergency Management Agency and Office of Homeland Security (IL-IEMA-OHS) a copy of this draft EA for review by an email dated November 22, 2024. On November 27, 2024, IL-IEMA-OHS provided its concurrence by email.

III. Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements in 10 CFR part 51, which implement NEPA. Based upon the foregoing environmental assessment, the NRC finds that the proposed action of granting the exemption from the regulations in 10 CFR 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11) and 72.214, which require the licensee to comply with the terms, conditions, and specifications of the CoC, in this case limited to the past and specific future loading of baskets with the CBS variant design, would not significantly impact the quality of the human environment. Accordingly, the NRC has determined that a finding of no significant impact (FONSI) is appropriate, and an environmental impact statement is not warranted.

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. or Federal Register notice
CEG's request for exemption, dated September 19, 2024	ML24263A206.
Certificate of Compliance No. 1014, Amendment No. 8, Revision No. 1, dated February 10, 2016	ML16041A233 (Package).
Holtec International, Inc.—Notice of Violation; The U.S. Nuclear Regulatory Commission Inspection Report No. 07201014/2022–201, EA–23–044, dated January 30, 2024.	ML24016A190.
10 CFR part 72 amendment to allow spent fuel storage in NRC-approved casks, July 18, 1990	55 FR 29181.
EA for part 72 amendment to allow spent fuel storage in NRC-approved casks, March 8, 1989	ML051230231.
Final rule for List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM 100 Cask System, Certificate of Compliance No. 1014, Amendment No. 8, Revision 1, dated August 18, 2015.	80 FR 49887.
Safety Determination of a Potential Structural Failure of the Fuel Basket During Accident Conditions for the HI–STORM 100 and HI–STORM Flood/Wind Dry Cask Storage Systems, dated January 31, 2024.	ML24018A085.
NRC email to IL–IEMA–OHS, “State’s review of EA/FONSI for LSCS Exemption,” dated November 22, 2024	ML24337A059.
IL–IEMA–OHS email, “State’s response regarding EA/FONSI for LSCS Exemption,” dated November 27, 2024	ML24337A057.

Dated: December 16, 2024.

For the Nuclear Regulatory Commission.

Yoira Diaz-Sanabria,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2024–30364 Filed 12–19–24; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2024–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of December 23, 30, 2024 and January 6, 13, 20, 27, 2025. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at

Betty.Thweatt@nrc.gov or Samantha.Miklaszewski@nrc.gov.

MATTERS TO BE CONSIDERED:

Week of December 23, 2024

There are no meetings scheduled for the week of December 23, 2024.

Week of December 30, 2024—Tentative

There are no meetings scheduled for the week of December 30, 2024.

Week of January 6, 2025—Tentative

There are no meetings scheduled for the week of January 6, 2025.

Week of January 13, 2025—Tentative

Tuesday, January 14, 2025

9:00 a.m. Strategic Programmatic Overview of the Decommissioning and Low-Level Waste and Nuclear Materials Users Business Lines (Public Meeting). (Contact: Araceli Billoch Colon: 301–415–3302)

Additional Information: The meeting will be held in the Commissioners' Hearing Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Week of January 20, 2025—Tentative

There are no meetings scheduled for the week of January 20, 2025.

Week of January 27, 2025—Tentative

There are no meetings scheduled for the week of January 27, 2025.

CONTACT PERSON FOR MORE INFORMATION:

For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at Wesley.Held@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: December 18, 2024.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2024–30590 Filed 12–18–24; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–354, 50–272, 50–311, 50–277, and 50–278; CEQ ID SEIS–429–00–000–1732152679; NRC–2024–0206]

PSEG Nuclear, LLC; Hope Creek Generating Station; Salem Generating Station, Units 1 and 2; and Peach Bottom Atomic Power Station, Units 2 and 3; 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 issuance of exemptions in response to the May 28, 2024, request from PSEG Nuclear, LLC (the licensee) for Hope Creek Generating Station (Hope Creek); Salem Generating Station, Units 1 and 2 (Salem); and Peach Bottom Atomic Power Station, Units 2 and 3 (Peach Bottom). The exemptions would allow the licensee to periodically transfer earnings from funds dedicated for radiological decommissioning activities in its nuclear decommissioning trust (NDT) into separately maintained subaccounts within the NDT for certain activities not within the definition of “decommission” in NRC regulations without prior NRC notification. The NRC staff is issuing an environmental assessment (EA) and finding of no significant impact (FONSI) associated with the proposed exemptions.

DATES: The EA and FONSI referenced in this document are available on December 20, 2024.

ADDRESSES: Please refer to Docket ID NRC–2024–0206 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0206. 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: Rachael Davis, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0805; email: Rachael.Davis@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of exemptions from the requirements in paragraphs 50.82(a)(8)(i)(A) and 50.75(h)(1)(iv) of title 10 of the *Code of Federal Regulations* (10 CFR) to the licensee for Renewed Facility License Nos. NPF–57, DPR–70, DPR–75, DPR–44, and DPR–56 for Hope Creek Generating Station (Hope Creek); Salem Generating Station, Units 1 and 2 (Salem); and Peach Bottom Atomic Power Station, Units 2 and 3 (Peach

Bottom), respectively. Hope Creek and Salem are co-located in Hancocks Bridge, NJ, and Peach Bottom is located in Delta, PA. The licensee requested the exemptions by letter dated May 28, 2024. The exemptions would permit the licensee to periodically transfer future earnings from the nuclear decommissioning trust (NDT) into "non-50.75" subaccounts within the NDT without prior notice to the NRC. The non-50.75 subaccounts would be used to separately account for funds to pay for "decommissioning costs," as defined by the U.S. Treasury Department,¹ for each site, that do not fall within the definition of "decommission" in 10 CFR 50.2. These costs include costs for radiological and non-radiological activities, including major radioactive component (MRC) disposal, site restoration activities, and certain spent fuel management activities.

As required by 10 CFR 51.21, the NRC performed an EA that analyzed the environmental impacts of the proposed action. Based on the results of the EA that follows, and in accordance with 10 CFR 51.31(a), the NRC has determined not to prepare an environmental impact statement for the exemptions and, rather, is issuing a FONSI.

II. Environmental Assessment

Description of the Proposed Action

Exemptions from 10 CFR 50.82(a)(8)(1)(A) and 10 CFR 50.75(h)(1)(iv) would allow the licensee to transfer excess earnings from funds dedicated to radiological decommissioning in the NDT into subaccounts within the NDT to use for decommissioning costs that do not fall under the definition in 10 CFR 50.2, such as spent fuel management, disposal of MRCs, and site restoration activities. Exemptions from 10 CFR 50.75(h)(1)(iv) would also allow the licensee to make transfers from the NDT into subaccounts without prior notification to the NRC.

The proposed action is in accordance with the licensee's application dated May 28, 2024.

Need for the Proposed Action

As required by 10 CFR 50.82(a)(8)(i)(A), decommissioning trust funds may be used by the licensee if the withdrawals are for legitimate decommissioning activity expenses, consistent with the definition of "decommission" in 10 CFR 50.2. This definition addresses radiological

decommissioning and does not include activities associated with disposal of MRCs during plant operations, spent fuel management, or site restoration.

The requirements of 10 CFR 50.75(h)(1)(iv) restrict the use of DTF disbursements (other than for ordinary and incidental expenses) to decommissioning expenses until final decommissioning has been completed. Therefore, exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) are needed to allow the licensee to use funds from the NDTs for purposes not restricted to radiological decommissioning. In its submittal, the licensee stated that, if granted, the funds transferred into non-50.75 subaccounts within the NDT would remain subject to other applicable requirements, including the Decommissioning Trust Agreement. The licensee states that if it cannot use the excess funds in the NDT to pay for decommissioning activities other than those considered radiological decommissioning until after the completion of radiological decommissioning, then the licensee would need to provide additional funds to pay for those activities that would not be recoverable from the NDT until after final completion of radiological decommissioning. The licensee stated that the transferred funds would be used to pay for decommissioning costs as defined by the U.S. Treasury Department in 26 CFR 1.468A–1(b)(6), for each site. These costs include costs for radiological and non-radiological activities, including MRC disposal, site restoration activities, and certain spent fuel management activities. The requirements of 10 CFR 50.75(h)(1)(iv) further provide that, except for withdrawals being made under 10 CFR 50.82(a)(8) or for payments of ordinary administrative costs and other incidental expenses of the NDTs in connection with the operation of the NDTs, no disbursement may be made from the NDTs without written notice to the NRC at least 30 working days in advance. Therefore, an exemption from 10 CFR 50.75(h)(1)(iv) is also needed to allow the licensee to use funds from the NDTs for spent fuel management and disposal of MRCs without prior NRC notification. In summary, by letter dated May 28, 2024, the licensee requested exemptions to allow transfers of excess earnings from funds dedicated to radiological decommissioning in the NDT into subaccounts, without prior written notification to the NRC, for spent fuel management, disposal of MRCs, and site restoration.

¹ Title 26 of the CFR (26 CFR), section 1.468A–1(b)(6), of the Treasury Department regulations implementing section 468A of the Internal Revenue Code.

Environmental Impacts of the Proposed Action

The proposed action involves exemptions from regulatory requirements that are of a financial nature and that do not have an incremental impact on the environment. The proposed action does not introduce new operational activities beyond actions covered under the current licensing bases and the current environmental impact statements, rather the proposed action allows the licensee to transfer excess earnings from the NDT dedicated to radiological decommissioning as defined in 10 CFR 50.2 into subaccounts within the NDT to pay for other decommissioning costs not described under the regulation. The NRC has completed its evaluation of the proposed action and found that reasonable assurance exists that adequate funds will be available in PSEG's NDT to complete radiological decommissioning and terminate the Part 50 licenses for Salem, Hope Creek, and Peach Bottom. Therefore, the NRC staff concludes that there will be no environmental impacts from the proposed action.

Due to the proposed action being financial in nature, it will not significantly increase the probability or consequences of radiological accidents. The NRC staff has concluded that the proposed action has no direct radiological impacts. There would be no change to the types or amounts of radiological effluents that may be released; therefore, there would be no change in occupational or public radiation exposure from the proposed action. There are no materials or chemicals introduced into the plant that could affect the characteristics or types of effluents released offsite. In addition, the method of operation of waste processing systems would not be affected by the exemption. The proposed action will not result in changes to the design basis requirements of structures, systems, and components (SSCs) that function to limit or monitor the release of effluents. All the SSCs associated with limiting the release of effluents will continue to be able to perform their functions. Moreover, no changes would be made to plant buildings or the site property from the proposed action. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action would have no direct impacts on land use or water resources, including

terrestrial and aquatic biota, as it involves no new construction or modification of plant operational systems. There would be no changes to the quality or quantity of non-radiological effluents, and no changes to the plant's National Pollutant Discharge Elimination System permits would be needed. In addition, there would be no noticeable effect on socioeconomic conditions in the region, no environment justice impacts, no air quality impacts, and no impacts to historic and cultural resources from the proposed action. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the proposed action would result in no change in current environmental impacts. Therefore, the environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

There are no unresolved conflicts concerning alternative uses of available resources under the proposed action.

Agencies and Persons Consulted

No additional agencies or persons were consulted regarding the environmental impact of the proposed action.

III. Finding of No Significant Impact

The licensee has requested exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv), which would allow the licensee to transfer excess earnings from the NDT dedicated to radiological decommissioning into subaccounts within the NDT for decommissioning costs as defined by the U.S. Treasury Department without prior written notification to the NRC. The proposed action would not significantly affect plant safety, would not have a significant adverse effect on the probability of an accident occurring, and would not have any significant radiological or non-radiological impacts. The reason the human environment would not be significantly affected is that the proposed action involves an exemption from requirements that are of

a financial nature and that do not have an impact on the human environment. Consistent with 10 CFR 51.21, the NRC conducted an EA for the proposed action, and this FONSI incorporates the EA included in section II. Therefore, the NRC concludes that the proposed action will not have significant effects on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

Other than the licensee's letter dated May 28, 2024, there are no other environmental documents associated with this review. This document is available for public inspection as indicated in section I.

Other considerations regarding the environmental impacts of operating Hope Creek and Salem are described in the "Final Environmental Statement Related to the Salem Nuclear Generating Station Units 1 and 2, Public Service Electric and Gas Company," dated April 1973, and NUREG-1074, "Final Environmental Statement Related to the Operation of Hope Creek Generating Station," dated December 1984. The most recent environmental impact statement for Hope Creek and Salem is NUREG-1437, Supplement 45, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Hope Creek Generating Station and Salem Nuclear Generating Station, Units 1 and 2," Final Report, dated March 2011.

Other considerations regarding the environmental impacts of operating Peach Bottom are described in the "Final Environmental Statement Related to Operation of Peach Bottom Atomic Power Station Units 2 and 3," dated April 1973; NUREG-1437, Supplement 10, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding License Renewal for Peach Bottom Atomic Power Station Units 2 and 3," dated January 2003. The most recent environmental impact statement for Peach Bottom is NUREG-1437, Supplement 10, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding License Renewal for Peach Bottom Atomic Power Station Units 2 and 3," dated January 2020.

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.
Letter from PSEG Nuclear, LLC to NRC titled, "Request for Exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) and Proposed Amendment to the Decommissioning Trust Agreement," dated May 28, 2024.	ML24150A002 (Package).
Final Environmental Statement Related to the Salem Nuclear Generating Station, Units 1 and 2, Public Service Electric and Gas Company, dated April 1973.	ML110400162.
NUREG-1074,"Final Environmental Statement Related to the Operation of Hope Creek Generating Station," December 1984.	ML20101K322.
NUREG-1437, Supplement 45, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Hope Creek Generating Station and Salem Nuclear Generating Station, Units 1 and 2," dated March 2011.	ML11089A021.
Final Environmental Statement Related to Operation of Peach Bottom Atomic Power Station, Units 2 and 3, dated April 1973.	ML18291A605.
NUREG-1437, Supplement 10, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding License Renewal for Peach Bottom Atomic Power Station Units 2 and 3," dated January 2003.	ML030150366 (Package).
NUREG-1437, Supplement 10, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Subsequent License Renewal for Peach Bottom Atomic Power Station Units 2 and 3," dated January 2020.	ML20023A937.

Dated: December 16, 2024.

For the Nuclear Regulatory Commission.

Audrey L. Klett,

*Senior Project Manager, Plant Licensing
Branch 1, Division of Operating Reactor
Licensing, Office of Nuclear Reactor
Regulation.*

[FR Doc. 2024-30394 Filed 12-19-24; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2024-0136]

Information Collection: NRC Form 531, Request for Taxpayer Identification Number

AGENCY: Nuclear Regulatory
Commission.

ACTION: Renewal of existing information
collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory
Commission (NRC) invites public
comment on the renewal of Office of
Management and Budget (OMB)
approval for an existing collection of
information. The information collection
is entitled, NRC Form 531, "Request for
Taxpayer Identification Number."

DATES: Submit comments by February
18, 2025. Comments received after this
date will be considered if it is practical
to do so, but the Commission is able to
ensure consideration only for comments
received on or before this date.

ADDRESSES: You may submit comments
by any of the following methods;
however, the NRC encourages electronic
comment submission through the
Federal rulemaking website:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0136. 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.

- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T-6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining
information and submitting comments,
see "Obtaining Information and
Submitting Comments" in the
SUPPLEMENTARY INFORMATION section of
this document.

FOR FURTHER INFORMATION CONTACT:

David Cullison, Office of the Chief
Information Officer, U.S. Nuclear
Regulatory Commission, Washington,
DC 20555-0001; telephone: 301-415-
2084; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2024-
0136 when contacting the NRC about
the availability of information for this
action. You may obtain publicly
available information related to this
action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0136. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC-2024-0136 on this website.

- *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. A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML24289A147. The supporting statement is available in ADAMS under Accession No. ML24260A189.

- *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.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

The NRC encourages electronic
comment submission through the
Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2024-0136, in your comment submission.

The NRC cautions you not to include
identifying or contact information in
comment submissions that you do not
want to be publicly disclosed in your
comment submission. All comment
submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating
comments from other persons for
submission to the NRC, then you should

inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized as follows.

1. *The title of the information collection:* NRC Form 531, Request for Taxpayer Identification Number.
2. *OMB approval number:* 3150–0188.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* NRC Form 531.
5. *How often the collection is required or requested:* Licensees are only required to submit once.
6. *Who will be required or asked to respond:* NRC Form 531 is used to collect taxpayer identification numbers (TINs) and information sufficient to identify the licensee or applicant for licenses, certificates, approvals, and registrations.
7. *The estimated number of annual responses:* 150.
8. *The estimated number of annual respondents:* 150.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 37.5.

10. *Abstract:* The Debt Collection Improvement Act of 1996 requires that agencies collect TINs from individuals who do business with the Government, including contractors and recipients of credit, licenses, permits, and benefits. The TIN will be used to process all electronic payments (refunds) made to licensees by electronic funds transfer by the Department of the Treasury. The Department of the Treasury will use the TIN to determine whether the refund can be used to administratively offset any delinquent debts reported to the Treasury by other Government agencies. In addition, the TIN will be used to collect and report to the Department of the Treasury any delinquent indebtedness arising out of the licensee's or applicant's relationship with the NRC.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: December 17, 2024.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2024–30393 Filed 12–19–24; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–020; NRC–2024–0199]

Framatome Inc.; Application for Standard Design Certification of the U.S. EPR; Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to an April 17, 2024, letter from Framatome Inc. (Framatome), which requested an extension to the exemption from regulatory requirements regarding the annual reports required by regulations (hereafter “required report”) for the U.S. EPR standard design certification application for the years 2024–2028. The regulation for which exemption is sought covers emergency core cooling systems (ECCS) for light-water nuclear power reactors. Staff review of the U.S. EPR standard design certification application was suspended in April 2015 at the request of the applicant. Framatome committed to submit the required report before any request to reactivate the U.S. EPR review. Framatome further committed to providing an update to the required report, or taking other appropriate action, as necessary, no later than December 31, 2028. The NRC staff reviewed this request and determined that it is appropriate to grant the exemption in accordance with the regulations as the request does not present an undue risk to public health

or safety and is consistent with the common defense and security; furthermore, special circumstances exist.

DATES: The exemption is effective on December 9, 2024.

ADDRESSES: Please refer to Docket ID NRC–2024–0199 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0199. Address questions about Docket IDs 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.

- *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: Ricky Vivanco, Project Manager, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0021; email: Ricky.Vivanco@nrc.gov.

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: December 16, 2024.

For the Nuclear Regulatory Commission.
Michele Sampson,
*Director, Division of New and Renewed
 Licenses, Office of Nuclear Reactor
 Regulation.*

Attachment—Exemption.

NUCLEAR REGULATORY COMMISSION

Docket No. 52–020

Framatome Inc.

Application for Standard Design Certification of the U.S. EPR

I. Background

By letter dated December 11, 2007, Areva NP Inc. (Areva) (now Framatome Inc. (Framatome)) submitted to the NRC an application for standard design certification of the U.S. EPR (ADAMS Accession No. ML073520305). Following an acceptance review, the NRC docketed the application (Docket No. 52–020) in a letter dated February 25, 2008 (ADAMS Accession No. ML080380357). By letter dated July 17, 2014 (ADAMS Accession No. ML14209A053), Areva submitted Revision 7 to the standard design certification application. By letter dated February 25, 2015 (ADAMS Accession No. ML15061A130), Areva requested that the NRC suspend review of the U.S. EPR standard design certification application. By letter dated June 30, 2020 (ADAMS Accession No. ML20188A219), Framatome requested an exemption from the annual reporting requirements of 10 CFR 50.46(a)(3)(iii) stating in part that “. . . given that the NRC’s review of the U.S. EPR DCA [design certification application] has been suspended and remains suspended, Framatome requests an exemption from the requirement to submit annual reports required by 10 CFR 50.46(a)(3)(iii) for the next five years (2020–2024).” **Federal Register** Notice (FRN) 2020–21811 granted this exemption requested by Framatome on September 29, 2020. By letter dated April 17, 2024 (ADAMS Accession No. ML24114A037), Framatome requested an extension to the exemption from the annual reporting requirements of 10 CFR 50.46(a)(3)(iii) stating in part that “. . . given that the NRC’s review of the DCA [design certification application] remains suspended. Specifically, Framatome requests an exemption from the requirement to submit annual reports to the DCA during the years 2024 through 2028.”

II. Request/Action

Section 50.46(a)(1)(i) of 10 CFR, in part, provides requirements for models used in calculations regarding ECCS

performance following postulated loss of coolant accidents. Section 50.46(a)(3)(iii) requires that an applicant for a standard design certification report any change or error found in such ECCS performance models, including the nature of the change or error and its estimated effect on the limiting ECCS analysis, at least annually.

In a letter dated April 17, 2024 (ADAMS Accession No. ML24114A037), Framatome requested an extension of the exemption from the reporting requirements of 10 CFR 50.46(a)(3)(iii) for the years 2024 through 2028. Framatome has committed to submit the required report before requesting to reactivate the U.S. EPR review. They have committed to updating the required report, or taking other appropriate action, no later than December 31, 2028.

III. Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50, including 10 CFR 50.46(a)(3)(iii), when: (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) special circumstances are present. As relevant to the requested exemption, special circumstances exist if: (1) application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule (10 CFR 50.12(a)(2)(ii)); or (2) compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated (10 CFR 50.12(a)(2)(iii)).

Framatome is seeking the exemption for the years 2024 through 2028. Framatome has committed to updating the 10 CFR 50.46 report or taking other appropriate action, as necessary, no later than December 31, 2028.

No Undue Risk to Public Health and Safety

The purpose of 10 CFR 50.46(a)(3)(iii) is to provide for timely notification of the nature and estimated effect of any errors or changes in the limiting ECCS analysis. Because the review of the U.S. EPR standard design certification application has been suspended at the applicant’s request, any report submitted under 10 CFR 50.46 would

not be reviewed by the staff until such time as the review of the design certification is reactivated. The requested exemption is administrative and deals only with the schedule for reports which would not be reviewed. Because the exemption applies only to an application, not to a licensed entity, this exemption has no safety implications and introduces nothing that could adversely impact public health. Under the proposed exemption, any further review of the U.S. EPR standard design certification application will not resume until Framatome submits the required report. Design certification cannot occur until the NRC’s review of the application is completed and a final safety evaluation report is issued. Based on the nature of the requested exemption as described above, no new accident precursors or accident scenarios are introduced or created by the exemption; therefore, neither the probability nor the consequences of postulated accidents are increased and there is no undue risk to public health and safety. The request for an exemption has no bearing on public health and safety and, therefore, poses no undue risk to public health and safety.

Consistent With Common Defense and Security

The requested exemption would relieve Framatome of the requirement to submit annual reports required by 10 CFR 50.46(a)(3)(iii) for the years 2024 through 2028. The applicant has committed to submit a 10 CFR 50.46 report before submitting any request for the NRC to resume reviewing the U.S. EPR design certification application and to update the required report, or take other appropriate action, no later than December 31, 2028. This schedule change has no relation to security issues; therefore, the common defense and security is not impacted.

Special Circumstances

Special circumstances, in accordance with 10 CFR 50.12(a)(2), are present under the circumstances relevant to the requested exemption. Generally, special circumstances are present if: (1) application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule (10 CFR 50.12(a)(2)(ii)); or (2) if compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others

similarly situated (10 CFR 50.12(a)(2)(iii)).

The underlying purpose of 10 CFR 50.46(a)(3)(iii) is to ensure that the NRC receives timely notification of the nature and estimated effect of errors or changes in the limiting ECCS analysis. A thorough understanding of ECCS performance is critical to the staff's review; however, since review of the U.S. EPR standard design certification application has been suspended at the applicant's request, any report filed under 10 CFR 50.46 would not be reviewed until such time as the design certification review is reactivated. Framatome has committed to submit the required report before requesting that the NRC reactivate its review of the design certification. Submitting a report under 50.46(a)(3)(iii) before the resumption of any review of the design certification is sufficient to meet the underlying purpose of the regulation. Submitting annual reports for the years 2024 through 2028 while the review is suspended is not necessary to meet the underlying purpose of the regulation.

The preparation of reports required by 10 CFR 50.46(a)(3)(iii) is time consuming and requires resources to review and document the condition reports for any change to or error in an acceptable evaluation model or in the application of such a model. As such, requiring Framatome to submit annual 10 CFR 50.46 reports that would not be reviewed would be to subject them to an undue hardship that is significantly in excess of those contemplated when the regulation was adopted.

For the above stated reasons, special circumstances are present under 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(2)(iii).

Eligibility for Categorical Exclusion From Environmental Review

With respect to the exemption's impact on the quality of the human environment, the NRC has determined that this specific exemption request is eligible for categorical exclusion as identified in 10 CFR 51.22(c)(25) provided that:

(i) There is no significant hazards consideration;

The criteria for determining whether there is no significant hazards consideration are found in 10 CFR 50.92(c). The proposed action involves only a schedule change regarding the submission of a report on errors or changes in the ECCS analysis for a standard design certification application review which is currently suspended. Therefore, there is no significant hazards consideration because granting the proposed exemption would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) Involve a significant reduction in a margin of safety.

(ii) There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite;

The proposed action involves only a schedule change, which is administrative in nature and does not involve any changes to be made in the types or significant increase in the amounts of effluents that may be released offsite.

(iii) There is no significant increase in individual or cumulative public or occupational radiation exposure;

Since the proposed action involves only a schedule change, which is administrative in nature, it does not contribute to any significant increase in occupational or public radiation exposure.

(iv) There is no significant construction impact;

The proposed action involves only a schedule change which is administrative in nature; the application is for a standard design certification the review of which is suspended until further notice. No application for construction or operation has been filed. Accordingly, the proposed action does not involve any construction impact.

(v) There is no significant increase in the potential for or consequences from radiological accidents;

The proposed action involves only a schedule change which is administrative in nature and does not impact the probability or consequences of accidents.

(vi) The requirements from which an exemption is sought involve:

(1) Reporting requirements;

The exemption request involves submitting a report required by 10 CFR 50.46(a)(3)(iii);

and

(2) Scheduling requirements;

The proposed exemption relieves the applicant from submitting the required reports for the years 2024 through 2028.

IV. Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances, as defined by 10 CFR 50.12(a)(2), are present. Therefore, the

Commission hereby grants Framatome an extension to the exemption from the reporting requirements of 10 CFR 50.46(a)(3)(iii) until December 31, 2028. This exemption provides that Framatome shall submit a report under 10 CFR 50.46(a)(3)(iii) before making any request that the NRC resume its review of the U.S. EPR standard design certification application and that Framatome shall update that report or take other appropriate actions no later than December 31, 2028.

Pursuant to 10 CFR 51.22, the Commission has determined that the exemption request meets the applicable categorical exclusion criteria set forth in 10 CFR 51.22(c)(25), and the granting of this exemption will not have a significant effect on the quality of the human environment.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 9th day of December 2024.

For the Nuclear Regulatory Commission.

Michele Sampson,

Director, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2024–30365 Filed 12–19–24; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee

Virtual Public Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: According to the provisions of section 10 of the Federal Advisory Committee Act, notice is hereby given that a virtual meeting of the Federal Prevailing Rate Advisory Committee will be held on Thursday, January 9, 2025. There will be no in-person gathering for this meeting.

The Federal Prevailing Rate Advisory Committee is composed of a Chair, five representatives from labor unions holding exclusive bargaining rights for Federal prevailing rate employees, and five representatives from Federal agencies.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates, and from time to time advise the Office of Personnel Management.

Annually, the Chair compiles a report of pay issues discussed and concluded

recommendations. These reports are available to the public. Reports for calendar years 2008 to 2023 are posted at <http://www.opm.gov/fprac>. Previous reports are also available, upon written request to the Committee.

The public is invited to submit material in writing to the Chair on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee at Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 7H31, 1900 E Street NW, Washington, DC 20415, (202) 606–2858.

DATES: The virtual meeting will be held on January 9, 2025, beginning at 10:00 a.m. (ET).

ADDRESSES: The meeting will convene virtually.

FOR FURTHER INFORMATION CONTACT: Ana Paunoiu, 202–606–2858, or email paypolicy@opm.gov.

SUPPLEMENTARY INFORMATION: This meeting is open to the public, with an audio option for listening. This notice sets forth the participation guidelines for the meeting.

Meeting Agenda: The committee meets to discuss various agenda items related to the determination of prevailing wage rates for the Federal Wage System. The committee's agenda is approved one week prior to the public meeting and will be available upon request at that time.

Public Participation: The January 9, 2025, meeting of the Federal Prevailing Rate Advisory Committee is open to the public through advance registration. Public participation is available for the meeting. All individuals who plan to attend the virtual public meeting to listen must register by sending an email to paypolicy@opm.gov with the subject line "January 9, 2025" no later than Tuesday, January 7, 2025.

The following information must be provided when registering:

- Name.
- Agency and duty station.
- Email address.
- Your topic of interest.

Members of the press, in addition to registering for this event, must also RSVP to media@opm.gov by January 7, 2025.

A confirmation email will be sent upon receipt of the registration. Audio teleconference information for participation will be sent to registrants the morning of the virtual meeting.

Office of Personnel Management.

Stephen Hickman,

Federal Register Liaison.

[FR Doc. 2024–30460 Filed 12–19–24; 8:45 am]

BILLING CODE P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0245, Request for Change to Unreduced Annuity, RI 20–120

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: Office of Personnel Management (OPM), Retirement Services offers the general public and other federal agencies the opportunity to comment on the reinstatement of an expired information collection request (ICR), Request for Change to Unreduced Annuity, RI 20–120.

DATES: Comments are encouraged and will be accepted until February 18, 2025.

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by the following method:

—*Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

All submissions received must include the agency name and docket number or RIN for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or via electronic mail at RSPublicationsTeam@opm.gov or telephone at (202) 936–0401.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13) as amended (44 U.S.C. chapter 35), OPM is soliciting comments for this collection (OMB No. 3206–0245). The Office of Personnel Management is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

RI 20–120 is designed to collect information the Office of Personnel Management needs to comply with the wishes of the retired Federal employee whose marriage has ended. This form provides an organized way for the retiree to supply all information needed to change to an unreduced annuity (*i.e.*, remove the spousal reduction) at one time. OPM is specifically seeking comments on the proposed burden and respondent audience.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Request for Change to Unreduced Annuity.

OMB Number: 3206–0245.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 5,000.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 2,500 minutes.

Office of Personnel Management.

Alexys Stanley,

Federal Register Liaison.

[FR Doc. 2024–30343 Filed 12–19–24; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket Nos. K2025–825; CP2021–68; CP2023–202; MC2025–847 and K2025–848; MC2025–848 and K2025–849; MC2025–849 and K2025–850; MC2025–850 and K2025–851; MC2025–851 and K2025–852; MC2025–852 and K2025–853; MC2025–853 and K2025–854; MC2025–854 and K2025–855; MC2025–855 and K2025–856; MC2025–856 and K2025–857; MC2025–857 and K2025–858; MC2025–858 and K2025–859; MC2025–859 and K2025–860; MC2025–860 and K2025–861; MC2025–861 and K2025–862; MC2025–862 and K2025–863; MC2025–863 and K2025–864; MC2025–864 and K2025–865; MC2025–865 and K2025–866; MC2025–866 and K2025–867; MC2025–867 and K2025–868; MC2025–868 and K2025–869]

New Postal Products

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 20, 2024, and December 24, 2024.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:**Table of Contents**

- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance

with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).*: K2025–825; *Filing Title*: Request of the United States Postal Service Concerning Functionally Equivalent Inbound Competitive Multi-Service Agreement with Foreign Postal Operator—FY25–3; *Filing Acceptance Date*: December 16, 2024; *Filing Authority*: 39 CFR 3041.315; *Public Representative*: Katalin Clendenin; *Comments Due*: December 24, 2024.

¹ See Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

2. *Docket No(s).*: CP2021–68; *Filing Title*: USPS Request Concerning Amendment Five to Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 8, with Material Filed Under Seal; *Filing Acceptance Date*: December 16, 2024; *Filing Authority*: 39 CFR 3041.505; *Public Representative*: Arif Hafiz; *Comments Due*: December 20, 2024.

3. *Docket No(s).*: CP2023–202; *Filing Title*: USPS Request Concerning Amendment Two to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1, with Material Filed Under Seal; *Filing Acceptance Date*: December 16, 2024; *Filing Authority*: 39 CFR 3041.505; *Public Representative*: Christopher Mohr; *Comments Due*: December 24, 2024.

4. *Docket No(s).*: MC2025–847 and K2025–848; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1079 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 16, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Arif Hafiz; *Comments Due*: December 24, 2024.

5. *Docket No(s).*: MC2025–848 and K2025–849; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1080 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 16, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Arif Hafiz; *Comments Due*: December 24, 2024.

6. *Docket No(s).*: MC2025–849 and K2025–850; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1081 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 16, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Maxine Bradley; *Comments Due*: December 24, 2024.

7. *Docket No(s).*: MC2025–850 and K2025–851; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1082 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 16, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Maxine Bradley; *Comments Due*: December 24, 2024.

25. *Docket No(s)*: MC2025-868 and K2025-869; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 549 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 16, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public*

Representative: Christopher Mohr;
Comments Due: December 24, 2024.

III. Summary Proceeding(s)

None. *See* Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2024–30479 Filed 12–19–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2025–3; Order No. 8352]

Inbound Parcel Post (at UPU Rates)

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is recognizing a recent Postal Service filing of a change in rates not of general applicability for Inbound Parcel Post (at Universal Postal Union rates) to be effective January 1, 2025. This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 23, 2024.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Contents of Filing
- III. Commission Action
- IV. Ordering Paragraphs

I. Introduction

On December 13, 2024, the Postal Service filed notice announcing its intention to change rates not of general applicability for Inbound Parcel Post (at Universal Postal Union (UPU) Rates) effective January 1, 2025.¹

¹ Notice of the United States Postal Service of Filing Changes in Rates Not of General Applicability for Inbound Parcel Post (at UPU Rates), and Notice of Filing Non-Public Materials Under Seal, December 13, 2024, at 1 (Notice).

II. Contents of Filing

With the Notice, the Postal Service filed: a redacted copy of Governors' Decision No. 19–1, a redacted copy of the UPU International Bureau (IB) Circular 146 (dated September 23, 2024, as replaced September 25, 2024) that contains the new rates, a copy of the certification required under 39 CFR 3035.105(c)(2), redacted Postal Service data used to justify any bonus payments, and a copy of the Postal Service's submission to the UPU in support of an inflation-linked adjustment. Notice at 3; *see id.* Attachments 2–6. The Postal Service also filed redacted Excel versions of financial workpapers. Notice at 3.

Additionally, the Postal Service filed an unredacted copy of Governors' Decision No. 19–1, an unredacted copy of the UPU IB Circular 146, unredacted Postal Service data used to justify any bonus payments under seal, and unredacted Excel versions of financial workpapers. *Id.* at 4. The Postal Service filed an application for non-public treatment of materials filed under seal. *Id.* at 4; *id.* Attachment 1.

The Postal Service states that it has provided supporting documentation as required by Order No. 2102 and Order No. 2310.² In addition, the Postal Service states that it provided citations and copies of relevant UPU IB Circulars and updates to inflation-linked adjustments as required by Order No. 4933.³

III. Commission Action

The Commission establishes Docket No. CP2025–3 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632 and 3633 and 39 CFR part 3035. Comments are due no later than December 23, 2024. The public portions of the filing can be accessed via the Commission's website (<http://www.prc.gov>).

The Commission appoints Katalin K. Clendenin to serve as Public Representative in this docket.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2025–3 for consideration of the

² Notice at 4–8. *See* Docket No. CP2014–52, Order Accepting Price Changes for Inbound Air Parcel Post (at UPU Rates), June 26, 2014, at 6, 7 (Order No. 2102); Docket No. CP2015–24, Order Accepting Changes in Rates for Inbound Parcel Post (at UPU Rates), December 29, 2014, at 4 (Order No. 2310).

³ Notice at 8. *See* Docket No. CP2019–43, Order Acknowledging Changes in Prices for Inbound Parcel Post (at UPU Rates), December 19, 2018, at 5 (Order No. 4933).

matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Katalin K. Clendenin is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than December 23, 2024.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

Erica A. Barker,
Secretary.

[FR Doc. 2024–30332 Filed 12–19–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2025–818 and K2025–818; MC2025–819 and K2025–819; MC2025–820 and K2025–820; MC2025–821 and K2025–821; MC2025–822 and K2025–822; MC2025–823 and K2025–823; MC2025–824 and K2025–824; MC2025–825 and K2025–825; MC2025–826 and K2025–826; MC2025–827 and K2025–827; MC2025–828 and K2025–828; MC2025–829 and K2025–829; MC2025–829 and K2025–830; MC2025–830 and K2025–831; MC2025–831 and K2025–832; MC2025–832 and K2025–833; MC2025–833 and K2025–834; MC2025–834 and K2025–835; MC2025–835 and K2025–836; MC2025–836 and K2025–837; MC2025–837 and K2025–838; MC2025–838 and K2025–839; MC2025–839 and K2025–840; MC2025–840 and K2025–841; MC2025–841 and K2025–842; MC2025–842 and K2025–843; MC2025–843 and K2025–844; MC2025–844 and K2025–845; MC2025–846 and K2025–847]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 23, 2024.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial

models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s)*: MC2025–818 and K2025–818; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 534 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 13, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Almaroof Agoro; *Comments Due*: December 23, 2024.

2. *Docket No(s)*: MC2025–819 and K2025–819; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1060 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 13, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca Upperman; *Comments Due*: December 23, 2024.

3. *Docket No(s)*: MC2025–820 and K2025–820; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1061 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 13, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca Upperman; *Comments Due*: December 23, 2024.

4. *Docket No(s)*: MC2025–821 and K2025–821; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1062 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 13, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca Upperman; *Comments Due*: December 23, 2024.

5. *Docket No(s)*: MC2025–822 and K2025–822; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1063 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 13, 2024; *Filing*

Authority: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca Upperman; *Comments Due*: December 23, 2024.

6. *Docket No(s)*: MC2025–823 and K2025–823; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1064 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 13, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca Upperman; *Comments Due*: December 23, 2024.

7. *Docket No(s)*: MC2025–824 and K2025–824; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 535 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 13, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Almaroof Agoro; *Comments Due*: December 23, 2024.

8. *Docket No(s)*: MC2025–825 and K2025–826; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1065 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 13, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca Upperman; *Comments Due*: December 23, 2024.

9. *Docket No(s)*: MC2025–826 and K2025–827; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1066 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 13, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Elsie Lee-Robbins; *Comments Due*: December 23, 2024.

10. *Docket No(s)*: MC2025–827 and K2025–828; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1067 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: December 13, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Elsie Lee-Robbins; *Comments Due*: December 23, 2024.

11. *Docket No(s)*: MC2025–828 and K2025–829; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1068 to the Competitive Product List and Notice of Filing

¹ See Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2024–30345 Filed 12–19–24; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101930; File No. SR–BX–2024–057]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Anti-Internalization Functionality in Equity 4, Rule 4757

December 16, 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 BX, Inc. (“BX” 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 4757.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Equity 4, Rule 4757(a)(A)(3) 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 4757(a)(A)(3) 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 solution to manage order flow by preventing undesirable executions where the firm submits orders in

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. 78i(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.

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 4757, the term “Common Ownership” shall mean participants under 75% common ownership or control.

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 4757(a)(A)(3) 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 (3), 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.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹⁰ in general, and furthers the

⁹ For 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.

¹⁰ 15 U.S.C. 78f(b).

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-BX-2024-057 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-BX-2024-057. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

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.

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-BX-2024-057 and should be submitted on or before January 10, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-30354 Filed 12-19-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0785]

Submission for OMB Review; Comment Request; Extension: Rule 18a-10

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in Rule 18a-10 (17 CFR 240.18a-10), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Exchange Act Rule 18a-10 provides an alternative compliance mechanism pursuant to which stand-alone security-based swap dealers ("SBSDs") registered as a swap dealer that predominantly engages in a swaps business, and that meet certain conditions set forth in the rule, may elect to comply with the capital, margin, segregation, recordkeeping, and reporting requirements of the Commodity Exchange Act ("CEA") and the U.S. Commodity Futures Trading

Commission's ("CFTC") rules in lieu of complying with SEC Rules 18a-1, and 18a-3 through 18a-9. Rule 18a-10 requires the firm to provide a written disclosure to its counterparties after it begins operating pursuant to the rule. Furthermore, Rule 18a-10 requires the firm to immediately notify the Commission and the CFTC in writing if it fails to meet a condition in the rule.

There are currently two stand-alone SBSDs operating pursuant to the alternative compliance mechanism. The Commission estimates that these two stand-alone SBSDs will each spend 5 hours per year updating the disclosure language required under paragraph (b)(2) of Rule 18a-10, and that one of these stand-alone SBSDs will file the notice with the Commission required under paragraph (b)(3) of Rule 18a-10, which will impose a burden of 5 minutes per year. Consequently, the Commission estimates that the total hour burden under Rule 18a-9 is approximately 11 hours per year. Since the last approval of this information collection, the estimated total burden hours per year has decreased due to a decrease in the estimated number of respondents subject to the requirements of the Rule and as a result of certain initial burdens no longer applying.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Public Comment Instructions: The 30-day public comment period for this information collection request closes at the end of the day on January 21, 2025. The public may view the full information request and submit comments at https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202409-3235-002 or email comments to MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov.

Dated: December 16, 2024.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-30366 Filed 12-19-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-441, OMB Control No. 3235-0497]

Submission for OMB Review; Comment Request; Extension: Rule 15c3-4

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services,

100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) ("PRA"), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in Rule 15c3-4 (17 CFR 240.15c3-4) (the "Rule") under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 15c3-4 requires certain broker-dealers that are registered with the Commission as OTC derivatives dealers, or who compute their net capital charges under Appendix E to Rule 15c3-1 (17 CFR 240.15c3-1) ("ANC firms"), to establish, document, and maintain a system of internal risk management controls. In addition, security-based swap dealers ("SBSDs") must comply with Rule 15c3-4 as if they were OTC derivatives dealers. The Rule sets forth the basic elements for an OTC derivatives dealer, an ANC firm, or an SBSD to consider and include when establishing, documenting, and reviewing its internal risk management control system, which is designed to, among other things, ensure the integrity of an OTC derivatives dealer's, an ANC firm's or an SBSD's risk measurement, monitoring, and management process, to clarify accountability at the appropriate organizational level, and to define the permitted scope of the firm's activities and level of risk. The Rule also requires that management of an OTC derivatives dealer, an ANC firm, or an SBSD must periodically review, in accordance with written procedures, the firm's business activities for consistency with its risk management guidelines.

The staff estimates that the average amount of time a new firm subject to Rule 15c3-4 will spend establishing and documenting its risk management control system is approximately 2,000 hours (666.666667 hours per year when annualized over three years) and that, on average, an existing firm subject to Rule 15c3-4 will spend approximately 200 hours each year to maintain (e.g., reviewing and updating) its risk management control system. Currently, seventeen firms are required to comply with Rule 15c3-4. The staff estimates that approximately six new additional firms may become subject to the requirements of Rule 15c3-4 within the next three years. Thus, the estimated annual burden would be 3,400 hours for the seventeen existing firms currently required to comply with Rule 15c3-4 to maintain their risk management control

¹⁸ 17 CFR 200.30-3(a)(12).

systems,¹ 4,000 hours for the six new firms to establish and document their risk management control systems,² and 1,200 hours for the six new firms to maintain their risk management control systems.³ Accordingly, the staff estimates the total annual burden associated with Rule 15c3-4 for the 23 respondents (seventeen existing respondents and six new respondents) will be approximately 8,600 hours per year.

The records required to be made pursuant to the Rule and the results of the periodic reviews conducted under paragraph (d) of Rule 15c3-4 must be preserved under Rule 17a-4 of the Exchange Act (17 CFR 240.17a-4) for a period of not less than three years, the first two years in an easily accessible place. The Commission will not generally publish or make available to any person notices or reports received pursuant to the Rule. The statutory basis for the Commission's refusal to disclose such information to the public is the exemption contained in section (b)(4) of the Freedom of Information Act (5 U.S.C. 552), which essentially provides that the requirement of public dissemination does not apply to commercial or financial information which is privileged or confidential.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Public Comment Instructions: The 30-day public comment period for this information collection request closes at the end of the day on January 21, 2025. The public may view the full information request and submit comments at https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202409-3235-023 or email comments to MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov.

Dated: December 16, 2024.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-30367 Filed 12-19-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101929; File No. SR-NYSEAMER-2024-61]

Self-Regulatory Organizations; NYSE American LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend Section 1003 of the NYSE American LLC Company Guide To Provide for the Suspension and Delisting of Any Company That: (i) Has Effected One or More Reverse Stock Splits Over the Prior Two-Year Period With a Cumulative Ratio of 200 Shares or More to One; or (ii) Has Effectuated a Reverse Stock Split and the Effectuation of Such Reverse Stock Split Results in the Company's Security Falling Below Any of the Continued Listing Requirements of Section 1003

December 16, 2024.

On October 16, 2024, NYSE American LLC filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend Section 1003 of the NYSE American LLC Company Guide to provide for the suspension and delisting of any company that: (i) has effected one or more reverse stock splits over the prior two-year period with a cumulative ratio of 200 shares or more to one; or (ii) has effectuated a reverse stock split and the effectuation of such reverse stock split results in the company's security falling below any of the continued listing requirements of Section 1003. The proposed rule change was published for comment in the **Federal Register** on November 4, 2024.³ The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission will either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be

disapproved. The 45th day after publication of the notice for this proposed rule change is December 19, 2024. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change, so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates February 2, 2024, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-NYSEAMER-2024-61).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-30353 Filed 12-19-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101919; File No. SR-Phlx-2024-54]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend Options 3, Section 13 Related to XND

December 16, 2024.

On October 18, 2024, Nasdaq PHLX LLC ("Phlx" or the "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change to amend Options 3, Section 13, Price Improvement XL ("PIXL") to permit orders for the accounts of appointed market makers to be solicited for PIXL auctions in Nasdaq-100 Micro Index ("XND") Options. The proposed rule change was published for comment in the **Federal Register** on November 6, 2024.³ The Commission has received no comments on the proposed rule change.

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days (i) as the Commission may

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30-3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 101488 (Oct. 31, 2024), 89 FR 88092.

⁴ 15 U.S.C. 78s(b)(2).

¹ (200 hours × 17 firms) = 3,400.

² ((2,000 hours/3 years) × 6 firms) = 4,000.

³ (200 hours × 6 firms) = 1,200.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 101457 (October 29, 2024), 89 FR 87661.

⁴ 15 U.S.C. 78s(b)(2).

designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is December 21, 2024. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, pursuant to Section 19(b)(2) of the Act,⁵ the Commission designates February 4, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-Phlx-2024-54).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-30348 Filed 12-19-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101922; File No. SR-SAPPHIRE-2024-41]

Self-Regulatory Organizations; MIAX Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by MIAX Sapphire, LLC to Adopt Connectivity and Certain Port Fees for Members and Non-Members

December 16, 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 6, 2024, MIAX Sapphire, LLC (“MIAX Sapphire” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit

comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Sapphire Options Exchange Fee Schedule (the “Fee Schedule”) to adopt connectivity and port fees.

The text of the proposed rule change is available on the Exchange’s website at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings>, at MIAX Sapphire’s principal office, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these 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

On July 15, 2024, the U.S. Securities and Exchange Commission (“Commission”) approved the Exchange’s Form 1 application to register as a national securities exchange under Section 6 of the Exchange Act.³ The Exchange commenced electronic operations on August 12, 2024.⁴ The Exchange proposes to establish the following sections of the Fee Schedule, including proposed fee structures and amounts (the majority of which the Exchange proposes to waive for a specified time, as discussed further below): (1) connectivity fees for Members⁵ and non-Members; and (2)

³ See Securities Exchange Act Release No. 100539 (July 15, 2024), 89 FR 58848 (July 19, 2024) (File No. 10-240) (the “Approval Order”).

⁴ See MIAX Sapphire News Alert, dated August 13, 2024, available at <https://www.miaxglobal.com/alert/2024/08/13/miami-international-holdings-announces-successful-launch-miax-sapphire?nav=all>.

⁵ The term “Member” means an individual or organization that is registered with the Exchange pursuant to Chapter II of the Exchange’s Rules for purposes of trading on the Exchange as an “Electronic Exchange Member” or “Market Maker.”

certain port fees for Members and non-Members.⁶ The Exchange initially filed this proposal on August 9, 2024 (SR-SAPPHIRE-2024-21). The Exchange withdrew SR-SAPPHIRE-2024-21 on August 14, 2024 and submitted SR-SAPPHIRE-2024-22. On October 10, 2024, the Exchange withdrew SR-SAPPHIRE-2024-22 and submitted SR-SAPPHIRE-2024-32. On December 6, 2024, the Exchange withdrew SR-SAPPHIRE-2024-32 and submitted this proposal.

Connectivity Fees

The Exchange proposes to establish Section 5), System Connectivity Fees, which will describe network connectivity fees. The Exchange proposes to offer to both Members and non-Members the choice of a 1 Gigabit (“Gb”) fiber connection or the 10Gb ultra-low latency (“ULL”) fiber connection to the Exchange’s primary and secondary facilities, as well as its disaster recovery facility. The 1Gb and 10Gb ULL fees will be charged to both Members and non-Members for connectivity to the Exchange’s primary/secondary facility and to its disaster recovery facility.

The Exchange proposes to establish monthly fees of \$1,400 per 1Gb connection and \$13,500 per 10Gb ULL connection that will be assessed to Members and non-Members for connecting to the primary/secondary facility. The Exchange proposes to establish monthly fees of \$550 per 1Gb connection and \$2,750 per 10Gb ULL connection that will be assessed to Members and non-Members for connecting to the disaster recovery facility.

Monthly network connectivity fees for Members and non-Members for connectivity with the primary/secondary facility will be assessed in any month the Member or non-Member is credentialed to use any of the MIAX Sapphire Application Programming Interfaces (“APIs”) or market data feeds in the production environment. Further, the Exchange proposes to pro-rate the monthly fees when a Member or non-Member makes a change to the connectivity (by adding or deleting connections) with such pro-rated fees based on the number of trading days

Members are deemed “members” under the Exchange Act. See Exchange Rule 100.

⁶ The Exchange filed a separate rule filing to establish fees for Purge Ports. See SR-SAPPHIRE-2024-15. “Purge Ports” provide Market Makers with the ability to send quote purge messages to the MIAX Sapphire System. Purge Ports are not capable of sending or receiving any other type of messages or information. See the Definitions section of the Fee Schedule. Fees for all other types of ports are proposed in this filing.

⁵ *Id.*

⁶ 17 CFR 200.30-3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

that the Member or non-Member has been credentialed to utilize any of the MIAx Sapphire APIs or market data feeds in the production environment through such connection, divided by the total number of trading days in such month multiplied by the applicable monthly rate. Monthly network connectivity fees for Members and non-Members for connectivity to the disaster recovery facility will be assessed in each month during which the Member or non-Member has established connectivity to the disaster recovery facility.

The Exchange proposes that Members and non-Members utilizing the MENI⁷ to connect to the trading platforms, market data systems, and disaster recovery facilities of the Exchange or its affiliated options markets (MIAx, MIAx Pearl, and MIAx Emerald)⁸ via a single, shared 1Gb connection will only be assessed one monthly network connectivity fee per connection, regardless of the trading platforms, market data systems, and disaster recovery facilities accessed via such connection.

Waiver Period for Connectivity Fees. The Exchange proposes to waive the monthly Member and non-Member network connectivity fees for the 1Gb connections to the primary/secondary facility and disaster recovery facility, and the 10Gb ULL connections to the disaster recovery facility for the partial month in which the Exchange launches operations, plus an additional three full calendar months. The proposed monthly Member and non-Member network connectivity fees for the 1Gb connections to the primary/secondary facility and disaster recovery facility, and 10Gb ULL connections to the

disaster recovery facility will be discounted by 50% for the three full calendar months thereafter.

The Exchange proposes to waive the monthly Member and non-Member network connectivity fees for the first two 10Gb ULL connections on each switch⁹ to the primary/secondary facility for the partial month in which the Exchange launches operations, plus an additional three full calendar months. The Exchange proposes that the monthly Member and non-Member network connectivity fees for the first two 10Gb ULL connections on each switch to the primary/secondary facility will be discounted by 50% for the three full calendar months thereafter. Any subsequent 10Gb ULL connections on each switch will be charged the full monthly rate of \$13,500 per 10Gb ULL connection.

For clarity, the Exchange provides the below examples regarding connectivity fees, utilizing the launch date of August 12, 2024:

- Members and non-Members that subscribe to the 1Gb connection to the primary/secondary facility and/or disaster recovery facility, and/or subscribe to the 10Gb ULL connection to the disaster recovery facility, will not be charged the proposed rates (*i.e.*, \$1,400 for 1Gb connections to the primary/secondary facility, \$550 for 1Gb connections to the disaster recovery facility, or \$2,750 for 10Gb ULL connections to the disaster recovery facility) for the remaining days in August, as well as for the entire period covering the months of September 2024 through November 2024. Thereafter, Members and non-Members will receive a 50% discount for each 1Gb connection to the primary/secondary facility and disaster recovery facility, and for each 10Gb ULL connection to the disaster recovery facility for entire period covering December 2024 through February 2025.

- Members and non-Members that subscribe to the 10Gb ULL connection to the primary/secondary facility will not be charged the proposed rate (\$13,500) for the first two 10Gb ULL connections on each switch to the primary/secondary facility for the remaining days in August, as well as the entire period covering the months of September through November 2024. Thereafter, Members and non-Members will receive a 50% discount for the first

two 10Gb ULL connections on each switch to the primary/secondary facility for entire period covering December 2024 through February 2025. For each 10Gb ULL connection on each switch greater than two (*i.e.*, three or more), Members and non-Members will be assessed the entire amount of the proposed rate beginning upon the launch of the Exchange.

The Exchange previously communicated to market participants that the Exchange intends to waive the monthly Member and non-Member network connectivity fees in the manner described above.¹⁰ Even though the Exchange proposes to waive the Member and non-Member network connectivity fees for the periods of time described above, the Exchange believes that it is appropriate to provide market participants with the overall structure of the fees by outlining the structure and amounts in the Fee Schedule, so that there is general awareness that the Exchange intends to assess such fees in the future. The Exchange notes that its affiliated markets, MIAx, MIAx Pearl, and MIAx Emerald, provide for the same structure and amounts, absent the waiver and discount periods described above, for connectivity fees assessed to their Members and non-Members.¹¹

Port Fees

The Exchange proposes to establish Section 5)d), Port Fees, which will provide the fee structure and amounts for the different types of ports offered by the Exchange, which are described below.¹² MIAx Sapphire has primary and secondary data centers and a disaster recovery center. Each port provides access to all Exchange data centers for a single fee. The Exchange notes that, unless otherwise specifically set forth in the Fee Schedule, the port fees include the information communicated through the port. That is, unless otherwise specifically set forth in the Fee Schedule, there is no additional charge for the information that is communicated through the port apart

⁷ The term "MENI" means the MIAx Express Network Interconnect, which is a network infrastructure which provides Members and non-Members network connectivity to the MIAx Sapphire trading platform, market data systems, test systems, and disaster recovery facilities. When utilizing a shared 1Gb cross-connect, the MENI can also be configured to offer network connectivity to the trading platforms, market data systems, test systems, and disaster recovery facilities of the Exchange's affiliates, MIAx, MIAx Pearl and MIAx Emerald. When utilizing a Dedicated cross-connect, the MENI can only be configured to offer network connectivity to the trading platforms, market data systems, and test systems of MIAx Sapphire. See the Definitions section of the Fee Schedule.

⁸ The term "MIAx" means Miami International Securities Exchange, LLC. See Exchange Rule 100. The term "MIAx Pearl" means MIAx PEARL, LLC. All references to "MIAx Pearl" in this filing are to the options trading facility of MIAx PEARL, LLC. References to "MIAx Pearl Equities" are to the equities trading facility of MIAx PEARL, LLC. See MIAx Pearl Rule 1901. The term "MIAx Emerald" means MIAx Emerald, LLC. See Exchange Rule 100. MIAx, MIAx Pearl and MIAx Emerald are collectively referred to herein as the "affiliated markets."

⁹ The network switches are the first layer of access to the trading platform that firms connect to before being able to access the Exchange's matching engines, each of which pertain to a certain list of underlying symbols. The Exchange notes that it is possible to reach each matching engine from a single switch.

¹⁰ See Fee Change Alert, MIAx Sapphire Options Exchange—Updated Summary of Proposed Non-Transaction Fees to Clarify Application of Production Connectivity Waiver Period, dated July 26, 2024, available at <https://www.miaxglobal.com/alert/2024/07/26/miax-sapphire-options-exchange-updated-summary-proposed-non-transaction>.

¹¹ See MIAx Fee Schedule, Sections 5)a)–b); MIAx Pearl Fee Schedule, Sections 5)a)–b); and MIAx Emerald Fee Schedule, Sections 5)a)–b).

¹² The Exchange notes that this filing includes proposed fees for FIX Ports, Full Service MEO Ports, Limited Service MEO Ports, Clearing Trade Drop Ports, and FIX Drop Copy Ports. The Exchange separately filed to establish fees for Purge Ports. See SR-SAPPHIRE–2024–26. The Exhibit 5 reflects the separate filing to establish fees for Purge Ports.

from what the user is assessed for each port.

Waiver Period. The Exchange proposes to waive all port fees during the Initial Waiver Period.¹³ Even though the Exchange proposes to fully waive all port fees during the Initial Waiver Period upon launching operations, the Exchange believes that is appropriate to provide market participants with the overall structure of the fees by outlining the structure and amounts in the Fee Schedule, so that there is general awareness that the Exchange intends to assess such fees upon the expiration of the defined period of the Initial Waiver Period.

FIX Port Fees ¹⁴

The Exchange proposes to establish Section 5(d)i), FIX Port Fees, pursuant to which the Exchange will assess FIX Port fees to Members in each month the Member is credentialed to use a FIX Port in the production environment and based upon the number of credentialed FIX Ports. In particular, the Exchange proposes to assess Members the following monthly FIX Port fees: (i) \$275 for the 1st FIX Port; (ii) \$175 per port for the 2nd through 5th FIX Ports; and (iii) \$75 per port for the 6th FIX Port and each additional FIX Port. FIX Port fees will be waived during the Initial Waiver Period.

MEO Port Fees ¹⁵

The Exchange proposes to establish Section 5(d)ii), MEO Port Fees, pursuant to which the Exchange will assess MEO Port fees based upon the different types of MEO Ports offered by the Exchange. MIAX Sapphire offers different types of MEO Ports depending on the services required by Members.

The Exchange proposes to assess monthly Full Service MEO Port ¹⁶ fees

to Market Makers ¹⁷ based upon the number of classes or class volume accessed by the Market Maker. MIAX Sapphire will assess monthly Full Service MEO Port fees to Market Makers in each month the Market Maker has been credentialed to use the Full Service MEO Port in the production environment and has registered to quote in at least one class.

Specifically, the Exchange proposes to establish the following monthly Full Service MEO Port fees: (i) \$2,500 for Market Maker registrations in up to 10 option classes or up to 20% of option classes by volume; (ii) \$3,750 for Market Maker registrations in up to 40 option classes or up to 35% of option classes by volume; (iii) \$5,000 for Market Maker registrations in up to 100 option classes or up to 50% of option classes by volume; and (iv) \$6,000 for Market Maker registrations in over 100 option classes or over 50% of option classes by volume up to all option classes listed on MIAX Sapphire.

The Exchange also proposes to adopt footnote “b.” for its Full Service MEO Port fees that will apply to the Market Makers who fall within the following Full Service MEO Port fee levels, which represent the 3rd and 4th levels of the fee table: Market Makers who have (i) registrations in up to 100 option classes or up to 50% of option classes by volume, and (ii) registrations in over 100 option classes or over 50% of option classes by volume up to all option classes listed on MIAX Sapphire. The Exchange proposes that for these monthly Full Service MEO Port tier levels, if the Market Maker’s total monthly executed volume during the relevant month is less than 0.015% of the total monthly executed volume reported by OCC in the Market Maker account type for MIAX Sapphire-listed option classes for that month, then the fee will be \$4,000 instead of the fee otherwise applicable to such level (*i.e.*, \$5,000 or \$6,000).

The purpose of this proposed lower monthly Full Service MEO Port fee is to provide a lower fixed cost to those Market Makers who quote the entire Exchange market (or substantial amount of the Exchange market), as objectively measured by either number of classes assigned or national average daily volume (“ADV”), but who do not otherwise execute a significant amount of volume on the Exchange. The Exchange believes that, by offering

lower fixed costs to Market Makers that execute less volume, the Exchange will retain and attract smaller-scale Market Makers, which are an integral component of the option industry marketplace, but have been decreasing in number in recent years, due to industry consolidation and lower market maker profitability. Since these smaller-scale Market Makers utilize less Exchange capacity due to lower overall volume executed, the Exchange believes it is reasonable and appropriate to offer such Market Makers a lower fixed cost. The Exchange notes that its affiliated markets, MIAX, MIAX Pearl, and MIAX Emerald, offer a similar reduced fee for their full service MEO/MEI ports for smaller-scale Market Makers.¹⁸ Accordingly, this concept is not novel.

For the calculation of the monthly Full Service MEO Port fees, the applicable fee rate is the lesser of either the per class basis or percentage of total national ADV measurement. The amount of the monthly Full Service MEO Port fee will be based upon the number of classes in which the Market Maker was registered to quote on any given day within the calendar month, or upon the class volume percentages set forth in the table in Section 5(d)ii) of the Fee Schedule. A Market Maker is determined to be registered in a class if that Market Maker has been registered in one or more series in that class.¹⁹ The Exchange will assess MIAX Sapphire Market Makers the monthly Full Service MEO Port fee based on the greatest number of classes listed on MIAX Sapphire that the MIAX Sapphire Market Maker registered to quote in on any given day within a calendar month. The class volume percentage is based on the total national average daily volume in classes listed on MIAX Sapphire in the prior calendar quarter. Newly listed option classes are excluded from the calculation of the monthly Full Service MEO Port fee until the calendar quarter following their listing, at which time the newly listed option classes will be included in both the per class count and the percentage of total national average daily volume.

MEO Port users will be allocated two (2) Full Service MEO Ports and four (4) Limited Service MEO Ports per Matching Engine ²⁰ to which they

¹³ The term “Initial Waiver Period” means, for each applicable fee, the period of time from the initial effective date of the MIAX Sapphire Fee Schedule plus an additional six (6) full calendar months after the completion of the partial month of the Exchange launch. *See* the Definitions Section of the Fee Schedule.

¹⁴ The term “FIX Interface” means the Financial Information Exchange interface used for submitting certain order types (as set forth in Rule 516) to the MIAX Sapphire System. *See* Exchange Rule 100. The term “FIX Port” means a FIX port that allows Members to send orders and other messages using the FIX protocol. *See* the Definitions section of the Fee Schedule.

¹⁵ The term “MEO Interface” or “MEO” means a binary order interface for certain order types as set forth in Rule 516 into the MIAX Sapphire System. *See* Exchange Rule 100 and the Definitions section of the Fee Schedule.

¹⁶ The term “Full Service MEO Port” means an MEO port that supports all MEO input message types and binary bulk order entry. *See* the Definitions section of the Fee Schedule.

¹⁷ The term “Market Maker” or “MM” means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of the Exchange’s Rules. *See* Exchange Rule 100.

¹⁸ *See* MIAX Fee Schedule, Section 5(d)ii), note “***”; MIAX Pearl Fee Schedule, Section 5(d), page 20, note “***”; and MIAX Emerald Fee Schedule, Section 5(d)ii), note “■”.

¹⁹ *See, generally*, Chapter VI of the Exchange’s Rules.

²⁰ A “Matching Engine” is a part of the MIAX Sapphire electronic system that processes options orders and trades on a symbol-by-symbol basis. Some Matching Engines will process option classes

connect. MEO Port fees include MEO Ports at the primary, secondary and disaster recovery data centers. Market Makers may request additional Limited Service MEO Ports for which MIAX Sapphire proposes to assess Market Makers \$250 per month per additional Limited Service MEO Port for each Matching Engine in excess of the four (4) Limited Service MEO Ports described above.

Full Service MEO Port fees and Limited Service MEO Port fees will be waived during the Initial Waiver Period.

Clearing Trade Drop Port Fees ²¹

The Exchange proposes to establish Section 5(d)iv), Clearing Trade Drop Port Fees. The Exchange proposes to assess a CTD Port fee of \$450 per month. This fixed fee structure and amount is the same as the CTD Port fee in place at the Exchange's affiliate, MIAX Emerald.²² CTD Port fees will be waived during the Initial Waiver Period.

FIX Drop Copy Port Fees ²³

The Exchange proposes to establish Section 5(d)v), Fix Drop Copy Port Fees. The Exchange proposes to assess an FXD Port fee of \$250 per month. This fixed fee structure is the same as the FXD Port fee structure in place at the

with multiple root symbols, and other Matching Engines may be dedicated to one single option root symbol (for example, options on SPY may be processed by one single Matching Engine that is dedicated only to SPY). A particular root symbol may only be assigned to a single designated Matching Engine. A particular root symbol may not be assigned to multiple Matching Engines. See the Definitions section of the Fee Schedule.

²¹ A "CTD Port" or "Clearing Trade Drop Port" provides an Exchange Member with a real-time clearing trade updates. The updates include the Member's clearing trade messages on a low latency, real-time basis. The trade messages are routed to a Member's connection containing certain information. The information includes, among other things, the following: (i) trade date and time; (ii) symbol information; (iii) trade price/size information; (iv) Member type (for example, and without limitation, Market Maker, Electronic Exchange Member, Broker-Dealer); and (v) Exchange MPID for each side of the transaction, including Clearing Member MPID. See the Definitions section of the Fee Schedule. The term "Electronic Exchange Member" or "EEM" means the holder of a Trading Permit who is a Member representing as agent Public Customer Orders or Non-Customer Orders on the Exchange and those non-Market Maker Members conducting proprietary trading. Electronic Exchange Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

²² See MIAX Emerald Fee Schedule, Section 5(d)iii).

²³ The term "FXD" or "FIX Drop Copy Port" means a messaging interface that provides a copy of real-time trade execution, trade correction and trade cancellation information to FIX Drop Copy Port users who subscribe to the service. FXD Port users are those users who are designated by an EEM to receive the information and the information is restricted for use by the EEM only. See the Definitions section of the Fee Schedule.

Exchange's affiliate, MIAX Emerald, and is half the price of the FXD Port fee for MIAX Emerald.²⁴ FXD Port fees will be waived during the Initial Waiver Period.

* * * * *

As described more fully below, the Exchange provides a cost analysis to supports its proposed connectivity and port fees that includes, among other things, descriptions of how the Exchange allocated costs among it and its affiliated markets (MIAX, MIAX Pearl, and MIAX Emerald) to ensure no cost was allocated more than once, as well as additional detail supporting its cost allocation processes. The Exchange proposes connectivity and port fees that are intended to cover the Exchange's cost of providing connectivity and ports, with a reasonable mark-up over those costs.

2. Statutory Basis

The Exchange believes that the proposed fees are consistent with Section 6(b) of the Act ²⁵ in general, and furthers the objectives of Section 6(b)(4) of the Act ²⁶ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among Members and other persons using any facility or system which the Exchange operates or controls. The Exchange also believes the proposed fees further the objectives of Section 6(b)(5) of the Act ²⁷ 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 a national market system, and, in general protect investors and the public interest and are not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

Cost Analysis

In general, the Exchange believes that exchanges, in setting fees of all types, should meet very high standards of transparency to demonstrate why each new fee or fee increase meets the Exchange Act requirements that fees be reasonable, equitably allocated, not unfairly discriminatory, and not create an undue burden on competition among members and markets. In particular, the Exchange believes that each exchange should take extra care to be able to demonstrate that these fees are based on its costs and reasonable business needs.

In proposing to charge fees for connectivity and port services, the

Exchange is especially diligent in assessing those fees in a transparent way against its own aggregate costs of providing the related service, and in carefully and transparently assessing the impact on Members—both generally and in relation to other Members, *i.e.*, to assure the fee will not create a financial burden on any participant and will not have an undue impact in particular on smaller Members and competition among Members in general. The Exchange believes that this level of diligence and transparency is called for by the requirements of Section 19(b)(1) under the Act,²⁸ and Rule 19b-4 thereunder,²⁹ with respect to the types of information exchanges should provide when filing fee changes, and Section 6(b) of the Act,³⁰ which requires, among other things, that exchange fees be reasonable and equitably allocated,³¹ not designed to permit unfair discrimination,³² and that they not impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.³³ This rule change proposal addresses those requirements, and the analysis and data in each of the sections that follow are designed to clearly and comprehensively show how they are met.³⁴

As detailed below, the Exchange recently calculated its aggregate annual costs (and approximations for monthly costs) for providing 1Gb and 10Gb ULL connectivity, Full Service MEO Ports, Limited Service MEO Ports, FIX Ports, CTD Ports, and FXD Ports. For physical 1Gb and 10Gb ULL connectivity combined, the Exchange calculated its aggregate annual cost to equal \$6,620,300 (or approximately \$551,692 per month, when rounded to the nearest dollar when dividing the combined annual cost by 12 months). For the various port services, the Exchange calculated the following annual costs: \$605,907 for Full Service MEO Ports (or approximately \$50,491 per month, when rounded to the nearest dollar when dividing the combined annual cost by 12 months); \$600,608 for Limited Service MEO Ports (or approximately \$50,050 per month, when rounded to the nearest dollar when dividing the combined annual cost by 12 months); \$158,148 for FIX Ports (or approximately \$13,178 per month, when rounded to the nearest

²⁸ 15 U.S.C. 78s(b)(1).

²⁹ 17 CFR 240.19b-4.

³⁰ 15 U.S.C. 78f(b).

³¹ 15 U.S.C. 78f(b)(4).

³² 15 U.S.C. 78f(b)(5).

³³ 15 U.S.C. 78f(b)(8).

³⁴ See *supra* note 31.

²⁴ See MIAX Emerald Fee Schedule, Section 5(d)iv).

²⁵ 15 U.S.C. 78f(b).

²⁶ 15 U.S.C. 78f(b)(4).

²⁷ 15 U.S.C. 78f(b)(5).

dollar when dividing the combined annual cost by 12 months); \$109,908 for CTD Ports (or approximately \$9,158 per month, when rounded to the nearest dollar when dividing the combined annual cost by 12 months); and \$36,637 for FXD Ports (or approximately \$3,054 per month, when rounded to the nearest dollar when dividing the combined annual cost by 12 months). In order to cover the aggregate costs of providing connectivity and ports to its users (both Members and non-Members³⁵) going forward and to make a modest profit for connectivity services, as described below, the Exchange proposes to modify its Fee Schedule to establish the connectivity and port fees described above, subject to certain fee waiver periods. The Exchange does not anticipate that it will make an overall profit on the various port services following the expiration of the Initial Waiver Period, on an annual basis, based on projected subscriber data.

The Exchange's affiliates previously completed a study of their aggregate costs to provide connectivity and port services and produce market data, defined above as its Cost Analysis.³⁶ Personnel began to plan for and develop the Exchange beginning in early 2023, and costs included in this Cost Analysis are related to the development and buildout of the Exchange since that time. During the Exchange's development and buildout that occurred throughout 2023 and continues to today, the Exchange routinely studied its aggregate costs to provide connectivity and port services, which were used to determine the proposed pricing for the provisions of connectivity and port services that are part of the Exchange's Cost Analysis. The Cost Analysis required a detailed analysis of the Exchange's aggregate baseline costs, including a determination and allocation of costs for core services provided by the Exchange—transaction execution, market data, membership

services, physical connectivity, and port access (which provide order entry, cancellation and modification functionality, risk functionality, the ability to receive drop copies, and other functionality). The Exchange separately divided its costs between those costs necessary to deliver each of these core services, including infrastructure, software, human resources (*i.e.*, personnel), and certain general and administrative expenses ("cost drivers").

As an initial step, the Exchange determined the total cost for the Exchange and the affiliated markets for each cost driver as part of its 2024 budget review process. The 2024 budget review is a company-wide process that occurs over the course of many months, includes meetings among senior management, department heads, and the Finance Team. Each department head is required to send a "bottom up" budget to the Finance Team allocating costs at the profit and loss account and vendor levels for the Exchange and its affiliated markets based on a number of factors, including server counts, additional hardware and software utilization, current or anticipated functional or non-functional development projects, capacity needs, end-of-life or end-of-service intervals, number of members, market model (*e.g.*, price time or pro-rata, simple only or simple and complex markets, auction functionality, *etc.*), which may impact message traffic, individual system architectures that impact platform size,³⁷ storage needs, dedicated infrastructure versus shared infrastructure allocated per platform based on the resources required to support each platform, number of available connections, and employees allocated time. For the 2024 budget process for MIAX Sapphire, only costs and anticipated revenues associated with the electronic exchange were considered. While MIAX Sapphire plans on opening its trading floor in 2025 costs and anticipated revenues from the trading floor were not included as part of any analysis for MIAX Sapphire for 2024.³⁸ All of these factors result in different allocation percentages among the Exchange and its affiliated markets, *i.e.*, the different percentages of the overall cost driver allocated to the

Exchange and its affiliated markets will cause the dollar amount of the overall cost allocated among the Exchange and its affiliated markets to also differ. Because the Exchange's parent company currently owns and operates four separate and distinct marketplaces, the Exchange must determine the costs associated with each actual market—as opposed to the Exchange's parent company simply concluding that all costs drivers are the same at each individual marketplace and dividing total cost by five (5) (evenly for each marketplace). Rather, the Exchange's parent company determines an accurate cost for each marketplace, which results in different allocations and amounts across exchanges for the same cost drivers, due to the unique factors of each marketplace as described above. This allocation methodology also ensures that no cost would be allocated twice or double-counted between the Exchange and its affiliated markets. The Finance Team then consolidates the budget and sends it to senior management, including the Chief Financial Officer and Chief Executive Officer, for review and approval. Next, the budget is presented to the Board of Directors and the Finance and Audit Committees for each exchange for their approval. The above steps encompass the first step of the cost allocation process.

The next step involves determining what portion of the cost allocated to the Exchange pursuant to the above methodology is to be allocated to each core service, *e.g.*, connectivity and ports, market data, and transaction services. The Exchange and its affiliated markets adopted an allocation methodology with thoughtful and consistently applied principles to guide how much of a particular cost amount allocated to the Exchange should be allocated within the Exchange to each core service. This is the final step in the cost allocation process and is applied to each of the cost drivers set forth below. For instance, fixed costs that are not driven by client activity (*e.g.*, message rates), such as data center costs, were allocated more heavily to the provision of 10Gb ULL physical connectivity (57.7% of total expense amount allocated to 10Gb ULL connectivity), with smaller allocations to Full Service MEO Ports (1.6%) and Limited Service MEO Ports (1.6%), and the remainder to the provision of other connectivity, other ports, transaction execution, membership services and market data services (39.1%). This next level of the allocation methodology at the individual exchange level also took into

³⁵ Types of market participants that obtain connectivity services from the Exchange but are not Members include service bureaus and extranets. Service bureaus offer technology-based services to other companies for a fee, including order entry services, and thus, may access ports on behalf of one or more Members. Extranets offer physical connectivity services to Members and non-Members.

³⁶ See Securities Exchange Act Release Nos. 100041 (April 26, 2024), 89 FR 35868 (May 2, 2024) (SR-MIAX-2024-25); 100319 (June 12, 2024), 89 FR 51562 (June 18, 2024) (SR-PEARL-2024-25); 100042 (April 26, 2024), 89 FR 35879 (May 2, 2024) (SR-EMERALD-2024-15). The Exchange frequently updates its Cost Analysis as strategic initiatives change, costs increase or decrease, and market participant needs and trading activity (once live trading begins) changes. The Exchange's most recent Cost Analysis was conducted ahead of this filing.

³⁷ For example, MIAX Sapphire maintains 8 matching engines, MIAX Emerald maintains 12 matching engines, MIAX Pearl Options maintains 12 matching engines, MIAX Pearl Equities maintains 24 matching engines, and MIAX maintains 24 matching engines.

³⁸ Additionally, while MIAX Sapphire received approval as a national securities exchange on July 15, 2024, start-up costs associated with the launch of MIAX Sapphire were not included in the costs used for the 2024 electronic exchange projections.

account factors similar to those set forth under the first step of the allocation methodology process described above, to determine the appropriate allocation to connectivity or market data versus allocations for other services. This allocation methodology was developed through an assessment of costs with senior management intimately familiar with each area of the Exchange's operations. After adopting this allocation methodology, the Exchange then applied an allocation of each cost driver to each core service, resulting in the cost allocations described below. Each of the below cost allocations is unique to the Exchange and represents a percentage of overall cost that was allocated to the Exchange pursuant to the initial allocation described above.

By allocating segmented costs to each core service, the Exchange was able to estimate by core service the potential margin it might earn based on different fee models. The Exchange notes that as a non-listing venue it has five primary sources of revenue that it can potentially use to fund its operations: transaction fees, fees for connectivity and port services, membership fees, regulatory fees, and market data fees. Accordingly, the Exchange must cover its expenses from these five primary sources of revenue. The Exchange also notes that as a general matter each of these sources of revenue is based on services that are interdependent. For instance, the Exchange's system for executing transactions is dependent on physical hardware and connectivity; only Members and parties that they

sponsor to participate directly on the Exchange may submit orders to the Exchange; many Members (but not all) consume market data from the Exchange in order to trade on the Exchange; and the Exchange consumes market data from external sources in order to comply with regulatory obligations. Accordingly, given this interdependence, the allocation of costs to each service or revenue source required judgment of the Exchange and was weighted based on estimates of the Exchange that the Exchange believes are reasonable, as set forth below. While there is no standardized and generally accepted methodology for the allocation of an exchange's costs, the Exchange's methodology is the result of an extensive review and analysis and will be consistently applied going forward for any other potential fee proposals. In the absence of the Commission attempting to specify a methodology for the allocation of exchanges' interdependent costs, the Exchange will continue to be left with its best efforts to attempt to conduct such an allocation in a thoughtful and reasonable manner.

Through the Exchange's extensive updated Cost Analysis, which was again recently further refined, the Exchange analyzed every expense item in the Exchange's general expense ledger to determine whether each such expense relates to the provision of connectivity and port services, and, if such expense did so relate, what portion (or percentage) of such expense actually supports the provision of connectivity and port services, and thus bears a

relationship that is, "in nature and closeness," directly related to network connectivity and port services. In turn, the Exchange allocated certain costs more to physical connectivity and others to ports, while certain costs were only allocated to such services at a very low percentage or not at all, using consistent allocation methodologies as described above. Based on this analysis, the Exchange estimates that the aggregate monthly costs for connectivity and ports are as follows: \$532,820 for 10Gb ULL connectivity; \$18,872 for 1Gb connectivity; \$50,491 for Full Service MEO Ports; \$50,050 for Limited Service MEO Ports; \$13,178 for FIX Ports; \$9,158 for CTD Ports; and \$3,054 for FXD Ports (all calculations utilized the number rounded to the nearest dollar when dividing the annual cost for each type of connectivity or port by 12 months), as further detailed below.

Costs Related to Offering Physical 1Gb and 10Gb ULL Connectivity

The following charts detail the individual line-item costs considered by the Exchange to be related to offering physical dedicated 1Gb and 10Gb ULL connectivity as well as the percentage of the Exchange's overall costs that such costs represent for each cost driver (e.g., as set forth below, the Exchange allocated approximately 1.2% of its overall Human Resources cost to offering 1Gb connectivity and 34.5% to offering 10Gb ULL physical connectivity).

1Gb CONNECTIVITY

Cost Drivers	Allocated annual cost ^a	Allocated monthly cost ^b	Percentage of all
Human Resources	\$125,167	\$10,431	1.2%
Connectivity (external fees, cabling, switches, etc.)	522	44	2.0
Internet Services and External Market Data	3,675	306	2.5
Data Center	12,571	1,048	2.0
Hardware and Software Maintenance and Licenses	9,826	819	2.0
Depreciation	27,679	2,307	2.3
Allocated Shared Expenses	47,021	3,918	1.7
Total	226,461	18,872	1.5

^a The Annual Cost includes figures rounded to the nearest dollar.

^b The Monthly Cost was determined by dividing the Annual Cost for each line item by twelve (12) months and rounding up or down to the nearest dollar.

10Gb ULL CONNECTIVITY

Cost drivers	Allocated annual cost ^a	Allocated monthly cost ^b	Percentage of all
Human Resources	\$3,533,950	\$294,496	34.5
Connectivity (external fees, cabling, switches, etc.)	14,741	1,228	57.7
Internet Services and External Market Data	103,750	8,646	69.8
Data Center	354,917	29,576	57.7
Hardware and Software Maintenance and Licenses	277,415	23,118	55.9
Depreciation	781,473	65,123	63.6

10Gb ULL CONNECTIVITY—Continued

Cost drivers	Allocated annual cost ^a	Allocated monthly cost ^b	Percentage of all
Allocated Shared Expenses	1,327,593	110,633	47
Total	6,393,839	532,820	41.1

^a The Annual Cost includes figures rounded to the nearest dollar.

^b The Monthly Cost was determined by dividing the Annual Cost for each line item by twelve (12) months and rounding up or down to the nearest dollar.

Below are additional details regarding each of the line-item costs considered by the Exchange to be related to offering physical 1Gb and 10Gb ULL connectivity.

Human Resources

The Exchange notes that it and its affiliated markets anticipate that by year-end 2024, there will be 289 employees (excluding employees at non-options/equities exchange subsidiaries of Miami International Holdings, Inc. (“MIH”), the holding company of the Exchange and its affiliated markets), and each department leader has direct knowledge of the time spent by each employee with respect to the various tasks necessary to operate the Exchange. Specifically, twice a year, and as needed with additional new hires and new project initiatives, in consultation with employees as needed, managers and department heads assign a percentage of time to every employee and then allocate that time amongst the Exchange and its affiliated markets to determine each market’s individual Human Resources expense. Then, managers and department heads assign a percentage of each employee’s time allocated to the Exchange into buckets including network connectivity, ports, market data, and other exchange services. This process ensures that every employee is 100% allocated, ensuring there is no double counting between the Exchange and its affiliated markets.

For personnel costs (Human Resources), the Exchange calculated an allocation of employee time for employees whose functions include providing and maintaining physical connectivity and performance thereof (primarily the Exchange’s network infrastructure team, which spends most of their time performing functions necessary to provide physical connectivity). As described more fully above, the Exchange’s parent company allocates costs to the Exchange and its affiliated markets and then a portion of the Human Resources costs allocated to the Exchange is then allocated to connectivity. From that portion allocated to the Exchange that applied

to connectivity, the Exchange then allocated weighted averages of 49.1% for 10Gb ULL connectivity and 1.7% for 1Gb connectivity of each employee’s time from the above group.

The Exchange also allocated Human Resources costs to provide physical connectivity to a limited subset of personnel with ancillary functions related to establishing and maintaining such connectivity (such as information security, sales, membership, and finance personnel). The Exchange allocated cost on an employee-by-employee basis (*i.e.*, only including those personnel who support functions related to providing physical connectivity) and then applied a smaller allocation to such employees’ time to 10Gb ULL connectivity (18.4%) and a smaller allocation to 1Gb connectivity (0.6%). This other group of personnel with a smaller allocation of Human Resources costs also have a direct nexus to 10Gb ULL connectivity, whether it is a sales person selling a connection, finance personnel billing for connectivity or providing budget analysis, or information security ensuring that such connectivity is secure and adequately defended from an outside intrusion.

The estimates of Human Resources cost were therefore determined by consulting with such department leaders, determining which employees are involved in tasks related to providing physical connectivity, and confirming that the proposed allocations were reasonable based on an understanding of the percentage of time such employees devote to those tasks. This includes personnel from the Exchange departments that are predominately involved in providing 1Gb and 10Gb ULL connectivity: Business Systems Development, Trading Systems Development, Systems Operations and Network Monitoring, Network and Data Center Operations, Listings, Trading Operations, and Project Management. Again, the Exchange allocated 49.1% for 10Gb ULL connectivity and 1.7% for 1Gb connectivity of each of their employee’s time assigned to the Exchange for 10Gb ULL and 1Gb connectivity, as stated

above. Employees from these departments perform numerous functions to support 10Gb ULL connectivity, such as the installation, relocation, configuration, and maintenance of 10Gb ULL connections and the hardware they access. This hardware includes servers, routers, switches, firewalls, and monitoring devices. These employees also perform software upgrades, vulnerability assessments, remediation and patch installs, equipment configuration and hardening, as well as performance and capacity management. These employees also engage in research and development analysis for equipment and software supporting 10Gb ULL connectivity and design, and support the development and on-going maintenance of internally-developed applications as well as data capture and analysis, and Member and internal Exchange reports related to network and system performance. The above list of employee functions is not exhaustive of all the functions performed by Exchange employees to support 10Gb ULL and 1Gb connectivity, but illustrates the breadth of functions those employees perform in support of the above cost and time allocations.

Lastly, the Exchange notes that senior level executives’ time was only allocated to the 10Gb ULL and 1Gb connectivity related Human Resources costs to the extent that they are involved in overseeing tasks related to providing physical connectivity. The Human Resources cost was calculated using a blended rate of compensation reflecting salary, equity and bonus compensation, benefits, payroll taxes, and 401(k) matching contributions.

Connectivity (External Fees, Cabling, Switches, etc.)

The Connectivity cost driver includes external fees paid to connect to other exchanges and third parties, cabling and switches required to operate the Exchange. The Connectivity cost driver is more narrowly focused on technology used to complete connections to the Exchange and to connect to external markets. The Exchange notes that its

connectivity to external markets is required in order to receive market data to run the Exchange's matching engine and basic operations compliant with existing regulations, primarily Regulation NMS.

The Exchange relies on various connectivity providers for connectivity to the entire U.S. options industry, and infrastructure services for critical components of the network that are necessary to provide and maintain its System Networks and access to its System Networks via 1Gb and 10Gb ULL connectivity. Specifically, the Exchange utilizes connectivity providers to connect to other national securities exchanges and the Options Price Reporting Authority ("OPRA"). The Exchange understands that these service providers provide services to most, if not all, of the other U.S. exchanges and other market participants. Connectivity provided by these service providers is critical to the Exchange's daily operations and performance of its System Networks to which market participants connect to via 1Gb and 10Gb ULL connectivity. Without these service providers, the Exchange would not be able to connect to other national securities exchanges, market data providers or OPRA and, therefore, would not be able to operate and support its System Networks. The Exchange does not employ a separate fee to cover its connectivity provider expense and recoups that expense, in part, by charging for 1Gb and 10Gb ULL connectivity.

Internet Services and External Market Data

The next cost driver consists of internet services and external market data. Internet services includes third-party service providers that provide the internet, fiber and bandwidth connections between the Exchange's networks, primary and secondary data centers, and office locations in Princeton, New Jersey and Miami, Florida.

External market data includes fees paid to third parties, including other exchanges, to receive market data. The Exchange includes external market data fee costs towards the provisions of physical connectivity because such market data is necessary for certain services related to connectivity, including pre-trade risk checks and checks for other conditions (e.g., re-pricing of orders to avoid locked or crossed markets and trading collars). Since external market data from other exchanges is consumed at the Exchange's matching engine level, (to which physical connectivity provides

access) in order to validate orders before additional orders enter the matching engine or are executed, the Exchange believes it is reasonable to allocate an amount of such costs to 1Gb and 10Gb ULL connectivity.

The Exchange relies on various content service providers for data feeds for the entire U.S. options industry, as well as content for critical components of the network that are necessary to provide and maintain its System Networks and access to its System Networks via 1Gb and 10Gb ULL connectivity. Specifically, the Exchange utilizes content service providers to receive market data from OPRA, other exchanges and market data providers. The Exchange understands that these service providers provide services to most, if not all, of the other U.S. exchanges and other market participants. Market data provided by these service providers is critical to the Exchange's daily operations and performance of its System Networks to which market participants connect to via 1Gb and 10Gb ULL connectivity. Without these service providers, the Exchange would not be able to receive market data and, therefore, would not be able to operate and support its System Networks. The Exchange does not employ a separate fee to cover its content service provider expense and recoups that expense, in part, by charging for 1Gb and 10Gb ULL connectivity.

Data Center

Data Center costs includes an allocation of the costs the Exchange incurs to provide physical connectivity in the third-party data centers where it maintains its equipment (such as dedicated space, security services, cooling and power). The Exchange notes that it does not own the primary data center or the secondary data center, but instead, leases space in data centers operated by third parties. The Exchange has allocated a high percentage of the total Data Center cost to physical 1Gb and 10Gb ULL connectivity (59.7% combined) because the third-party data centers and the Exchange's physical equipment contained therein is the most direct cost in providing physical access to the Exchange. In other words, for the Exchange to operate in a dedicated space with connectivity by market participants to a physical trading platform, the data centers are a very tangible cost, and in turn, if the Exchange did not maintain such a presence then physical connectivity would be of no value to market participants.

Hardware and Software Maintenance and Licenses

Hardware and Software Licenses includes hardware and software licenses used to operate and monitor physical assets necessary to offer physical connectivity to the Exchange. This software is necessary for the Exchange to operate its options trading platform in order to maintain premium network performance. This hardware includes servers, network switches, cables, optics, protocol data units, and cabinets, to maintain a state-of-the-art technology platform. Accordingly, the Exchange allocated a high percentage of the total Hardware and Software Maintenance and License cost to physical 1Gb and 10Gb ULL connectivity (57.9% combined) because the hardware and software licenses are the most direct cost in providing physical access to the Exchange's platform.

Depreciation

All physical assets, software, and hardware used to provide 1Gb and 10Gb ULL connectivity, which also includes assets used for testing and monitoring of Exchange infrastructure, were valued at cost, and depreciated or leased over periods ranging from three to five years. Thus, the depreciation cost primarily relates to servers necessary to operate the Exchange, some of which are owned by the Exchange and some of which are leased by the Exchange in order to allow efficient periodic technology refreshes. The Exchange also included in the Depreciation cost driver certain budgeted improvements that the Exchange intends to capitalize and depreciate with respect to 1Gb and 10Gb ULL connectivity in the near-term. As with the other allocated costs in the Exchange's updated Cost Analysis, the Depreciation cost was therefore narrowly tailored to depreciation related to 1Gb and 10Gb ULL connectivity. As noted above, the Exchange allocated 63.6% of its allocated depreciation costs to providing physical 10Gb ULL connectivity and 2.3% of all depreciation costs to providing 1Gb connectivity.

Allocated Shared Expenses

Finally, as with other exchange products and services, a portion of general shared expenses was allocated to overall physical connectivity costs. These general shared costs are integral to exchange operations, including its ability to provide physical connectivity. Costs included in general shared expenses include office space and office expenses (e.g., occupancy and overhead expenses), utilities, recruiting and

training, marketing and advertising costs, professional fees for legal, tax and accounting services (including external and internal audit expenses), and telecommunications. Similarly, the cost of paying directors to serve on the Exchange's Board of Directors is also included in the Exchange's general shared expense cost driver.³⁹ These general shared expenses are incurred by the Exchange's parent company, MIH, as a direct result of operating the Exchange and its affiliated markets.

The Exchange employed a process to determine a reasonable percentage to allocate general shared expenses to 1Gb and 10Gb ULL connectivity pursuant to its multi-layered allocation process. First, general expenses were allocated among the Exchange and affiliated markets as described above. Then, the general shared expense assigned to the Exchange was allocated across core services of the Exchange, including connectivity. Then, these costs were further allocated to sub-categories within the final categories, *i.e.*, 1Gb and 10Gb ULL connectivity as sub-categories of connectivity. In determining the percentage of general shared expenses allocated to connectivity that ultimately apply to 1Gb and 10Gb ULL connectivity, the Exchange looked at the percentage allocations of each of the cost drivers and determined a reasonable allocation percentage. The Exchange also held meetings with senior management, department heads, and the Finance Team to determine the proper amount of the shared general expense to allocate to 1Gb and 10Gb ULL connectivity. The Exchange, therefore, believes it is reasonable to assign allocations, in the range of allocations for other cost drivers, while continuing to ensure that these expenses are only allocated once. Again, the general shared expenses are incurred by the Exchange's parent company as a result of operating the Exchange and its affiliated markets and it is therefore reasonable to allocate a percentage of those expenses to the Exchange and ultimately to specific product offerings such as 1Gb and 10Gb ULL connectivity.

Again, a portion of all shared expenses were allocated to the Exchange (and its affiliated markets) which, in turn, allocated a portion of that overall allocation to all physical connectivity on the Exchange. The Exchange then allocated 47% of the portion allocated to physical connectivity to 10Gb ULL connectivity and 1.7% of the portion allocated to physical connectivity to 1Gb connectivity. The Exchange believes these allocation percentages are reasonable because, while the overall dollar amounts may be higher than other cost drivers, the percentages are based on and in line with the percentage allocations of each of the Exchange's other cost drivers for each provision of connectivity. The percentage allocated to 10Gb ULL connectivity also reflects its importance to the Exchange's strategy and necessity towards the nature of the Exchange's overall operations, which is to provide a resilient, highly deterministic trading system that relies on faster 10Gb ULL connectivity than the Exchange's competitors to maintain premium performance. This allocation reflects the Exchange's focus on providing and maintaining high performance network connectivity, of which 10Gb ULL connectivity is a main contributor. The Exchange intends to differentiate itself by offering a "premium-product" network experience, as an operator of a high performance, ultra-low latency network with unparalleled system throughput, which system networks can support access to four distinct options markets and multiple competing market makers having affirmative obligations to continuously quote over 1,100,000 distinct trading products (per exchange), and the capacity to handle approximately 8 million quote messages per second. The "premium-product" network experience enables users of 10Gb ULL connections to receive the network monitoring and reporting services for those approximately 1,100,000 distinct trading products. These value add services are part of the Exchange's strategy for offering a high performance trading system, which utilizes 10Gb ULL connectivity.

The Exchange notes that the 47% allocation of general shared expenses for physical 10Gb ULL connectivity is higher than that allocated to general shared expenses for all other types of connectivity and ports. This is based on its allocation methodology that weighted costs attributable to each core service. While physical connectivity has several areas where certain tangible costs are heavily weighted towards providing such service (*e.g.*, Data Center, as described above), other types of connectivity and ports do not require as many broad or indirect resources as other core services.

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Approximate Cost per 1Gb and 10Gb ULL Connection per Month

The Exchange divided the total monthly cost for 10Gb ULL connectivity of \$532,820 by the number of physical 10Gb ULL connections the Exchange anticipates maintaining upon expiration of the full length of the waiver period for 10Gb ULL connections at the time the proposed pricing was determined (40), to arrive at a cost of approximately \$13,321 per month (rounded to the nearest dollar), per physical 10Gb ULL connection.

Similarly, the Exchange divided the total monthly cost for 1Gb connectivity of \$18,872 by the number of physical 1Gb connections the Exchange anticipates maintaining upon expiration of the waiver period at the time the proposed pricing was determined (12), to arrive at a cost of approximately \$1,573 per month (rounded to the nearest dollar), per physical 1Gb connection.

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Costs Related to Offering Full Service MEO Ports

The following chart details the individual line-item costs considered by the Exchange to be related to offering Full Service MEO Ports as well as the percentage of the Exchange's overall costs such costs represent for such area (*e.g.*, as set forth below, the Exchange allocated approximately 5.1% of its overall Human Resources cost to offering Full Service MEO Ports).

FULL SERVICE MEO PORTS

Cost drivers	Allocated annual cost ^a	Allocated monthly cost ^b	Percentage of all
Human Resources	\$517,369	\$43,114	5.1%
Connectivity (external fees, cabling, switches, etc.)	160	13	0.6

³⁹ The Exchange notes that MEMX allocated a precise amount of 10% of the overall cost for directors to providing physical connectivity. *See*

Securities Exchange Act Release No. 95936 (September 27, 2022), 87 FR 59845 (October 3, 2022) (SR-MEMX-2022-26). The Exchange does

not calculate its expenses at that granular a level. Instead, director costs are included as part of the overall general allocation.

FULL SERVICE MEO PORTS—Continued

Cost drivers	Allocated annual cost ^a	Allocated monthly cost ^b	Percentage of all
Internet Services and External Market Data	929	77	0.6
Data Center	9,615	801	1.6
Hardware and Software Maintenance and Licenses	3,106	259	0.6
Depreciation	27,745	2,312	2.3
Allocated Shared Expenses	46,983	3,915	1.7
Total	605,907	50,491	3.9

^a The Annual Cost includes figures rounded to the nearest dollar.

^b The Monthly Cost was determined by dividing the Annual Cost for each line item by twelve (12) months and rounding up or down to the nearest dollar.

Below are additional details regarding each of the line-item costs considered by the Exchange to be related to offering Full Service MEO Ports.

Human Resources

With respect to Full Service MEO Ports, the Exchange calculated Human Resources cost by taking an allocation of employee time for employees whose functions include providing Full Service MEO Ports and maintaining performance thereof (including a broader range of employees such as technical operations personnel, market operations personnel, and software engineering personnel) as well as a limited subset of personnel with ancillary functions related to maintaining such connectivity (such as sales, membership, and finance personnel). Just as described above for connectivity, the estimates of Human Resources cost were again determined by consulting with department leaders, determining which employees are involved in tasks related to providing Full Service MEO Ports and maintaining performance thereof, and confirming that the proposed allocations were reasonable based on an understanding of the percentage of their time such employees devote to tasks related to providing Full Service MEO Ports and maintaining performance thereof. This includes personnel from the following Exchange departments that are predominately involved in providing Full Service MEO Ports: Business Systems Development, Trading Systems Development, Systems Operations and Network Monitoring, Network and Data Center Operations, Listings, Trading Operations, and Project Management. The Exchange notes that senior level executives were allocated Human Resources costs to the extent they are involved in overseeing tasks specifically related to providing Full Service MEO Ports. Senior level executives were only allocated Human Resources costs to the extent that they are involved in managing personnel responsible for

tasks integral to providing Full Service MEO Ports. The Human Resources cost was again calculated using a blended rate of compensation reflecting salary, equity and bonus compensation, benefits, payroll taxes, and 401(k) matching contributions.

Connectivity (External Fees, Cabling, Switches, Etc.)

The Connectivity cost driver includes external fees paid to connect to other exchanges and cabling and switches, as described above.

Internet Services and External Market Data

The next cost driver consists of internet services and external market data. Internet services includes third-party service providers that provide the internet, fiber and bandwidth connections between the Exchange's networks, primary and secondary data centers, and office locations in Princeton and Miami. For purposes of Full Service MEO Ports, the Exchange also includes a portion of its costs related to external market data. External market data includes fees paid to third parties, including other exchanges, to receive and consume market data from other markets. The Exchange includes external market data costs towards the provision of Full Service MEO Ports because such market data is necessary (in addition to physical connectivity) to offer certain services related to such ports, such as validating orders on entry against the NBBO and checking for other conditions (e.g., halted securities).⁴⁰ Thus, since market data from other exchanges is consumed at the Exchange's Full Service MEO Port level in order to validate orders, before additional processing occurs with respect to such orders, the Exchange

⁴⁰ The Exchange notes that MEMX separately allocated 7.5% of its external market data costs to providing physical connectivity. See Securities Exchange Act Release No. 95936 (September 27, 2022), 87 FR 59845 (October 3, 2022) (SR-MEMX-2022-26).

believes it is reasonable to allocate a small amount of such costs to Full Service MEO Ports.

Data Center

Data Center costs includes an allocation of the costs the Exchange incurs to provide Full Service MEO Ports in the third-party data centers where it maintains its equipment as well as related costs for market data to then enter the Exchange's system via Full Service MEO Ports (the Exchange does not own the primary data center or secondary data center, but instead leases space in data centers operated by third parties).

Hardware and Software Maintenance and Licenses

Hardware and Software Licenses includes hardware and software licenses used to monitor the health of the order entry services provided by the Exchange, as described above.

Depreciation

The vast majority of the software the Exchange uses to provide Full Service MEO Ports has been developed in-house and the cost of such development, which takes place over an extended period of time and includes not just development work, but also quality assurance and testing to ensure the software works as intended, is depreciated over time once the software is activated in the production environment. Hardware used to provide Full Service MEO Ports includes equipment used for testing and monitoring of order entry infrastructure and other physical equipment the Exchange purchased and is also depreciated over time.

All hardware and software, which also includes assets used for testing and monitoring of order entry infrastructure, were valued at cost, depreciated or leased over periods ranging from three to five years. Thus, the depreciation cost primarily relates to servers necessary to operate the Exchange, some of which is

owned by the Exchange and some of which is leased by the Exchange in order to allow efficient periodic technology refreshes. The Exchange allocated 2.3% of all depreciation costs to providing Full Service MEO Ports. The Exchange allocated depreciation costs for depreciated software necessary to operate the Exchange to Full Service MEO Ports because such software is related to the provision of Full Service MEO Ports. As with the other allocated costs in the Exchange's updated Cost Analysis, the Depreciation cost driver was therefore narrowly tailored to depreciation related to Full Service MEO Ports.

Allocated Shared Expenses

Finally, a portion of general shared expenses was allocated to overall Full Service MEO Port costs as without these general shared costs the Exchange would not be able to operate in the manner that it does and provide application sessions. The costs included in general shared expenses include general expenses of the Exchange, including office space and office expenses (e.g., occupancy and overhead expenses), utilities, recruiting and

training, marketing and advertising costs, professional fees for legal, tax and accounting services (including external and internal audit expenses), and telecommunications costs. The Exchange again notes that the cost of paying directors to serve on its Board of Directors is included in the calculation of Allocated Shared Expenses, and thus a portion of such overall cost amounting to less than 4% of the overall cost for directors was allocated to providing Full Service MEO Ports. The Exchange notes that the 1.7% allocation of general shared expenses for Full Service MEO Ports is lower than that allocated to general shared expenses for physical connectivity based on its allocation methodology that weighted costs attributable to each Core Service based on an understanding of each area. While Full Service MEO Ports have several areas where certain tangible costs are heavily weighted towards providing such service (e.g., data centers, as described above), 10Gb ULL connectivity requires a broader level of support from Exchange personnel in different areas, which in turn leads to a

broader general level of cost to the Exchange.

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Approximate Cost per Full Service MEO Port per Month

The Exchange divided the total monthly cost for Full Service MEO Ports of \$50,491 by the number of Full Service MEO Ports the Exchange anticipates maintaining upon expiration of the Initial Waiver Period at the time the proposed pricing was determined (112), to arrive at a cost of approximately \$451 per month (rounded to the nearest dollar), per Full Service MEO Port.

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Costs Related to Offering Limited Service MEO Ports

The following chart details the individual line-item costs considered by the Exchange to be related to offering Limited Service MEO Ports as well as the percentage of the Exchange's overall costs such costs represent for such area (e.g., as set forth below, the Exchange allocated approximately 5% of its overall Human Resources cost to offering Limited Service MEO Ports).

LIMITED SERVICE MEO PORTS

Cost drivers	Allocated annual cost ^a	Allocated monthly cost ^b	Percentage of all
Human Resources	\$512,844	\$42,737	5%
Connectivity (external fees, cabling, switches, etc.)	158	13	0.6
Internet Services and External Market Data	921	77	0.6
Data Center	9,531	794	1.6
Hardware and Software Maintenance and Licenses	3,079	256	0.6
Depreciation	27,503	2,292	2.2
Allocated Shared Expenses	46,572	3,881	1.7
Total	600,608	50,050	3.9

^a The Annual Cost includes figures rounded to the nearest dollar.

^b The Monthly Cost was determined by dividing the Annual Cost for each line item by twelve (12) months and rounding up or down to the nearest dollar.

Below are additional details regarding each of the line-item costs considered by the Exchange to be related to offering Limited Service MEO Ports.

Human Resources

With respect to Limited Service MEO Ports, the Exchange calculated Human Resources cost by taking an allocation of employee time for employees whose functions include providing Limited Service MEO Ports and maintaining performance thereof (including a broader range of employees such as technical operations personnel, market operations personnel, and software engineering personnel) as well as a limited subset of personnel with ancillary functions related to

maintaining such connectivity (such as sales, membership, and finance personnel). Just as described above for connectivity, the estimates of Human Resources cost were again determined by consulting with department leaders, determining which employees are involved in tasks related to providing Limited Service MEO Ports and maintaining performance thereof, and confirming that the proposed allocations were reasonable based on an understanding of the percentage of their time such employees devote to tasks related to providing Limited Service MEO Ports and maintaining performance thereof. This includes personnel from the following Exchange departments that are predominately

involved in providing Limited Service MEO Ports: Business Systems Development, Trading Systems Development, Systems Operations and Network Monitoring, Network and Data Center Operations, Listings, Trading Operations, and Project Management. The Exchange notes that senior level executives were allocated Human Resources costs to the extent they are involved in overseeing tasks specifically related to providing Limited Service MEO Ports. Senior level executives were only allocated Human Resources costs to the extent that they are involved in managing personnel responsible for tasks integral to providing and maintaining Limited Service MEO Ports. The Human Resources cost was again

calculated using a blended rate of compensation reflecting salary, equity and bonus compensation, benefits, payroll taxes, and 401(k) matching contributions.

Connectivity (External Fees, Cabling, Switches, Etc.)

The Connectivity cost includes external fees paid to connect to other exchanges and cabling and switches, as described above.

Internet Services and External Market Data

The next cost driver consists of internet services and external market data. Internet services includes third-party service providers that provide the internet, fiber and bandwidth connections between the Exchange's networks, primary and secondary data centers, and office locations in Princeton and Miami. For purposes of Limited Service MEO Ports, the Exchange also includes a portion of its costs related to external market data. External market data includes fees paid to third parties, including other exchanges, to receive and consume market data from other markets. The Exchange includes external market data costs towards the provision of Limited Service MEO Ports because such market data is necessary (in addition to physical connectivity) to offer certain services related to such ports, such as validating orders on entry against the NBBO and checking for other conditions (e.g., halted securities).⁴¹ Thus, since market data from other exchanges is consumed at the Exchange's Limited Service MEO Port level in order to validate orders, before additional processing occurs with respect to such orders, the Exchange believes it is reasonable to allocate a small amount of such costs to Limited Service MEI MEO.

Data Center

Data Center costs includes an allocation of the costs the Exchange incurs to provide Limited Service MEO Ports in the third-party data centers where it maintains its equipment as well as related costs for market data to then enter the Exchange's System via Limited Service MEO Ports (the Exchange does not own the primary data center or the secondary data center, but instead leases space in data centers operated by third parties).

Hardware and Software Maintenance and Licenses

Hardware and Software Licenses includes hardware and software licenses used to monitor the health of the order entry services provided by the Exchange, as described above.

Depreciation

The vast majority of the software the Exchange uses to provide Limited Service MEO Ports has been developed in-house and the cost of such development, which takes place over an extended period of time and includes not just development work, but also quality assurance and testing to ensure the software works as intended, is depreciated over time once the software is activated in the production environment. Hardware used to provide Limited Service MEO Ports includes equipment used for testing and monitoring of order entry infrastructure and other physical equipment the Exchange purchased and is also depreciated over time.

All hardware and software, which also includes assets used for testing and monitoring of order entry infrastructure, were valued at cost, depreciated or leased over periods ranging from three to five years. Thus, the depreciation cost primarily relates to servers necessary to operate the Exchange, some of which is owned by the Exchange and some of which is leased by the Exchange in order to allow efficient periodic technology refreshes. The Exchange allocated 2.2% of all depreciation costs to providing Limited Service MEO Ports. The Exchange allocated depreciation costs for depreciated software necessary to operate the Exchange because such software is related to the provision of Limited Service MEO Ports. As with the other allocated costs in the Exchange's updated Cost Analysis, the Depreciation cost driver was therefore narrowly tailored to depreciation related to Limited Service MEO Ports.

Allocated Shared Expenses

Finally, a portion of general shared expenses was allocated to overall Limited Service MEO Port costs as without these general shared costs the Exchange would not be able to operate in the manner that it does and provide Limited Service MEO Ports. The costs included in general shared expenses include general expenses of the Exchange, including office space and office expenses (e.g., occupancy and

overhead expenses), utilities, recruiting and training, marketing and advertising costs, professional fees for legal, tax and accounting services (including external and internal audit expenses), and telecommunications costs. The Exchange again notes that the cost of paying directors to serve on its Board of Directors is included in the calculation of Allocated Shared Expenses, and thus a portion of such overall cost amounting to less than 4% of the overall cost for directors was allocated to providing Limited Service MEO Ports. The Exchange notes that the 1.7% allocation of general shared expenses for Limited Service MEO Ports is lower than that allocated to general shared expenses for physical connectivity based on its allocation methodology that weighted costs attributable to each Core Service based on an understanding of each area. While Limited Service MEO Ports have several areas where certain tangible costs are heavily weighted towards providing such service (e.g., data center, as described above), Limited Service MEO Ports require a broader level of support from Exchange personnel in different areas, which in turn leads to a broader general level of cost to the Exchange.

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Approximate Cost Per Limited Service MEO Port Per Month

The Exchange divided the total monthly cost for Limited Service MEO Ports of \$50,050 by the number of Limited Service MEO Ports the Exchange anticipates maintaining upon expiration of the Initial Waiver Period at the time the proposed pricing was determined (208, for charged ports, without the cap on the number of Limited Service MEO Ports), to arrive at a cost of approximately \$241 per month (rounded to the nearest dollar), per Limited Service MEO Port.

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Costs Related to Offering FIX, CTD and FXD Ports

The following charts detail the individual line-item costs considered by the Exchange to be related to offering FIX, CTD and FXD Ports as well as the percentage of the Exchange's overall costs such costs represent for such area (e.g., as set forth below, the Exchange allocated approximately 1.3%, 0.9%, and 0.3% of its overall Human Resources cost to offering FIX Ports, CTD Ports, and FXD Ports, respectively).

⁴¹ The Exchange notes that MEMX separately allocated 7.5% of its external market data costs to

providing physical connectivity. See Securities Exchange Act Release No. 95936 (September 27,

2022), 87 FR 59845 (October 3, 2022) (SR-MEMX-2022-26).

FIX PORTS

Cost drivers	Allocated annual cost ^a	Allocated monthly cost ^b	Percentage of all
Human Resources	\$135,037	\$11,253	1.3%
Connectivity (external fees, cabling, switches, etc.)	42	4	0.2
Internet Services and External Market Data	243	20	0.2
Data Center	2,510	209	0.4
Hardware and Software Maintenance and Licenses	811	66	0.2
Depreciation	7,242	604	0.6
Allocated Shared Expenses	12,263	1,022	0.4
Total	158,148	13,178	1

^a The Annual Cost includes figures rounded to the nearest dollar.

^b The Monthly Cost was determined by dividing the Annual Cost for each line item by twelve (12) months and rounding up or down to the nearest dollar.

CTD PORTS

Cost drivers	Allocated annual cost ^a	Allocated monthly cost ^b	Percentage of all
Human Resources	\$93,848	\$7,821	0.9%
Connectivity (external fees, cabling, switches, etc.)	29	2	0.1
Internet Services and External Market Data	169	14	0.1
Data Center	1,744	145	0.3
Hardware and Software Maintenance and Licenses	563	47	0.1
Depreciation	5,033	419	0.4
Allocated Shared Expenses	8,522	710	0.3
Total	109,908	9,158	0.7

^a The Annual Cost includes figures rounded to the nearest dollar.

^b The Monthly Cost was determined by dividing the Annual Cost for each line item by twelve (12) months and rounding up or down to the nearest dollar.

FXD PORTS

Cost drivers	Allocated annual cost ^a	Allocated monthly cost ^b	Percentage of all
Human Resources	\$31,283	\$2,607	0.3%
Connectivity (external fees, cabling, switches, etc.)	10	1	0.04
Internet Services and External Market Data	56	5	0.04
Data Center	581	48	0.1
Hardware and Software Maintenance and Licenses	188	16	0.04
Depreciation	1,678	140	0.1
Allocated Shared Expenses	2,841	237	0.1
Total	36,637	3,054	0.2

^a The Annual Cost includes figures rounded to the nearest dollar.

^b The Monthly Cost was determined by dividing the Annual Cost for each line item by twelve (12) months and rounding up or down to the nearest dollar.

Below are additional details regarding each of the line-item costs considered by the Exchange to be related to offering FIX, CTD and FXD Ports.

Human Resources

With respect to FIX, CTD and FXD Ports, the Exchange calculated Human Resources cost by taking an allocation of employee time for employees whose functions include providing FIX, CTD and FXD Ports and maintaining performance thereof (including a broader range of employees such as technical operations personnel, market operations personnel, and software engineering personnel) as well as a

limited subset of personnel with ancillary functions related to maintaining such connectivity (such as sales, membership, and finance personnel). Just as described above for connectivity, the estimates of Human Resources cost were again determined by consulting with department leaders, determining which employees are involved in tasks related to providing FIX, CTD and FXD Ports and maintaining performance thereof, and confirming that the proposed allocations were reasonable based on an understanding of the percentage of their time such employees devote to tasks related to providing FIX, CTD and FXD

Ports and maintaining performance thereof. This includes personnel from the following Exchange departments that are predominately involved in providing FIX, CTD and FXD Ports: Business Systems Development, Trading Systems Development, Systems Operations and Network Monitoring, Network and Data Center Operations, Listings, Trading Operations, and Project Management. The Exchange notes that senior level executives were allocated Human Resources costs to the extent they are involved in overseeing tasks specifically related to providing FIX, CTD and FXD Ports. Senior level executives were only allocated Human

Resources costs to the extent that they are involved in managing personnel responsible for tasks integral to providing and maintaining FIX, CTD and FXD Ports. The Human Resources cost was again calculated using a blended rate of compensation reflecting salary, equity and bonus compensation, benefits, payroll taxes, and 401(k) matching contributions.

Lastly, the Exchange notes that the Human Resource allocations for Full Service MEO Ports and Limited Service MEO Ports are greater than the Human Resource allocations for FIX, CTD and FXD Ports. For its Human Resource cost driver, the Exchange allocated 5.1% to Full Service MEO Ports, 5% to Limited Service MEO Ports, 1.3% to FIX Ports, 0.9% to CTD Ports, and 0.3% to FXD Ports. This is because the MEO interface is a customized binary interface that the Exchange developed in-house and maintains on its own. The FIX interface is the industry standard for simple order entry which requires less development, maintenance, and support than the MEO interface. Likewise, the CTD and FXD interfaces only provide information concerning clearing trade updates and trade execution, respectively, which also require less development, maintenance and support than the MEO interface. The MEO interface is performance oriented and designed to meet the needs of more latency sensitive Members. Due to the in-house development of the MEO interface, the Exchange was required to expend more internal personnel to support the MEO interface than the FIX, CTD or FXD interfaces. Because of the materially higher cost associated with maintaining and supporting MEO Ports (Full Service and Limited Service) versus FIX, CTD and FXD Ports, the Exchange allocates a materially higher percentage of Human Resource expense to MEO Ports versus FIX, CTD and FXD Ports.

Connectivity (External Fees, Cabling, Switches, Etc.)

The Connectivity cost includes external fees paid to connect to other exchanges and cabling and switches, as described above.

Internet Services and External Market Data

The next cost driver consists of internet services and external market data. Internet services includes third-party service providers that provide the internet, fiber and bandwidth connections between the Exchange's networks, primary and secondary data centers, and office locations in Princeton and Miami. For purposes of FIX, CTD and FXD Ports, the Exchange

also includes a portion of its costs related to external market data. External market data includes fees paid to third parties, including other exchanges, to receive and consume market data from other markets. The Exchange includes external market data costs towards the provision of FIX, CTD and FXD Ports because such market data is necessary (in addition to physical connectivity) to offer certain services related to such ports, such as validating orders on entry against the NBBO and checking for other conditions (e.g., halted securities).⁴² Thus, as market data from other exchanges is consumed at the port level in order to validate orders before additional processing occurs with respect to such orders, the Exchange believes it is reasonable to allocate a small amount of such costs to FIX, CTD and FXD Ports.

Data Center

Data Center costs includes an allocation of the costs the Exchange incurs to provide physical connectivity in the third-party data centers where it maintains its equipment as well as related costs for market data to then enter the Exchange's System via FIX, CTD and FXD Ports (the Exchange does not own the primary data center or the secondary data center, but instead leases space in data centers operated by third parties).

Hardware and Software Maintenance and Licenses

Hardware and Software Licenses includes hardware and software licenses used to monitor the health of the order entry services provided by the Exchange, as described above.

Depreciation

The vast majority of the software the Exchange uses to provide FIX, CTD and FXD Ports has been developed in-house and the cost of such development, which takes place over an extended period of time and includes not just development work, but also quality assurance and testing to ensure the software works as intended, is depreciated over time once the software is activated in the production environment. Hardware used to provide FIX, CTD and FXD Ports includes equipment used for testing and monitoring of order entry infrastructure and other physical equipment the

Exchange purchased and is also depreciated over time.

All hardware and software, which also includes assets used for testing and monitoring of order entry infrastructure, were valued at cost, depreciated or leased over periods ranging from three to five years. Thus, the depreciation cost primarily relates to servers necessary to operate the Exchange, some of which is owned by the Exchange and some of which is leased by the Exchange in order to allow efficient periodic technology refreshes. The Exchange allocated 0.6%, 0.4% and 0.1% of all depreciation costs to providing FIX, CTD and FXD Ports, respectively. The Exchange allocated depreciation costs for depreciated software necessary to operate the Exchange because such software is related to the provision of FIX, CTD and FXD Ports. As with the other allocated costs in the Exchange's updated Cost Analysis, the Depreciation cost driver was therefore narrowly tailored to depreciation related to FIX, CTD and FXD Ports.

Lastly, the Exchange notes that the Depreciation allocations for MEO Ports (Full Service and Limited Service) are greater than the Depreciation allocations for FIX, CTD and FXD Ports. For its Depreciation cost driver, the Exchange allocated 2.3% to Full Service MEO Ports, 2.2% to Limited Service MEO Ports, 0.6% to FIX Ports, 0.4% to CTD Ports, and 0.1% to FXD Ports. As discussed above, this is because the MEO interface is a customized binary interface that the Exchange developed in-house and maintains on its own. The FIX interface is the industry standard for simple order entry which requires less development, maintenance, and support than the MEO interface. Likewise, the CTD and FXD interfaces only provide information concerning clearing trade updates and trade execution, respectively, which also require less development, maintenance and support than the MEO interface. The Exchange maintains more dedicated hardware per port for the MEO interface compared to the FIX, CTD and FXD interfaces. As a result, the MEO interface is supported by more dedicated in-house hardware and software than the FIX, CTD and FXD interfaces that is subject to depreciation. Thus, there is a greater amount of equipment supporting the MEO interface than the FIX, CTD and FXD interfaces, resulting in higher depreciation costs.

Allocated Shared Expenses

Finally, a portion of general shared expenses was allocated to overall FIX, CTD and FXD Port costs as without

⁴² The Exchange notes that MEMX separately allocated 7.5% of its external market data costs to providing physical connectivity. See Securities Exchange Act Release No. 95936 (September 27, 2022), 87 FR 59845 (October 3, 2022) (SR-MEMX-2022-26).

these general shared costs the Exchange would not be able to operate in the manner that it does and provide FIX, CTD and FXD Ports. The costs included in general shared expenses include general expenses of the Exchange, including office space and office expenses (e.g., occupancy and overhead expenses), utilities, recruiting and training, marketing and advertising costs, professional fees for legal, tax and accounting services (including external and internal audit expenses), and telecommunications costs. The Exchange again notes that the cost of paying directors to serve on its Board of Directors is included in the calculation of Allocated Shared Expenses, and thus a portion of such overall cost amounting to less than 2% of the overall cost for directors was allocated to providing FIX, CTD and FXD Ports. The Exchange notes that the 0.4%, 0.3% and 0.1% allocations of general shared expenses for FIX, CTD and FXD Ports, respectively, are lower than that allocated to general shared expenses for physical connectivity based on its allocation methodology that weighted costs attributable to each Core Service based on an understanding of each area. While MEO Ports (Full Service and Limited Service) have several areas where certain tangible costs are heavily weighted towards providing such service (e.g., data center, as described above), FIX, CTD and FXD Ports require a broader level of support from Exchange personnel in different areas, which in turn leads to a broader general level of cost to the Exchange.

Lastly, the Exchange notes that the Allocated Shared Expense allocations for MEO Ports (Full Service and Limited Service) are greater than the same allocations for FIX, CTD and FXD Ports. For its Allocated Shared Expense cost driver, the Exchange allocated 1.7% to Full Service MEO Ports, 1.7% to Limited Service MEO Ports, 0.4% to FIX Ports, 0.3% to CTD Ports, and 0.1% to FXD Ports. As discussed above, this is because the MEO interface is a customized binary interface that the Exchange developed in-house and maintains on its own. The FIX interface is the industry standard for simple order entry which requires less development, maintenance, and support than the MEO interface. Likewise, the CTD and FXD interfaces only provide information concerning clearing trade updates and trade execution, respectively, which also require less development, maintenance and support than the MEO interface. The FIX interface is the industry standard for simple order entry which requires less development,

maintenance, and support than the MEO interface. The MEO interface is performance oriented and designed to meet the needs of more latency sensitive Members. This required more internal personnel and resources to support than the FIX, CTD and FXD interfaces. Because of the materially higher cost associated with maintaining and supporting MEO Ports versus FIX, CTD and FXD Ports, the Exchange allocates a materially higher percentage of Allocated Shared expense to MEO Ports versus FIX, CTD and FXD Ports, which are less complex, standardized solutions.

Approximate Cost Per FIX, CTD and FXD Port Per Month

The Exchange divided the total monthly cost for FIX Ports of \$13,178 by the number of FIX Ports the Exchange anticipates maintaining upon expiration of the Initial Waiver Period at the time the proposed pricing was determined (25), to arrive at a cost of approximately \$527 per month (rounded to the nearest dollar), per FIX Port.

Similarly, the Exchange divided the total monthly cost for CTD Ports of \$9,158 by the number of CTD Ports the Exchange anticipates maintaining upon expiration of the Initial Waiver Period at the time the proposed pricing was determined (10), to arrive at a cost of approximately \$916 per month (rounded to the nearest dollar), per CTD Port.

Finally, the Exchange divided the total monthly cost for FXD Ports of \$3,054 by the number of FXD Ports the Exchange anticipates maintaining upon expiration of the Initial Waiver Period at the time the proposed pricing was determined (6), to arrive at a cost of approximately \$509 per month (rounded to the nearest dollar), per FXD Port.

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Cost Analysis—Additional Discussion

In conducting its Cost Analysis, the Exchange did not allocate any of its expenses in full to any core services (including physical connectivity or ports) and did not double-count any expenses. Instead, as described above, the Exchange allocated applicable cost drivers across its core services and used the same Cost Analysis to form the basis of this proposal and the separate filings the Exchange submitted (or plans to submit) proposing fees for proprietary market data feeds offered by the Exchange, as well as for Purge Ports. For instance, in calculating the Human Resources expenses to be allocated to physical connections based upon the above described methodology, the

Exchange has a team of employees dedicated to network infrastructure and with respect to such employees the Exchange allocated network infrastructure personnel with a high percentage of the cost of such personnel (49.1%) given their focus on functions necessary to provide 10Gb ULL physical connections. The salaries of those same personnel were allocated only 6.8% to Full Service MEO Ports and 6.7% to Limited Service MEO Ports and the remaining 37.4% was allocated to 1Gb connectivity, other port services, transaction services, membership services and market data. The Exchange did not allocate any other Human Resources expense for providing physical connections to any other employee group, outside of a smaller allocation of 18.4% for 10Gb ULL connectivity and 0.6% for 1Gb ULL, of the cost associated with certain specified personnel who work closely with and support network infrastructure personnel. In contrast, the Exchange allocated much smaller percentages of costs (3.1% for Full Service MEO Ports and 0.6% for Limited Service MEO Ports) across a wider range of personnel groups in order to allocate Human Resources costs to providing Full Service MEO Ports and Limited Service MEO Ports (0.2% for FIX Ports, 0.1% for CTD Ports, and 0.04% for FXD Ports). This is because a much wider range of personnel are involved in functions necessary to offer, monitor and maintain Full Service MEO Ports and Limited Service MEO Ports but the tasks necessary to do so are not a primary or full-time function.

In total, the Exchange allocated 35.7% of its personnel costs to providing 10Gb ULL and 1Gb ULL connectivity, 5.1% of its personnel costs to providing Full Service MEO Ports, 5% of its personnel costs to providing Limited Service MEO Ports, 1.3% of its personnel costs to providing FIX Ports, 0.9% of its personnel costs to providing CTD Ports, and 0.3% of its personnel costs to providing FXD Ports, for a total allocation of 48.3% Human Resources expense to provide these specific connectivity and port services. In turn, the Exchange allocated the remaining 51.7% of its Human Resources expense to membership services, transaction services, other port services and market data. Thus, again, the Exchange's allocations of cost across core services were based on real costs of operating the Exchange and were not double-counted across the core services or their associated revenue streams.

As another example, the Exchange allocated depreciation expense to all core services, including physical

connections and ports, but in different amounts. The Exchange believes it is reasonable to allocate the identified portion of such expense because such expense includes the actual cost of the computer equipment, such as dedicated servers, computers, laptops, monitors, information security appliances and storage, and network switching infrastructure equipment, including switches and taps that were purchased to operate and support the network. Without this equipment, the Exchange would not be able to operate the network and provide connectivity and port services to its Members and non-Members and their customers. However, the Exchange did not allocate all of the depreciation and amortization expense toward the cost of providing connectivity services, but instead allocated approximately 65.9% of the Exchange's overall depreciation and amortization expense to connectivity services (63.6% attributed to 10Gb ULL physical connections, 2.3% to 1Gb physical connections, and 5.6% attributed to Full Service MEO Ports, Limited Service MEO Ports, FIX Ports, CTD Ports, and FXD Ports, combined). The Exchange allocated the remaining depreciation and amortization expense (approximately 28.5%) toward the cost of providing transaction services, membership services, other port services, and market data.

The Exchange notes that its revenue estimates are based on projections across all potential revenue streams and will only be realized to the extent such revenue streams actually produce the revenue estimated once the waiver periods expire for each applicable proposed fee. The Exchange does not yet know whether such expectations will be realized. For instance, in order to generate the revenue expected from connectivity, the Exchange will have to be successful in retaining existing clients that wish to maintain physical connectivity and/or ports or in obtaining new clients that will purchase such services. Similarly, the Exchange will have to be successful in retaining a positive net capture on transaction fees in order to realize the anticipated revenue from transaction pricing.

The Exchange notes that personnel began to plan for and develop the Exchange beginning in early 2023, and costs included in this Cost Analysis are related to the development and buildout of the Exchange since that time. During the Exchange's development and buildout that occurred throughout 2023 and continues to today, the Exchange routinely studied its aggregate costs to provide connectivity and port services, which were used to determine the

proposed pricing for the provisions of connectivity and port services that are part of the Exchange's Cost Analysis, including projections. It is possible, however, that actual costs may be higher or lower. To the extent the Exchange sees growth in use of connectivity or port services it will receive additional revenue to offset future cost increases. However, if use of connectivity or port services is static or decreases, the Exchange might not realize the revenue that it anticipates or needs in order to cover applicable costs. Accordingly, the Exchange is committing to conduct a one-year review after implementation of these fees. The Exchange expects that it may propose to adjust fees at that time, to increase fees in the event that revenues fail to cover costs and a reasonable mark-up of such costs. Similarly, the Exchange may propose to decrease fees in the event that revenue materially exceeds our current projections. In addition, the Exchange will periodically conduct a review to inform its decision making on whether a fee change is appropriate (e.g., to monitor for costs increasing/decreasing or subscribers increasing/decreasing, etc. in ways that suggest the then-current fees are becoming dislocated from the prior cost-based analysis) and would propose to increase fees in the event that revenues fail to cover its costs and a reasonable mark-up, or decrease fees in the event that revenue or the mark-up materially exceeds our current projections. In the event that the Exchange determines to propose a fee change, the results of a timely review, including an updated cost estimate, will be included in the rule filing proposing the fee change. More generally, the Exchange believes that it is appropriate for an exchange to refresh and update information about its relevant costs and revenues in seeking any future changes to fees, and the Exchange commits to do so.

Projected Revenue

The proposed fees will allow the Exchange to cover certain costs incurred by the Exchange associated with providing and maintaining necessary hardware and other network infrastructure as well as network monitoring and support services; without such hardware, infrastructure, monitoring and support the Exchange would be unable to provide the connectivity and port services. Much of the cost relates to monitoring and analysis of data and performance of the network via the subscriber's connection(s). The above costs, namely those associated with hardware, software, and human capital, enable the

Exchange to measure network performance with nanosecond granularity. These same costs are also associated with time and money spent seeking to continuously improve the network performance, improving the subscriber's experience, based on monitoring and analysis activity. The Exchange routinely works to improve the performance of the network's hardware and software. The costs associated with maintaining and enhancing a state-of-the-art exchange network is a significant expense for the Exchange, and thus the Exchange believes that it is reasonable and appropriate to help offset those costs by amending fees for connectivity services. Subscribers, particularly those of 10Gb ULL connectivity, expect the Exchange to provide this level of support to connectivity so they continue to receive the performance they expect. This differentiates the Exchange from its competitors. As detailed above, the Exchange has five primary sources of revenue that it can potentially use to fund its operations: transaction fees, fees for connectivity services, membership and regulatory fees, and market data fees. Accordingly, the Exchange must cover its expenses from these five primary sources of revenue.

All revenue projections are based upon an annual return for each of the proposed fees once the relevant waiver periods expire.

The Exchange's Cost Analysis estimates the annual cost to provide 1Gb connectivity services will equal \$226,461. Based on projected 1Gb connectivity services usage, the Exchange would generate annual revenue of approximately \$241,200. The Exchange believes this represents a modest profit of 6.1% when compared to the cost of providing 1Gb connectivity services.

The Exchange's Cost Analysis estimates the annual cost to provide 10Gb ULL connectivity services will equal \$6,393,839. Based on projected 10Gb ULL connectivity services usage, the Exchange would generate annual revenue of approximately \$6,810,000. The Exchange believes this represents a modest profit of 6.1% when compared to the cost of providing 10Gb connectivity services.

The Exchange's Cost Analysis estimates the annual cost to provide Full Service MEO Port services will equal \$605,907. Based on projected Full Service MEO Port service usage, the Exchange would generate annual revenue of approximately \$399,000. The Exchange believes this represents a loss of 51.9% when compared to the cost of

providing Full Service MEO Port services.

The Exchange's Cost Analysis estimates the annual cost to provide Limited Service MEO Port services will equal \$600,608. Since launch, taking into account the proposal to remove the cap on the number of Limited Service MEO Ports available and based on projected Limited Service MEO Port service usage, the Exchange would generate annual revenue of approximately \$624,000. The Exchange believes this represents a modest profit of 3.7% for providing Limited Service MEO Port services.

The Exchange's Cost Analysis estimates the annual cost to provide FIX Port services will equal \$158,148. Based on projected FIX Port service usage, the Exchange would generate annual revenue of approximately \$77,700. The Exchange estimates that its costs to provide FIX Port services will exceed its revenues by 103.5%.

The Exchange's Cost Analysis estimates the annual cost to provide CTD Port services will equal \$109,908. Based on projected CTD Port service usage, the Exchange would generate annual revenue of approximately \$54,000. The Exchange estimates that its costs to provide CTD Port services will exceed its revenues by 103.5%.

The Exchange's Cost Analysis estimates the annual cost to provide FXD Port services will equal \$36,637. Based on projected FXD Port service usage, the Exchange would generate annual revenue of approximately \$18,000. The Exchange estimates that its costs FXD Port services will exceed its revenues by 103.5%.

Based on the above discussion, the Exchange believes that even if the Exchange earns the above revenue or incrementally more or less, the proposed fees are fair and reasonable because they will not result in pricing that deviates from that of other exchanges or a supra-competitive profit, when comparing the total expense of the Exchange associated with providing each of the proposed connectivity and port services versus the total projected revenue of the Exchange associated with connectivity and port services. The Exchange's affiliated options markets recently filed to raise certain connectivity and port fees to the same, or similar, rates as proposed herein and those filings were not suspended by the Commission.⁴³

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⁴³ See Securities Exchange Act Release Nos. 99822 (March 21, 2024), 89 FR 21337 (March 27, 2024) (SR-MIAX-2024-16) (raising monthly 10Gb ULL connectivity fee to \$13,500 per connection and

The Exchange notes that its revenue estimate is based on projections and will only be realized to the extent customer activity produces the revenue estimated. As a competitor in the hyper-competitive exchange environment, and an exchange focused on driving competition, the Exchange does not yet know whether such projections will be realized. For instance, in order to generate the revenue expected from 10Gb ULL connectivity and Ports, the Exchange will have to be successful in retaining existing clients that wish to utilize 10Gb ULL connectivity and Ports and/or obtaining new clients that will purchase such access. To the extent the Exchange is successful in encouraging new clients to utilize 10Gb ULL connectivity and Ports, the Exchange does not believe it should be penalized for such success. To the extent the Exchange has mispriced and experiences a net loss in connectivity clients or in transaction activity, the Exchange could experience a net reduction in revenue. While the Exchange is supportive of transparency around costs and potential margins (applied across all exchanges), as well as periodic review of revenues and applicable costs (as discussed below), the Exchange does not believe that these estimates should form the sole basis of whether or not a proposed fee is reasonable or can be adopted. Instead, the Exchange believes that the information should be used solely to confirm that an Exchange is not earning—or seeking to earn—supra-competitive profits. The Exchange believes the Cost Analysis and related projections in this filing demonstrate this fact.

The Exchange is owned by a holding company that is the parent company of five exchange markets and, therefore, the Exchange and its affiliated markets must allocate shared costs across all of those markets accordingly, pursuant to the above-described allocation methodology. In contrast, the IEX, which currently operates only one exchange, and MEMX, which just started operating two exchanges, in their recent non-transaction fee filings allocate the entire amount of that same cost to a single exchange. This can

raising fee for Limited Service MEI Ports to \$275 per month per port); 99823 (March 21, 2024), 89 FR 21312 (March 27, 2024) (SR-PEARL-2024-14) (raising monthly 10Gb ULL connectivity fee to \$13,500 per connection and establishing tiered fees for Full Service MEO Ports ranging from \$5,000 to \$12,000 per month); and 99824 (March 21, 2024), 89 FR 21379 (March 27, 2024) (SR-EMERALD-2024-12) (raising monthly 10Gb ULL connectivity fee to \$13,500 per connection and raising fee for Limited Service MEI Ports to \$420 per month per port).

result in lower profit margins for the non-transaction fees established by IEX and MEMX because the single allocated cost does not experience the efficiencies and synergies that result from sharing costs across multiple exchanges. The Exchange and its affiliated markets often share a single cost, which results in cost efficiencies that can cause a broader gap between the allocated cost amount and projected revenue, even though the fee levels being proposed are lower or competitive with competing markets (as described above). To the extent that the application of a cost-based standard results in Commission Staff making determinations as to the appropriateness of certain profit margins, the Exchange believes that Commission Staff should also consider whether the proposed fee level is comparable to, or competitive with, the same fee charged by competing exchanges and how different cost allocation methodologies (such as across multiple markets) may result in different profit margins for comparable fee levels. Further, if Commission Staff is making determinations as to appropriate profit margins in their approval of exchange fees, the Exchange believes that the Commission should be clear to all market participants as to what they have determined is an appropriate profit margin and should apply such determinations consistently and, in the case of certain legacy exchanges, retroactively, if such standards are to avoid having a discriminatory effect.

Further, as is reflected in the proposal, the Exchange continuously and aggressively works to control its costs as a matter of good business practice. A potential profit margin should not be evaluated solely on its size; that assessment should also consider cost management and whether the ultimate fee reflects the value of the services provided. For example, a profit margin on one exchange should not be deemed excessive where that exchange has been successful in controlling its costs, but not excessive on another exchange where that exchange is charging comparable fees but has a lower profit margin due to higher costs. Doing so could have the perverse effect of not incentivizing cost control where higher costs alone could be used to justify fees increases.

The Proposed Pricing Is Not Unfairly Discriminatory and Provides for the Equitable Allocation of Fees, Dues, and Other Charges

The Exchange believes that the proposed fees for connectivity and ports are reasonable, fair, equitable, and not unfairly discriminatory because they are

designed to align fees with services provided and will apply equally to all subscribers.

Connectivity

The Exchange believes that the proposed fees are equitably allocated among anticipated users of the network connectivity and port alternatives, as the Exchange expects that users of 10Gb ULL connections will consume substantially more bandwidth and network resources than users of 1Gb ULL connection. It is the experience of the Exchange's affiliates that this is the case as 10Gb ULL connection users account for more than 99% of message traffic over the network on those markets, which drives other costs that are linked to capacity utilization, as described above, while the users of the 1Gb ULL connections account for less than 1% of message traffic over the network. In the experience of the Exchange's affiliates, users of the 1Gb connections do not have the same business needs for the high-performance network as 10Gb ULL users.

The Exchange's high-performance network and supporting infrastructure (including employee support), will provide unparalleled system throughput with the network ability to support access to several distinct options markets. To achieve a consistent, premium network performance, the Exchange must build out and maintain a network that has the capacity to handle the message rate requirements of its most heavy network consumers. These billions of messages per day will consume the Exchange's resources and significantly contribute to the overall network connectivity expense for storage and network transport capabilities, just as they do for the Exchange's affiliate markets. The Exchange must then purchase additional storage capacity on an ongoing basis to ensure it has sufficient capacity to store these messages to satisfy its record keeping requirements under the Exchange Act.⁴⁴ Thus, as the number of messages an entity increases, certain other costs incurred by the Exchange that are correlated to, though not directly affected by, connection costs (e.g., storage costs, surveillance costs, service expenses) will likely also increase. Given this anticipated difference in network utilization rate, the Exchange believes that it is reasonable, equitable, and not unfairly discriminatory that the 10Gb ULL users

pay for the vast majority of the shared network resources from which all market participants' will benefit.

Full Service MEO Ports

The proposed fees for Full Service MEO Ports are not unfairly discriminatory because they would apply to all Market Makers equally. The Exchange proposes a pricing structure for Full Service MEO Ports that is the same as that used by the Exchange's affiliates, MIAX, MIAX Pearl, and MIAX Emerald, except with lower pricing for each tier.⁴⁵ In the experience of the Exchange's affiliated markets, Members that are frequently in the highest tier for Full Service MEO/MEI Ports consume the most bandwidth and resources of the network. For example, the Exchange's affiliate, MIAX Pearl, recently noted that Market Makers who reach the highest tier for Full Service MEO Ports accounted for greater than 84% of ADV on MIAX Pearl, while Market Makers that are typically in the lowest Tier for Full Service MEO Ports, accounted for less than 14% of ADV on the Exchange.⁴⁶ Further, as noted by MIAX Pearl, the remaining 1% was accounted for by Market Makers who are frequently in the middle Tier for Full Service MEO Ports.⁴⁷

To achieve a consistent, premium network performance, the Exchange must build out and maintain a network that has the capacity to handle the message rate requirements of its most heavy network consumers during anticipated peak market conditions. The need to support billions of messages per day will consume the Exchange's resources and significantly contribute to the overall network connectivity expense for storage and network transport capabilities. The Exchange may have to purchase additional storage capacity on an ongoing basis to ensure it has sufficient capacity to store these messages as part of its surveillance program and to satisfy its record keeping requirements under the Exchange Act.⁴⁸ Thus, as the number of connections a Market Maker has increases, the related pull on Exchange resources may also increase once the Exchange launches operations. The Exchange sought to design the proposed tiered-pricing structure to set the

amount of the fees to relate to the number of ports a firm purchases. The more ports purchased by a Market Maker likely results in greater expenditure of Exchange resources and increased cost to the Exchange.

The Exchange further believes that the proposed fees are reasonable, equitably allocated and not unfairly discriminatory because, for the flat fee in each tier, the Exchange provides each Member two (2) Full Service MEO Ports for each matching engine to which that Member is connected. Unlike other options exchanges that provide similar port functionality and charge fees on a per port basis,⁴⁹ the Exchange offers Full Service MEO Ports as a package and provides Market Makers with the option to receive up to two Full Service MEO Ports per matching engine to which it connects. The Exchange currently has eight matching engines, which means Market Makers may receive up to sixteen Full Service MEO Ports for a single monthly fee, that can vary based on certain volume percentages or classes the Market Maker is registered in. Assuming a Market Maker connects to all eight matching engines during the month, and achieves the highest Tier for that month, with two Full Service MEO Ports per matching engine, this would result in a cost of \$375 per Full Service MEO Port (\$6,000 divided by 16).

The Exchange believes its proposal to provide a reduced Full Service MEO Port fee to Market Makers that fall within the 3rd and 4th levels of the proposed fee table is not unfairly discriminatory because this proposed lower monthly fee is designed to provide a lower fixed cost to those Market Makers who are willing to quote the entire Exchange market (or substantial amount of the Exchange market), as objectively measured by either number of classes assigned or national ADV, but who do not otherwise execute a significant amount of volume on the Exchange. The Exchange believes that, by offering lower fixed costs to Market Makers that execute less volume, the Exchange will retain and attract smaller-scale Market Makers, which are an integral component of the option industry marketplace, but have been

⁴⁵ See MIAX Fee Schedule, Section 5)d)ii), MIAX Pearl Fee Schedule, Section 5)d), and MIAX Emerald Fee Schedule, Section 5)d)ii).

⁴⁶ See Securities Exchange Act Release No. 99823 (March 21, 2024), 89 FR 21312 (March 27, 2024) (SR-PEARL-2024-14).

⁴⁷ *Id.*

⁴⁸ 17 CFR 240.17a-1 (recordkeeping rule for national securities exchanges, national securities associations, registered clearing agencies and the Municipal Securities Rulemaking Board).

⁴⁴ 17 CFR 240.17a-1 (recordkeeping rule for national securities exchanges, national securities associations, registered clearing agencies and the Municipal Securities Rulemaking Board).

⁴⁹ See NASDAQ Pricing Schedule, Options 7, Section 3, Ports and Other Services and NASDAQ Rules, General 8: Connectivity, Section 1. Co-Location Services (similar to the MIAX Pearl Options' MEO Ports, SQF ports are primarily utilized by Market Makers); ISE Pricing Schedule, Options 7, Section 7, Connectivity Fees and ISE Rules, General 8: Connectivity; NYSE American Options Fee Schedule, Section V.A. Port Fees and Section V.B. Co-Location Fees; GEMX Pricing Schedule, Options 7, Section 6, Connectivity Fees and GEMX Rules, General 8: Connectivity.

decreasing in number in recent years, due to industry consolidation and lower market maker profitability. The Exchange believes it is beneficial to incentivize these additional Market Makers to register to make markets on the Exchange to increase liquidity as the Exchange begins operations. Increased liquidity from a diverse set of market participants helps facilitate price discovery and the interaction of orders, which benefits all market participants of the Exchange. Since these smaller-scale Market Makers may utilize less Exchange capacity due to lower overall volume executed, the Exchange believes it is reasonable, equitably allocated and not unfairly discriminatory to offer such Market Makers a lower fixed cost. The Exchange notes that its affiliated markets, MIAX, MIAX Pearl, and MIAX Emerald, offer a similar reduced fee for their Full Service MEO/MEI Ports for smaller-scale Market Makers.⁵⁰

Limited Service MEO Ports

The proposed fees for Limited Service MEO Ports are not unfairly discriminatory because they would apply to all Market Makers equally. All Market Makers will be eligible to receive four (4) free Limited Service MEO Ports per matching engine and those that elect to purchase more would be subject to the same monthly rate upon the expiration of the Initial Waiver Period, regardless of the number of additional Limited Service MEO Ports they purchase. In the experience of the Exchange's affiliated markets, certain market participants choose to purchase additional Limited Service MEO Ports based on their own particular trading/quoting strategies and feel they need a certain number of connections to the Exchange to execute on those strategies. Other market participants may continue to choose to only utilize the free Limited Service MEO Ports to accommodate their own trading or quoting strategies, or other business models. All market participants elect to receive or purchase the amount of Limited Service MEO Ports they require based on their own business decisions and all market participants would be subject to the same fee structure and flat fee. Every market participant may receive up to four (4) free Limited Service MEO Ports and those that choose to purchase additional Limited Service MEO Ports may elect to do so based on their own business decisions and would continue to be subject to the same monthly fee.

⁵⁰ See MIAX Fee Schedule, Section 5)d)ii), note “***”; MIAX Pearl Fee Schedule, Section 5)d), page 20, note “***”; and MIAX Emerald Fee Schedule, Section 5)d)iii), note ■.

The Exchange believes that its proposed fee for Limited Service MEO Ports is reasonable, equitable, and not unfairly discriminatory because it is designed to align fees with services provided, will apply equally to all Members that are assigned Limited Service MEO Ports (either directly or through a Service Bureau), and will minimize barriers to entry by providing all Members with four free Limited Service MEO Ports from the time the Exchange launches operations.⁵¹ As a result of the proposed fee structure, a significant majority of Members may not be subject to any fee. In contrast, other exchanges generally charge in excess of \$450 per port without providing any free ports.⁵² Even for Members that choose to maintain more than four Limited Service MEI Ports, the Exchange believes that the cost-based fee proposed herein is low enough that it will not operate to restrain any Member's ability to maintain the number of Limited Service MEO Ports that it determines are consistent with its business objectives. Although the Exchange projects that no Members will utilize more than the four free Limited Service MEO Ports, if there is a small number of Members that do utilize more ports and are subject to the proposed fee of \$250 per port, those Members will still pay considerably less for such ports as compared to the fees that competing exchanges charge.⁵³ Further, the number of assigned Limited Service

⁵¹ The following rationale to support providing a certain number of Limited Service MEI Ports for free prior to applying a fee is similar to that used by the IEX in a 2020 proposal to do the same as proposed herein. See Securities Exchange Act Release No. 86626 (August 9, 2019), 84 FR 41793 (August 15, 2019) (SR-IEX-2019-07).

⁵² See NASDAQ Pricing Schedule, Options 7, Section 3, Ports and Other Services and NASDAQ Rules, General 8: Connectivity, Section 1. Co-Location Services (similar to the Exchange's MEI Ports, SQF ports are primarily utilized by Market Makers); ISE Pricing Schedule, Options 7, Section 7, Connectivity Fees and ISE Rules, General 8: Connectivity; NYSE American Options Fee Schedule, Section V.A. Port Fees and Section V.B. Co-Location Fees; GEMX Pricing Schedule, Options 7, Section 6, Connectivity Fees and GEMX Rules, General 8: Connectivity.

⁵³ Assuming a Member selects five Limited Service MEO Ports based on their business needs that Member on MIAX Sapphire would be charged only for the fifth Limited Service MEO Port and pay only the \$250 monthly fee, as the first four Limited Service MEO Ports would be free. Meanwhile, a Member that purchases five ports on NYSE Arca Options would pay \$450 per port per month, resulting in a total charge of \$2,250 per month. On Cboe BZX Options, that same member would pay \$750 per port per month, resulting in a total charge of \$3,750 per month for five ports. See NYSE Arca Options Fees and Charges, dated March 1, 2024, available at https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf and Cboe BZX Options Fee Schedule available at https://www.cboe.com/us/options/membership/fee_schedule/.

MEO Ports will continue to be based on decisions by each Member, including the ability to reduce fees by discontinuing unused Limited Service MEO Ports.

The Exchange believes that providing four free Limited Service MEO Ports is reasonable, equitable, and not unfairly discriminatory because it will enable Members to access the Exchange on this basis without having to pay for Limited Service MEO Ports, thereby encouraging order flow and liquidity from a diverse set of market participants, facilitating price discovery and the interaction of orders. The Exchange believes that four Limited Service MEO Ports is an appropriate number to provide for free because it aligns with the maximum number of free Limited Service MEO/MEI Ports offered by each of the Exchange's affiliated options markets, and the Exchange believes will align with the amount of such ports that will be maintained by a substantial majority of Members once the Exchange launches operations.

Based on an initial survey of market participants that the Exchange anticipates will utilize Limited Service MEO Ports, the Exchange projects that only a few Members will be subject to any Limited Service MEO Port fees following the expiration of the Initial Waiver Period. In determining the appropriate number of Limited Service MEO Ports to provide for free, the Exchange considered several factors. First, the Exchange believes that, with respect to Limited Service MEO Port usage, Members will prefer at least two Limited Service MEO Ports, for redundancy purposes. Second, from a review of the number of Limited Service MEI Ports currently requested, the median number of ports per Member that will utilize Limited Service MEO Ports upon the launch of the Exchange is approximately eight. Thus, the Exchange believes that having four ports appears to be reasonably sufficient for the majority of Members to access the Exchange. On that basis, the Exchange chose four Limited Service MEO Ports as the maximum number of ports for which it will not charge to access the Exchange. The Exchange notes that some Members may use more Limited Service MEO Ports than other Members (and the four provided for free), which will be driven by the nature and volume of the business they conduct on the Exchange, and the choices they make in segmenting that business across different Limited Service MEO Ports. Allowing for this expansive use of Exchange capacity represents an aggregate cost that the Exchange seeks to

recover through charging for ports five and higher.

The proposed fee structure is also designed to encourage Members to be efficient with their Limited Service MEO Port usage, thereby resulting in a corresponding increase in the efficiency that the Exchange would be able to realize in managing its aggregate costs for providing Limited Service MEO Ports. There is no requirement that any Member maintain a specific number of Limited Service MEO Ports and a Member may choose to maintain as many or as few of such ports as each Member deems appropriate.

The Exchange assessed the impact of the structure and amount of the proposed fee on all Members that the Exchange anticipates will utilize Limited Service MEO Ports. The Exchange believes that the proposed fee is fair and equitably allocated across all Members. As a threshold matter, the fee will not by design apply differently to different types or sizes of Members. Nonetheless, upon launch, the Exchange will be able to assess whether there may be any differences in the amount of the projected fee that correlates to the type and/or size of different Members. This assessment will help determine whether the number of assigned Limited Service MEO Ports, and thus projected fees, correlates closely to a Member's inbound message volume to the Exchange. This is a similar assessment as that performed by the Exchange's affiliates, MIAX and MIAX Emerald, prior to changing their respective Limited Service MEO Port fees recently. Based on the experience of the Exchange's affiliates, as inbound message volume increases per Member, the number of requested and assigned Limited Service MEO Ports increases. As the Exchange has not launched operations at the time of this filing, the Exchange does not have data to show any correlation between a Member's inbound message volume and the number of Limited Service MEO Port assigned to the Member. However, based on the experience of the Exchange's affiliates, MIAX and MIAX Emerald, Members with relatively higher inbound message volume were projected to pay higher fees because they requested more Limited Service MEO Ports for those exchanges.

To achieve consistent, premium network performance, the Exchange must build and maintain a network that has the capacity to handle the message rate requirements of its heaviest network consumers during anticipated peak market conditions. The resultant need to support the anticipated amount of billions of messages per day will

consume the Exchange's resources and significantly contribute to the overall network connectivity expense for storage and network transport capabilities. This need will also require the Exchange to purchase additional storage capacity on an ongoing basis to ensure it has sufficient capacity to store these messages as part of its surveillance program and to satisfy its record keeping requirements under the Exchange Act.⁵⁴ Thus, as the number of connections per Market Maker increases, other costs incurred by the Exchange will likely also increase, *e.g.*, storage costs, surveillance costs, service expenses.

The Exchange further believes that the proposed fees are reasonable, fair and equitable, and non-discriminatory because they will apply to all Members in the same manner and are not targeted at a specific type or category of market participant engaged in any particular trading strategy. All Members will receive four free Limited Service MEO Ports and pay the same proposed fee per additional Limited Service MEO Port. Each Limited Service MEO Port is identical, providing connectivity to the Exchange on identical terms. While the proposed fee will result in a different effective "per unit" rate for different Members after factoring in the four free Limited Service MEO Ports, the Exchange does not believe that this difference is material given the overall low proposed fee per Limited Service MEO Port. Because the first four Limited Service MEO Ports are free of charge, each entity will have a "per unit" rate of less than the proposed fee. Further, the fee is not connected to volume based tiers. All Members will be subject to the same fee schedule, regardless of the volume sent to or executed on the Exchange. The fee also does not depend on any distinctions between Members, customers, broker-dealers, or any other entity. The fee will be assessed solely based on the number of Limited Service MEO Ports an entity selects and not on any other distinction applied by the Exchange. While entities that send relatively more inbound messages to the Exchange may select more Limited Service MEO Ports, thereby resulting in higher fees, that distinction is based on decisions made by each Member and the extent and nature of the Member's business on the Exchange rather than application of the fee by the Exchange. Members can determine how many

Limited Service MEO Ports they need to implement their trading strategies effectively. The Exchange proposes to offer additional Limited Service MEO Ports at a low fee to enable all Members to purchase as many Limited Service MEO Ports as their business needs dictate in order to optimize throughput and manage latency across the Exchange.

Notwithstanding that Members with the highest number of Limited Service MEO Ports will pay a greater percentage of the total projected fees than is represented by their Limited Service MEO Port usage, the Exchange does not believe that the proposed fee is unfairly discriminatory. It is not possible to fully synchronize the Exchange's objective to provide four free Limited Service MEO Ports to all Members, thereby minimizing barriers to entry and incentivizing liquidity on the Exchange, with an approach that exactly aligns the projected per Member fee with each Member's number of requested Limited Service MEO Ports. As proposed, the Exchange is providing a reasonable number of Limited Service MEO Ports to each Member without charge. Any variance between projected fees and Limited Service MEO Port usage is attributable to objective differences among Members in terms of the number of Limited Service MEO Ports they determine are appropriate based on their trading on the Exchange. Further, the Exchange believes that the low amount of the proposed fee (which in the aggregate is projected to only partially recover the Exchange's directly-related costs as described herein) mitigates any disparate impact.

Further, the fee will help to encourage Limited Service MEO Port usage in a way that aligns with the Exchange's regulatory obligations. As a national securities exchange, the Exchange is subject to Regulation Systems Compliance and Integrity ("Reg SCI").⁵⁵ Reg SCI Rule 1001(a) requires that the Exchange establish, maintain, and enforce written policies and procedures reasonably designed to ensure (among other things) that its Reg SCI systems have levels of capacity adequate to maintain the Exchange's operational capability and promote the maintenance of fair and orderly markets.⁵⁶ By encouraging Members to be efficient with their Limited Service MEO Ports usage, the proposed fee will support the Exchange's Reg SCI obligations in this regard by ensuring that unused Limited Service MEO Ports are available to be allocated based on individual Members

⁵⁴ 17 CFR 240.17a-1 (recordkeeping rule for national securities exchanges, national securities associations, registered clearing agencies and the Municipal Securities Rulemaking Board).

⁵⁵ 17 CFR 242.1000-1007.

⁵⁶ 17 CFR 242.1001(a).

needs and as the Exchange's overall order and trade volumes increase. Additionally, because the Exchange will continue not to charge connectivity testing and certification fees to its disaster recovery facility or where the Exchange requires testing and certification, the proposed fee structure will further support the Exchange's Reg SCI compliance by reducing the potential impact of a disruption should the Exchange be required to switch to its disaster recovery facility and encouraging Members to engage in any necessary system testing without incurring any port fee costs.⁵⁷

Finally, the Exchange believes that the proposed fee is consistent with Section 11A of the Exchange Act in that it is designed to facilitate the economically efficient execution of securities transactions, fair competition among brokers and dealers, exchange markets and markets other than exchange markets, and the practicability of brokers executing investors' orders in the best market. Specifically, the proposed low, cost-based fee will enable a broad range of the Exchange Members to continue to connect to the Exchange, thereby facilitating the economically efficient execution of securities transactions on the Exchange, fair competition between and among such Members, and the practicability of Members that are brokers executing investors' orders on the Exchange when it is the best market.

FIX, CTD, and FXD Ports

To achieve consistent, premium network performance, the Exchange must build and maintain a network that has the capacity to handle the message rate requirements of its heaviest network consumers during anticipated peak market conditions. The resultant need to support the anticipated amount of billions of messages per day will consume the Exchange's resources and significantly contribute to the overall network connectivity expense for storage and network transport capabilities. This need will also require the Exchange to purchase additional storage capacity on an ongoing basis to ensure it has sufficient capacity to store these messages as part of its surveillance program and to satisfy its record keeping requirements under the Exchange Act.⁵⁸ Thus, as the number of

connections per Market Maker increases, other costs incurred by the Exchange will likely also increase, e.g., storage costs, surveillance costs, service expenses.

The Exchange further believes that the proposed fees for FIX, CTD and FXD Ports are reasonable, fair and equitable, and non-discriminatory because they will apply to all Members in the same manner and are not targeted at a specific type or category of market participant engaged in any particular trading strategy. The fee for each type of port does not depend on any distinctions between Members, customers, broker-dealers, or any other entity. The fee will be assessed solely based on the number of FIX, CTD or FXD Ports an entity selects and not on any other distinction applied by the Exchange.

Waiver Period for Connectivity Fees

The Exchange believes its proposal is consistent with Section 6(b)(4) of the Act,⁵⁹ which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges. Specifically, under the Exchange's proposal the monthly Member and non-Member network connectivity fees for the 1Gb connections to the primary/secondary facility and disaster recovery facility, and the 10Gb ULL connections to the disaster recovery facility for the partial month in which the Exchange launches operations, plus an additional three full calendar months. The proposed monthly Member and non-Member network connectivity fees for the 1Gb connections to the primary/secondary facility and disaster recovery facility, and 10Gb ULL connections to the disaster recovery facility will be discounted by 50% for the three full calendar months thereafter.

The Exchange believes its proposal is reasonable, equitable and not unfairly discriminatory as the proposed fee waivers are equally available and will apply uniformly to all participants.

The Exchange also proposes that the monthly Member network connectivity fees for the first two 10Gb ULL connections on each switch to the primary/secondary facility will be waived for the partial month in which the Exchange launches operations, plus an additional three full calendar months. Additionally, the monthly Member network connectivity fees for the first two 10Gb ULL connections on each switch to the primary/secondary facility will be discounted by 50% for

the three full calendar months thereafter.

The Exchange believes that waiving the fees for the first two 10Gb ULL connections on each switch is reasonable, equitable and not unfairly discriminatory as all Exchange participants have an equal opportunity to take advantage of the proposed discount under the proposal. Additionally, the Exchange believes its proposal represents a balanced approach designed to incentivize connectivity to the Exchange and to also prevent oversubscription to ensure that the Exchange has the physical capacity necessary to support its proposal.

Initial Waiver Period

MIAX Sapphire proposes to assess monthly Financial Information Exchange ("FIX") Port fees to Members in each month the Member is credentialed to use a FIX Port in the production environment and based upon the number of credentialed FIX Ports. However, the Exchange proposes that all port fees⁶⁰ will be waived during the Initial Waiver Period.⁶¹ The Exchange believes its proposal is reasonable, equitable and not unfairly discriminatory as the proposed fee waivers are equally available and will apply uniformly to all 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 Act.

Intra-Market Competition

The Exchange believes the proposed fees will not result in any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed fees will allow the Exchange to recoup its costs with a small profit for providing 1Gb and 10Gb ULL connectivity, while recouping some of its costs for a negative margin for providing Full Service MEO Ports, Limited Service MEO Ports, FIX Ports, CTD Ports and FXD Ports, following expiration of the respective waiver periods for each fee. As described above, the Exchange anticipates operating at a loss for the majority of the

⁵⁷ By comparison, some other exchanges charge less to connect to their disaster recovery facilities, but still charge an amount that could both recoup costs and potentially be a source of profits. See, e.g., Nasdaq Stock Market LLC Equity 7, Section 115 (Ports and other Services).

⁵⁸ 17 CFR 240.17a-1 (recordkeeping rule for national securities exchanges, national securities

associations, registered clearing agencies and the Municipal Securities Rulemaking Board).

⁵⁹ 15 U.S.C. 78f(b)(4).

⁶⁰ The port fees the Exchange proposes to waive during the Initial Waiver Period are Fix Port Fees (See Section d(i) of the Fee Schedule); MEO Port Fees (See Section d(ii) of the Fee Schedule); Clearing Trade Drop Port Fees (See Section d(iv) of the Fee Schedule); and FIX Drop Copy Port Fees (See Section d(v) of the Fee Schedule).

⁶¹ See supra note 13.

above services in order to provide a low-cost alternative to attract order flow and encourage market participants to experience the high determinism and resiliency of the Exchange's trading Systems. To do so, the Exchange chooses to waive the fees for all of the connectivity and port services for a specified time period. This will likely result in the Exchange forgoing revenue it could generate from assessing any fees without a waiver period or higher fees upon expiration of the waiver periods. The Exchange could seek to charge higher fees upon launch, but that could serve to discourage participation on the Exchange. Instead, the Exchange chooses to provide a low-cost exchange alternative to the options industry, which may result in lower initial revenues.

Further, the Exchange does not believe that the proposed fees would place certain market participants at the Exchange at a relative disadvantage compared to other market participants or affect the ability of such market participants to compete. The proposed fees will apply uniformly to all market participants regardless of the number of 1Gb or 10Gb ULL connections they choose to purchase. The proposed fees do not favor certain categories of market participants in a manner that would impose an undue burden on competition.

The Exchange does not believe that the proposed rule change would place certain market participants at the Exchange at a relative disadvantage compared to other market participants or affect the ability of such market participants to compete. In particular, Exchange personnel has been informally discussing potential fees for connectivity services with a diverse group of market participants that are likely to connect to the Exchange for launch (including large and small firms, firms with large connectivity service footprints and small connectivity service footprints, as well as extranets and service bureaus) for several months leading up to that time. The Exchange does not believe the proposed fees for connectivity services would negatively impact the ability of Members, non-Members (extranets or service bureaus), third-parties that purchase the Exchange's connectivity and resell it, and customers of those resellers to compete with other market participants or that they are placed at a disadvantage.

The Exchange does anticipate, however, that some market participants may reduce or discontinue use of connectivity services provided directly by the Exchange once the relevant

waiver periods expire. The Exchange's affiliates have experienced similar reductions in use by their members for similar non-transaction fee increases. For example, one MIAX Pearl Options Market Maker terminated their MIAX Pearl Options membership on January 1, 2023 as a direct result of the similar proposed fee changes by MIAX Pearl Options.⁶²

The Exchange does not believe that the proposed fees for connectivity services place certain market participants at a relative disadvantage to other market participants because the proposed connectivity pricing is associated with relative usage of the Exchange by each market participant and does not impose a barrier to entry to smaller participants. The Exchange believes its proposed pricing is reasonable and, when coupled with the availability of third-party providers that also offer connectivity solutions, that participation on the Exchange is affordable for all market participants, including smaller trading firms. As described above, the connectivity services purchased by market participants typically increase based on their additional message traffic and/or the complexity of their operations. The market participants that utilize more connectivity services typically utilize the most bandwidth, and those are the participants that consume the most resources from the network. Accordingly, the proposed fees for connectivity services do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation of the proposed connectivity fees reflects the network resources consumed by the various size of market participants and the costs to the Exchange of providing such connectivity services.

The Exchange does not believe its proposed fees for Limited Service MEO Ports will place certain market participants at a relative disadvantage to other market participants. All market participants would be eligible to receive

four (4) free Limited Service MEO Ports and those that elect to purchase more would be subject to the same flat fee regardless of the number of additional Limited Service MEO Ports they purchase. All firms purchase the amount of Limited Service MEO Ports they require based on their own business decisions and similarly situated firms are subject to the same fees.

Inter-Market Competition

The Exchange also does not believe that the proposed rule change and price increase will result in any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. As this is a fee increase, arguably if set too high, this fee would make it easier for other exchanges to compete with the Exchange. Only if this were a substantial fee decrease could this be considered a form of predatory pricing. In contrast, the Exchange believes that, without this fee increase, we are potentially at a competitive disadvantage to certain other exchanges that have in place higher fees for similar services. As we have noted, the Exchange believes that connectivity fees can be used to foster more competitive transaction pricing and additional infrastructure investment and there are other options markets of which market participants may connect to trade options at higher rates than the Exchange's. Accordingly, the Exchange does not believe its proposed fee changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,⁶³ and Rule 19b-4(f)(2)⁶⁴ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors,

⁶² The Exchange acknowledges that IEX included in its proposal to adopt market data fees after offering market data for free an analysis of what its projected revenue would be if all of its existing customers continued to subscribe versus what its projected revenue would be if a limited number of customers subscribed due to the new fees. See Securities Exchange Act Release No. 94630 (April 7, 2022), 87 FR 21945 (April 13, 2022) (SR-IEX-2022-02). MEMX did not include a similar analysis in its recent non-transaction fee proposal. See *supra* note 41. The Exchange does not believe a similar analysis would be useful here because it is amending existing fees, not proposing to charge a new fee where existing subscribers may terminate connections because they are no longer enjoying the service at no cost.

⁶³ 15 U.S.C. 78s(b)(3)(A)(ii).

⁶⁴ 17 CFR 240.19b-4(f)(2).

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-SAPPHIRE-2024-41 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-SAPPHIRE-2024-41. 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-SAPPHIRE-2024-41 and should be submitted on or before January 10, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶⁵

Sherry R. Haywood,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101927; File No. SR-CboeBYX-2024-009]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Exchange Rule 11.25(e) To Allow Users To Utilize the Exchange's Match Trade Prevention Functionality When Entering Periodic Auction Orders Onto the Exchange for Execution

December 16, 2024.

On June 6, 2024, Cboe BYX Exchange, Inc. ("Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend Exchange Rule 11.25(e) to allow Users to utilize the Exchange's Match Trade Prevention functionality when entering Periodic Auction Orders onto the Exchange for execution. The proposed rule change was published for comment in the **Federal Register** on June 21, 2024.³ On August 5, 2024, the Commission extended the time period within which to approve, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to September 19, 2024.⁴ On September 18, 2024, the Exchange filed Amendment No. 1 to the proposed rule change.⁵ On September 19, 2024, the

Commission issued notice of the proposed rule change, as modified by Amendment No. 1, and simultaneously instituted proceedings under Section 19(b)(2)(B) of the Act⁶ to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1 ("Order Instituting Proceedings").⁷

Section 19(b)(2) of the Act⁸ provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on June 21, 2024.⁹ December 18, 2024 is 180 days from that date, and February 16, 2025 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change, as modified by Amendment No. 1, so that it has sufficient time to consider the proposed rule change, as modified by Amendment No. 1. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,¹⁰ designates February 16, 2025 as the date by which the Commission shall either approve or disapprove the proposed rule change, as modified by Amendment No. 1 (File No. SR-CboeBYX-2024-009).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Sherry R. Haywood,
Assistant Secretary.

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⁶⁵ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 100337 (June 14, 2024), 89 FR 52148 ("Notice").

⁴ See Securities Exchange Act Release No. 100649, 89 FR 65420 (August 9, 2024). The Commission has received no comment letters on the proposed rule change.

⁵ Amendment No. 1 modifies the proposed rule change by: (1) amending rule text relating to Exchange Match Trade Prevention functionality when entering Periodic Auction Orders onto the Exchange for execution; and (2) adding new rule text describing how the Exchange will handle Periodic Auction Orders entered as a Minimum Quantity Order with a Match Trade Prevention modifier.

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Securities Exchange Act Release No. 101105, 89 FR 78418 (September 25, 2024).

⁸ 15 U.S.C. 78s(b)(2).

⁹ See Notice, *supra* note 3.

¹⁰ 15 U.S.C. 78s(b)(2).

¹¹ 17 CFR 200.30-3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101932]

Amended and Restated Order Specifying the Manner and Format of Filing Unaudited Financial and Operational Information by Security-Based Swap Dealers and Major Security-Based Swap Participants That are not U.S. Persons and are Relying on Substituted Compliance Determinations With Respect to Rule 18a–7

I. Overview

On October 14, 2021, the U.S. Securities and Exchange Commission (“Commission”) issued an order¹ specifying the manner and format of unaudited financial and operational information security-based swap dealers and major security-based swap participants (collectively, “SBS Entities”) relying on a Commission substituted compliance order (“Covered Entities”)² must file if they are relying on substituted compliance with respect to Securities Exchange Act of 1934 (“Exchange Act”) Rule 18a–7(a)(1) or (a)(2). The 2021 Manner and Format Order specified that these SBS Entities must complete the highlighted line items in Parts II and IIC of Form X–17A–5 (“FOCUS Report”), which were attached to the 2021 Manner and Format Order as appendices.³

Since that time, FOCUS Report Parts II and IIC have been amended so that the appendices to the 2021 Manner and Format Order no longer contain the most current versions of the FOCUS Report. First, the Commission made technical amendments to correct the formula in FOCUS Report Part II’s “Computation of CFTC Minimum Capital Requirements” section and to assign new box numbers to certain line items in FOCUS Report Part IIC.⁴ Second, the Commission amended FOCUS Report Part IIC to incorporate modifications to FFIEC Form 031.⁵ The

Commission also amended FOCUS Report Part II by: removing obsolete references to the Commodity Futures Trading Commission’s (“CFTC”) segregated funds requirement; adding fields to report additional types of revenue; revising the “Computation of CFTC Minimum Capital Requirements” section to be consistent with the CFTC’s Form 1–FR; and updating the customer and PAB (proprietary accounts of broker-dealers) reserve computations in the form to match amendments to these computations in Exchange Act Rule 15c3–3a.⁶

The Commission is issuing this amended and restated manner and format order (“2024 Manner and Format Order” or “this Order”) to incorporate these amendments to FOCUS Report Parts II and IIC⁷ and to specify that the FOCUS Report highlighting the fields required for Covered Entities are located on the Commission’s website (instead of attaching them as appendices to this Order). This Order supersedes and replaces the 2021 Manner and Format Order.

II. Introduction

As discussed in the 2021 Manner and Format Order, broker-dealers are required to file on a monthly or quarterly basis the applicable part of the FOCUS Report.⁸ Broker-dealers and SBS Entities use the FOCUS Report to submit unaudited financial and operational information that is used by the Commission and broker-dealer self-regulatory organizations (if applicable) to monitor and supervise the firms. Exchange Act Rule 18a–7 (“Rule 18a–7”) requires SBS Entities not dually registered with the Commission as a broker-dealer to file Part II or Part IIC of the FOCUS Report with the Commission

or its designee.⁹ The Commission has designated the Financial Industry Regulatory Association, Inc. (“FINRA”) as the organization with which SBS Entities must file Part II or Part IIC of the FOCUS Report.¹⁰

As discussed in the 2021 Manner and Format Order, Exchange Act Rule 3a71–6 (“Rule 3a71–6”) conditionally provides that SBS Entities that are not U.S. persons may satisfy certain requirements under Exchange Act section 15F, including Rule 18a–7, by complying with comparable regulatory requirements of the SBS Entity’s home jurisdiction.¹¹ Pursuant to Rule 3a71–6, the Commission has issued orders granting conditional substituted compliance with respect to certain requirements applicable to SBS Entities subject to regulation in France, Germany, Switzerland, Spain, and the United Kingdom (“substituted compliance orders”).¹² The substituted compliance orders permit certain SBS Entities in those jurisdictions to apply substituted compliance for specified Exchange Act requirements.

The substituted compliance orders permit a Covered Entity to satisfy the requirements of Rule 18a–7 with respect to filing Part II or Part IIC of the FOCUS Report by being subject to and complying with specified requirements

⁹ See 17 CFR 240.18a–7(a).

¹⁰ See Order Designating Financial Industry Regulatory Authority, Inc., to Receive Form X–17A–5 (FOCUS Report) from Certain Security-Based Swap Dealers and Major Security-Based Swap Participants, Exchange Release No. 34–88866 (May 14, 2020).

¹¹ See 17 CFR 240.3a71–6.

¹² See Order Granting Conditional Substituted Compliance in Connection with Certain Requirements Applicable to Non-U.S. Security-Based Swap Dealers and Major Security-Based Swap Participants Subject to Regulation in the Federal Republic of Germany, Exchange Act Release No. 90765 (Dec. 22, 2020), 85 FR 85686 (Dec. 29, 2020); Order Granting Conditional Substituted Compliance in Connection with Certain Requirements Applicable to Non-U.S. Security-Based Swap Dealers and Major Security-Based Swap Participants Subject to Regulation in the French Republic, Exchange Act Release No. 92484 (July 23, 2021), 86 FR 41612 (Aug. 2, 2021); Order Granting Conditional Substituted Compliance in Connection with Certain Requirements Applicable to Non-U.S. Security-Based Swap Dealers and Major Security-Based Swap Participants Subject to Regulation in the United Kingdom, Exchange Release No. 92529 (June 30, 2021), 86 FR 43318 (Aug. 6, 2021); Order Granting Conditional Substituted Compliance in Connection With Certain Requirements Applicable to Non-U.S. Security-Based Swap Dealers Subject to Regulation in the Swiss Confederation, Exchange Act Release No. 93284 (Oct. 8, 2021), 86 FR 57455 (Oct. 15, 2021); Order Granting Conditional Substituted Compliance in Connection With Certain Requirements Applicable to Non-U.S. Security-Based Swap Dealers and Major Security-Based Swap Participants Subject to Regulation in the Kingdom of Spain, Exchange Act Release No. 93412 (Oct. 22, 2021), 86 FR 59776 (Oct. 28, 2021).

¹ See Order Specifying the Manner and Format of Filing Unaudited Financial and Operational Information by Security-Based Swap Dealers and Major Security-Based Swap Participants That Are Not U.S. Persons and Are Relying on Substituted Compliance Determinations With Respect to Rule 18a–7, Exchange Act Release No. 93335 (Oct. 14, 2021), 86 FR 59208 (Oct. 26, 2021) (“2021 Manner and Format Order”).

² See *infra* n.12.

³ See 2021 Manner and Format Order at Apps. A and B.

⁴ See Recordkeeping and Reporting Requirements for Security-Based Swap Dealers, Major Security-Based Swap Participants, and Broker-Dealers; Correction, Exchange Act Release No. 87005D (Feb. 2, 2022), 87 FR 7934 (Feb. 11, 2022).

⁵ See Electronic Submission of Certain Materials Under the Securities Exchange Act of 1934;

Amendments Regarding the FOCUS Report, Exchange Act Release No. 101925 (December 16, 2024) (the “Electronic Submission Release”).

⁶ See *id.*

⁷ In particular, the FOCUS Reports highlighting the fields required for Covered Entities are being revised to specify the following: (1) Firms must complete new lines 1F–1H (commissions on commodity transactions, all other commissions, total commissions) in the Statement of Income section of FOCUS Report Part II. (2) Because box 1754b is being renumbered box JJ34b, firms must complete box JJ34b instead of box 1754b. (3) Firms must complete box 2143b (intangible assets) instead of boxes 3163b (goodwill) and 0426b (other intangible assets) since the Electronic Submission Release replaces boxes 3163b and 0426b (which are subtypes of intangible assets) with box 2143b. (4) Firms must complete new boxes P793b (common equity tier 1 capital ratio—column A) and P793bb (common equity tier 1 capital ratio—column B), as applicable, due to the addition of this capital ratio to Basel III regulations. These changes have the same effective date and compliance date specified in the Electronic Submission Release.

⁸ See 17 CFR 240.17a–5(a).

in the Covered Entity's home jurisdiction, subject to additional conditions designed to help ensure comparability of regulatory outcomes. In particular, the conditions for applying substituted compliance with respect to Rule 18a-7 are that the Covered Entity: (1) is subject to and complies with the relevant comparable requirements of the home jurisdiction; (2) files periodic unaudited financial and operational information with the Commission or its designee in the manner and format required by Commission rule or order and presents the financial information in the filing in accordance with generally accepted accounting principles ("GAAP") that the Covered Entity uses to prepare general purpose publicly available or available to be issued financial statements in the home jurisdiction ("manner and format condition"); (3) applies substituted compliance for the capital requirements of Exchange Act Rules 18a-1 through 18a-1d (collectively, "Rule 18a-1") if the Covered Entity does not have a prudential regulator;¹³ and (4) applies substituted compliance for the record preservation requirements of Exchange Act Rule 18a-6(b)(1)(viii) ("Rule 18a-6(b)(1)(viii)") if the Covered Entity does not have a prudential regulator.¹⁴

This Order specifies how a Covered Entity must meet the manner and format condition in a substituted compliance order.¹⁵

III. Discussion

A. Manner of Filing

i. Use Part II or IIC of the FOCUS Report and the eFOCUS System Administered by FINRA

As discussed in the 2021 Manner and Format Order, a Covered Entity must file the financial and operational information in the format discussed below with the Commission through the SEC eFOCUS system administered by FINRA ("SEC eFOCUS system").¹⁶

¹³ See 17 CFR 240.18a-1 through 18a-1d.

¹⁴ See 17 CFR 240.18a-6(b)(1)(viii). Rule 18a-6(b)(1)(viii) requires SBS Entities without a prudential regulator to preserve specified information in support of amounts included in the FOCUS Report Part II prepared as of the audit date. *Id.*

¹⁵ This Order applies to the manner and format condition in the existing substituted compliance orders and to any future orders that include the manner and format condition. If necessary to achieve comparable regulatory outcomes, the Commission may prescribe additional conditions in a future substituted compliance order with respect to a particular jurisdiction to tailor a Covered Entity's reliance on the manner and format condition to the relevant laws in the jurisdiction.

¹⁶ See paragraph (a) of the ordering language below.

ii. Frequency and Timing of Filing

As discussed in the 2021 Manner and Format Order, a Covered Entity without a prudential regulator must file the FOCUS Report Part II 35 calendar days after the end of the month.¹⁷ A Covered Entity with a prudential regulator must file the FOCUS Report Part IIC 35 calendar days after the end of the quarter.¹⁸

B. Format of Filing

i. Complete a Specified Set of Line Items on the FOCUS Report

Part II and Part IIC of the FOCUS Report elicit financial and operational information about the filer through sections consisting of uniquely numbered line items. The information (e.g., a number or dollar amount) is entered into the line items. Under Rule 18a-7, an SBS Entity must use Part II or Part IIC of the FOCUS Report to submit required financial and operational information by filling out all applicable line items on the form.

As discussed in the 2021 Manner and Format Order and as discussed above, Covered Entities must complete a limited set of applicable line items on Part II or Part IIC of the FOCUS Report (as applicable).¹⁹

ii. Report Information on a Consolidated or Unconsolidated Basis

As discussed in the 2021 Manner and Format Order, Covered Entities are permitted to present the information in Part II or Part IIC of the FOCUS Report (as applicable) at the entity level of the Covered Entity on the same basis (consolidated or unconsolidated) that the Covered Entity presents information

¹⁷ See paragraph (a)(1) of the ordering language below.

¹⁸ See paragraph (a)(2) of the ordering language below.

¹⁹ See paragraph (b) of the ordering language below. The minimum required line items are highlighted on Part II of the FOCUS Report (if not prudentially regulated) or Part IIC of the FOCUS Report (if prudentially regulated) and are available on the Commission's website. An SBS Entity may report information elicited in other line items on the applicable FOCUS Report if it chooses to do so. Further, as is the case with SBS Entities, Covered Entities must complete required line items *if applicable*. For example, under this Order, Covered Entities need to complete line items linked to Exchange Rule 18a-4 ("Rule 18a-4"). 17 CFR 240.18a-4. However, the Commission expects most, if not all, Covered Entities will operate under an exemption to the segregation requirements of Rule 18a-4. Almost all the line items linked to Rule 18a-4 apply if the Covered Entity is not operating under the exemption. Therefore, a Covered Entity operating under the exemption need not complete these line items (there is a line item to indicate the firm is operating under the exemption, which will need to be completed if applicable).

in the financial reports it files in its home jurisdiction.²⁰

iii. Covered Entities Without a Prudential Regulator Must Complete the Regulatory Capital Section of Part IIC of the FOCUS Report

As discussed in the 2021 Manner and Format Order, Covered Entities without a prudential regulator must complete the Regulatory Capital section from Part IIC of the FOCUS Report, rather than completing the Computation of Net Capital and Computation of Minimum Regulatory Capital Requirements sections from Part II of the FOCUS Report.²¹ Because Part II of the FOCUS Report does not include a section to calculate capital under the Basel capital standard, the version of that form highlighting required fields for Covered Entities includes the capital calculation section from Part IIC of the FOCUS Report.

iv. Report Basel Capital Standard Calculation Pursuant to Home Country Requirements

As discussed in the 2021 Manner and Format Order, a Covered Entity is permitted to complete the capital line items in the filings, if the FOCUS Report Part IIC is used as the filing form, in a manner consistent with its home jurisdiction's capital standards and related reporting requirements. Consequently, even though the capital section of Part IIC of the FOCUS Report requires SBS Entities to complete the Regulatory Capital section using the instructions accompanying form FFIEC 031 ("Call Report"), Covered Entities completing the capital section of Part IIC of the FOCUS Report pursuant to this Order may rely on local requirements to present the information on this section of the FOCUS Report.²²

v. Report GAAP Used in Memo Field to the FOCUS Report

As discussed in the 2021 Manner and Format Order, the manner and format condition in the Commission's substituted compliance orders requires Covered Entities to file periodic unaudited financial and operational information with the Commission or its designee in the manner and format required by Commission rule or order and present the financial information in the filing in accordance with GAAP that the Covered Entity uses to prepare general purpose publicly available or

²⁰ See paragraph (c) of the ordering language below.

²¹ See paragraph (d) of the ordering language below.

²² See paragraph (d) of the ordering language below.

available to be issued financial statements in the home jurisdiction. Under this Order, the Covered Entity must notify the Commission in a memorandum field accompanying the FOCUS Report the GAAP it uses to present the financial information in the filing.²³

vii. Follow FOCUS Report Instructions Unless Inconsistent With This Order

Finally, as discussed in the 2021 Manner and Format Order, the Covered Entity must follow the instructions for completing the FOCUS Report Part II or Part IIC, as applicable, to the extent the instructions are not inconsistent with the provisions of this Order.²⁴ This includes presenting information in U.S. dollars (not in local currencies).²⁵ However, a prudentially regulated Covered Entity filing the FOCUS Report Part IIC need not follow instructions referring to line items on the Call Report to the extent the Covered Entity does not report the required information in a Call Report pursuant to that instruction.²⁶

IV. Conclusion

It is hereby ordered that a Covered Entity must meet the manner and format condition in a Commission order granting conditional substituted compliance with respect to Exchange Act Rule 18a–7 by:

(a)(1) If not prudentially regulated, filing through the SEC eFOCUS system a FOCUS Report Part II 35 calendar days after the end of each month; or

(2) If prudentially regulated, filing through the SEC eFOCUS system the FOCUS Report Part IIC 35 calendar days after the end of each quarter;

(b)(1) If not prudentially regulated, entering the required information on the line items (as applicable) highlighted on the FOCUS Report Part II, as specified on the Commission's website, on the FOCUS Report Part II filed pursuant to paragraph (a)(1) above; or

(2) If prudentially regulated, entering the required information on the line items (as applicable) highlighted on the FOCUS Report Part IIC, as specified on the Commission's website, on the FOCUS Report Part IIC filed pursuant to paragraph (a)(2) above;

(c) Presenting the information in the FOCUS Report Part II or Part IIC (as applicable) filed pursuant to paragraph (a) above at the entity level of the Covered Entity on the same basis (consolidated or unconsolidated) that the Covered Entity presents information in the financial reports it files in its home jurisdiction;

(d) Completing the Regulatory Capital section of the FOCUS Report Part IIC and presenting the information in that section in accordance with the reporting requirements of the Covered Entity's home jurisdiction;

(e) Identifying the generally accepted accounting principles being used to present the information in the FOCUS Report Part II or Part IIC (as applicable) filed pursuant to paragraph (a) above in the memo field for line item 12003, 12004, 12820, or 12821 (as applicable) of the report in the SEC eFOCUS system; and

(f) Reporting the information in the FOCUS Report Part II or Part IIC (as applicable) filed pursuant to paragraph (a) above in accordance with the instructions for those reports; except that the Covered Entity can report the information:

(1) In a manner consistent with a condition of this Order, if the instruction conflicts with the condition; or

(2) In a manner consistent with the requirements of its home jurisdiction, if the instruction on the FOCUS Report Part IIC requires information submitted on the Call Report and the Covered Entity does not report the required information on a Call Report.

By the Commission.

Dated: December 16, 2024.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–30377 Filed 12–19–24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101920; File No. SR–NYSEAMER–2024–77]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the NYSE American Options Fee Schedule

December 16, 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 American LLC (“NYSE American” 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 American Options Fee Schedule (“Fee Schedule”) regarding the charges applicable to Manual transactions by NYSE American Options 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.

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–NYSEAMER–2024–74), for December 2, 2024 effectiveness, and withdrew such filing on December 11, 2024.

²³ See paragraph (e) of the ordering language below. In particular, the Covered Entity needs to report this information in the memorandum field for line item 12003 or 12004 (as applicable) of the FOCUS Report Part II if not prudentially regulated or line item 12820 or 12821 (as applicable) of the FOCUS Report Part IIC if prudentially regulated.

²⁴ See paragraph (f) of the ordering language below.

²⁵ Covered Entities may convert local currencies at a “top-line” level to U.S. dollars at the spot rate applicable on the “as of” date of the reported amount.

²⁶ If the Covered Entity files a Call Report in the U.S. with a prudential regulator pursuant to the instructions for the Call Report, it should follow the instructions in the FOCUS Report Part IIC to report information in that report to the extent the same information is reported by the Covered Entity in the Call Report.

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 Section I.A. of the Fee Schedule regarding the fee for Manual transactions by NYSE American Options Market Makers ("Market Makers"). Currently, Market Makers are charged \$0.35 per contract for Manual transactions. The Exchange proposes to increase the fee for Market Makers' Manual transactions to \$0.50 per contract.⁵ 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 furthers 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 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 6.26% 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 transactions, 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 transactions 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 transactions) 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 transactions 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,

⁵ See Fee Schedule, Section I.A. (Rates for Options transactions).

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).

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 decreased slightly from 6.45% for the month of October 2023 to 6.26% for the month of October 2024.

¹² *See* note 6, *supra*.

¹³ *See, e.g.*, Fee Schedule, Sections I.C. (NYSE American Options Market Maker Sliding Scale—Electronic) and I.D. (Prepayment Program).

¹⁴ *See id.*

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 transactions by Market Makers would not discourage them from continuing to conduct Manual transactions 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 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 6.26% 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-NYSEAMER-2024-77 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-NYSEAMER-2024-77. 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-NYSEAMER-2024-77 and should be submitted on or before January 10, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-30349 Filed 12-19-24; 8:45 am]

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¹⁵ See Reg NMS Adopting Release, *supra* note 9, at 37499.

¹⁶ See note 13, *supra*.

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).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101923; File No. SR-DTC-2024-013]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the Guide to the DTC Fee Schedule To Revise Certain Fees Charged to Participants for Settlement Services

December 16, 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 9, 2024, The Depository Trust Company (“DTC”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act ³ and Rule 19b-4(f)(2) thereunder. ⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency’s Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would modify the Guide to the DTC Fee Schedule ⁵ (“Fee Guide”) to revise certain fees charged to Participants for Settlement Services, ⁶ as described in greater detail below. ⁷

II. Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B,

and C below, of the most significant aspects of such statements.

(A) Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change would modify the Fee Guide to revise certain fees charged to Participants for Settlement Services, as described below.

Overview

DTC operates under a “cost plus a low-margin markup” pricing model. The markup is applied to recover development costs and operating expenses, and to accumulate capital sufficient to meet regulatory and economic requirements. DTC maintains procedures to control costs and to regularly review pricing levels against costs of operation. It reviews pricing levels against its costs of operation during the annual budget process.

The budget is approved annually by the Board. DTC’s fees are approved by the Board or management (pursuant to authority delegated by the Board), as applicable. When estimating expected revenues and costs, DTC typically uses historical, current, and expected usage and market trends to determine revenue outlook and apply current budgeted assumptions on costs. In addition to assessing the overall impact of fee changes at DTC, the Board also considers impacts of fee changes from an individual product/service category (e.g., Settlement Services) perspective, taking cost and capital considerations relating to a given category into account.

After evaluation of DTC’s short-term and long-term financial position in consideration of expected Participant activity, revenues, cost of funding, market volatility, and the financial markets more broadly, including considering impacts for each product/service category perspective, as more fully described below, DTC has determined that it should increase the overall amount it collects from Participants through fees. More specifically, the proposed rule change would increase certain fees relating to Settlement Services, to better align cost and revenue.

Operating expense increases for DTC’s Settlement Services are driven by compensation and contract inflation, IT risk mitigation, resiliency initiatives and infrastructure investments partially offset by efficiencies. Therefore, the proposed rule change would increase certain fees relating to book-entry delivery in the Settlement Services

section ⁸ of the Fee Guide to better align costs and revenue, as described below.

Fee Revisions for Certain Settlement Services

Fee Increase for DTC Deliver Orders

As background, a Participant may submit an instruction (“Deliver Order”) to DTC to make a Delivery ⁹ of Eligible Securities via book-entry to another Participant’s account. ¹⁰ DTC reduces the Deliverer’s ¹¹ position and increases the Receiver’s ¹² position without the need to move physical certificates. Deliveries can be made Delivery Versus Payment ¹³ or as a Free Delivery, ¹⁴ depending on the applicable Participant’s delivery instructions provided in the Deliver Order.

When a Participant submits a Deliver Order during DTC’s day settlement cycle, the delivering Participant is charged a fee (“Day Deliver Order Fee”) of 54 cents, per deliver. When a Participant submits a Deliver Order during DTC’s night settlement cycle, ¹⁵ the charge is 17 cents, per deliver (“Night Deliver Order Fee”). The Night Deliver Order Fee is less than the Day Deliver Order Fee because DTC is encouraging earlier submission of transactions by Participants, which results in more efficient settlement processing by increasing the volume of transactions processed in the night-cycle, which, in turn, lessens the burden on the intraday settlement processing. ¹⁶

If a Participant submits a Deliver Order and elects for the Deliver to be

⁸ See Fee Guide, *supra* note 5.

⁹ See Rule 9(A), Rule 9(B), Rule 9(C) and Rule 9(D), *supra* note 7, and Settlement Service Guide (“Settlement Guide”), available at www.dtcc.com/-/media/Files/Downloads/legal/service-guides/Settlement.pdf. DTC allows a Participant to settle securities transactions by making book-entry Deliveries to another Participant’s account. DTC reduces the seller’s position and increases the buyer’s position without the need to move physical certificates. See Settlement Guide at 5.

¹⁰ See Rule 9(B), *supra* note 7.

¹¹ Pursuant to Rule 1, the term “Deliverer,” as used with respect to a Delivery of a Security, means the Person which Delivers the Security. See Rule 1, *supra* note 7.

¹² Pursuant to Rule 1, the term “Receiver,” as used with respect to a Delivery of a Security, means the Person which receives the Security. See *id.*

¹³ Pursuant to Rule 1, the term “Delivery Versus Payment” means a Delivery against a settlement debit to the Account of the Receiver, as provided in Rule 9(A) and Rule 9(B) and as specified in the Procedures. See Rule 1, *supra* note 7.

¹⁴ Pursuant to Rule 1, the term “Free Delivery” means a Delivery free of any payment by the Receiver through the facilities of the Corporation, as provided in Rule 9(B) and as specified in the Procedures. See *id.*

¹⁵ A Deliver Order input on the day prior to settlement. A reduced rate is charged for Night Deliver Order transactions. See Settlement Guide, *supra* note 9.

¹⁶ See Securities Exchange Act Release No. 84768 (Dec. 10, 2018), 83 FR 64401 (Dec. 14, 2018) (SR-DTC-2018-011).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(2).

⁵ Available at www.dtcc.com/-/media/Files/Downloads/legal/fee-guides/DTC-Fee-Schedule.pdf.

⁶ Pursuant to Rule 2, Section 1, each Participant shall pay to DTC the compensation due it for services rendered to the Participant based on DTC’s fee schedules. See Rule 2, *infra* note 7.

⁷ Each capitalized term not otherwise defined herein has its respective meaning as set forth the Rules, By-Laws and Organization Certificate of DTC (the “Rules”), available at www.dtcc.com/legal/rules-and-procedures.

tracked through DTC's income tracking systems, specifically the stock loan income tracking system¹⁷ or the repurchase agreement ("Repo") tracking system,¹⁸ then the Deliver is charged an additional 18 cents, regardless of time. This fee is designated in the Fee Guide as the "Repos, stock loans and returns" fee ("Tracking Fee").

The Receiver of a Deliver is charged 11 cents ("Receive Fee"), regardless of time, per receive.¹⁹

Pursuant to this proposed rule change, DTC would update the Fee Guide to reflect the following fee increases: (1) Day Deliver Order Fee from 54 cents to 68 cents per delivery, (2) Night Deliver Order Fee from 17 cents to 21 cents per delivery, (3) Tracking Fee from 18 cents to 22 cents per tracking, and (4) Receive Fee from 11 cents to 14 cents per receive.

The proposed fee changes reflect an amount that would facilitate DTC's ability to maintain a cost plus low-margin markup model, as discussed above, with respect to these Settlement Services.

Fee Increase for DTC Deliveries and Receives to and From NSCC's CNS System

In addition to the Deliver Orders described above, DTC also completes Deliveries of Securities transactions cleared by its affiliate, the National Securities Clearing Corporation ("NSCC"), through the NSCC Continuous Net Settlement ("CNS")

system. Such Deliveries are processed at DTC as Free Deliveries.²⁰ Similarly, DTC also processes Free Deliveries relating to NSCC's Automated Customer Account Transfer Service ("ACATS").²¹

Both the delivering and receiving Participants of CNS Deliveries and ACATS Deliveries are charged 17 cents, per delivery ("CNS/ACATS Delivery Fee").²² Pursuant to this proposed rule change, DTC would increase the CNS/ACATS Delivery Fee from 17 cents to 21 cents.

As with the proposed changes to the other Delivery and Receive fees described earlier, the proposed fee change to the CNS/ACATS Delivery Fee is designed to enable DTC to offset its associated costs and expenses for this Settlement Service while maintaining low-margin markup, consistent with its pricing model.

Participant Outreach

DTC has conducted ongoing outreach to each Participant to provide them with notice of the proposed changes and the anticipated impact for the Participant. The impact of the proposed changes was provided to Participants using year-to-date, July 2024 annualized data. As of the date of this filing, no written comments relating to the proposed changes have been received. The Commission will be notified of any written comments received.

Implementation Timeframe

DTC would implement this proposal on January 1, 2025. To that effect, a legend will be added to the Fee Guide stating there are changes that have become effective upon filing with the Commission but have not yet been implemented. The proposed legend also would include a date on which such changes would be implemented and the file number of this proposal, and state that, once this proposal is implemented, the legend would automatically be removed from the Fee Guide.

2. Statutory Basis

DTC believes this proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. Specifically, DTC believes the proposed changes to modify fees charged to Participants for the Settlement Services described above are consistent with Section 17A(b)(3)(D) of the Act²³ and Rule 17ad-22(e)(23)(ii),²⁴

promulgated under the Act, for the reasons described below.

Section 17A(b)(3)(D) of the Act requires, *inter alia*, that the Rules provide for the equitable allocation of reasonable dues, fees, and other charges among participants.²⁵ DTC believes the proposed rule change to revise the above-described fees charged to Participants for Settlement Services would provide for the equitable allocation of reasonable fees. Because all Participants subject to these fees would be charged the same increase, and those increases are directly proportional to the Participants' use of the applicable DTC service, DTC believes the fees continue to be equitably allocated.

DTC also believes that the proposed fees will continue to be reasonable under the described changes. As described above, DTC's fees are cost-based, plus a low-margin markup to recover development costs and operating expenses, and to accumulate capital sufficient to meet regulatory and economic requirements. The proposed fee changes are simply designed to better align to DTC's projected operating costs and expenses relating to these specific Settlement Services. For this reason, DTC believes that the proposed fee changes, as described above, are reasonable and consistent with Section 17A(b)(3)(D) of the Act.²⁶

Rule 17ad-22(e)(23)(ii) under the Act²⁷ requires DTC to establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide sufficient information to enable participants to identify and evaluate the risks, fees, and other material costs they incur by participating in the covered clearing agency. The proposed fees would be clearly and transparently published in the Fee Guide, which is available on a public website,²⁸ thereby enabling Participants to identify the fees and costs associated with participating in DTC. As such, DTC believes the proposed rule change to update the Fee Guide to reflect the proposed fee changes is consistent with Rule 17ad-22(e)(23)(ii) under the Act.²⁹

(B) Clearing Agency's Statement on Burden on Competition

The proposed rule change may impact competition and that impact may be a burden because it would result in increased fees paid by Participants, as described above. However, DTC does

¹⁷ In a stock loan agreement, the lender of a Security is entitled to recover from the borrower any income distributions paid on the loaned Security. The stock loan income tracking system allows DTC to track the lender's (Deliverer's) position on the Securities. The stock loan income tracking system tracks cash dividend and interest payments relating to Deliver Orders submitted using certain reason codes for stock loan transactions, as described in the DTC Corporate Actions Distributions Service Guide ("Distributions Guide"). See Distributions Guide, available at www.dtcc.com/-/media/Files/Downloads/legal/service-guides/Service-Guide-Distributions.pdf, at 37-38, for additional information relating to stock loan transactions and the related reason codes.

¹⁸ A Repo is an agreement between two parties that allows the seller of Securities to later repurchase them at an agreed-upon price. The seller usually retains the right to periodic income distributions. However, since the Securities will not reside in the seller's account on record date, the seller would not be credited the periodic principal and income distributions paid on the Securities. To recover these entitlements, the seller must claim the Repo buyer. DTC's Repo Tracking System automates claims of these entitlements by tracking the Repo transactions (Deliveries) relating to Deliver Orders submitted using certain reason codes designated for Repo transactions and adjusting the entitlement payments accordingly on payable date. See Distributions Guide, *id.* at 39-40, for additional information relating to Repo transactions and related reason codes.

¹⁹ See Fee Guide, *supra* note 5, at 18.

²⁰ See Settlement Guide, *supra* note 9.

²¹ *Id.*

²² See Fee Guide, *supra* note 5.

²³ 15 U.S.C. 78q-1(b)(3)(D).

²⁴ 17 CFR 17ad-22(e)(23)(ii).

²⁵ 15 U.S.C. 78q-1(b)(3)(D).

²⁶ *Id.*

²⁷ 17 CFR 240.17ad-22(e)(23)(ii).

²⁸ See *supra* note 5.

²⁹ 17 CFR 240.17ad-22(e)(23)(ii).

not believe such a burden would be significant because the fees would be charged equally to all Participants that utilize the applicable Settlement Services and would merely reflect the Participants' related activity at DTC. Regardless, DTC believes any burden would be necessary and appropriate in furtherance of the purposes of the Act, as permitted by Section 17A(b)(3)(I) of the Act.³⁰

DTC believes any such burden would be necessary because the proposed fee increases would better align the fees with DTC's associated costs, helping DTC to achieve and maintain its net income margin. Meanwhile, DTC also believes that any such burden would be appropriate because the fees would continue to be equitably and reasonably allocated among all Participants, as described above.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has not received or solicited any written comments relating to this proposal. If any written comments are received, they would be publicly filed as an Exhibit 2 to this filing, as required by Form 19b-4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b-4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, available at [sec.gov/regulatory-actions/how-to-submit-comments](https://www.sec.gov/regulatory-actions/how-to-submit-comments). General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at tradingandmarkets@sec.gov or 202-551-5777.

DTC reserves the right to not respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) ³¹ of the Act and paragraph

(f) ³² of Rule 19b-4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-DTC-2024-013 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR-DTC-2024-013. 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 DTC and on DTCC's website (www.dtcc.com/legal/sec-rule-filings). 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-DTC-2024-013 and should be submitted on or before January 10, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³³

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-30351 Filed 12-19-24; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-2024-2690]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Safety Assurance System (SAS) External Portal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The SAS external portal is a web-based tool developed for applicants and certificate holders (also referred to as external users) to exchange information with Flight Standards (FS) employees, primarily to collaborate and communicate with their FS counterparts regarding initial certification applications, and requesting new programs for acceptance and approval.

DATES: Written comments should be submitted by February 18, 2025.

ADDRESSES: Please send written comments:

By Electronic Docket:
www.regulations.gov (Enter docket number into search field.)

By Mail: Derek Lockhart (c/o Denise Beaudoin), 13873 Park Center Rd., Herndon, VA 20171.

By Fax: 703-481-6043.

FOR FURTHER INFORMATION CONTACT:

Derek Lockhart by email at Derek.Lockhart@faa.gov or by phone at (571) 249-6740.

SUPPLEMENTARY INFORMATION:

³⁰ 15 U.S.C. 78q-1(b)(3)(I).

³¹ 15 U.S.C. 78s(b)(3)(A).

³² 17 CFR 240.19b-4(f).

³³ 17 CFR 200.30-3(a)(12).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120-0774.

Title: Safety Assurance System (SAS) External Portal.

Form Numbers: List of the following web-based forms:

- Submitting a Preapplication Statement of Intent (PASI) Form (FAA Form 8400-6) (14 CFR parts 121, 135 and 141);
- Submitting an Application for Repair Station (FAA Form 8310-3) (14 CFR part 145);
- Submitting an Application for Aviation Maintenance School Certificate and Ratings Application (FAA Form 8310-6) (14 CFR part 147).

Type of Review: Renewal of an information collection.

Background: The SAS external portal is a web-based tool developed for 14 CFR part 121, 135, 141, 142, 145 and 147 applicants and certificate holders (also referred to as external users) to exchange information with Flight Standards employees, primarily the Certification Project Managers (CPMs), Principal Inspectors (PIs) and Training Center Program Managers (TCPMs). SAS external portal creates the ability for our external users to collaborate and communicate with their FS counterparts in the execution of the following functions:

- Submitting a Preapplication Statement of Intent (PASI) Form (FAA Form 8400-6) (14 CFR parts 121, 135 and 141);
- Submitting an Application for Repair Station (FAA Form 8310-3) (14 CFR part 145);
- Submitting an Application for Aviation Maintenance School Certificate and Ratings Application (FAA Form 8310-6) (14 CFR part 147);
- Submitting a Letter of Intent (14 CFR part 142);
- Submitting Element Design (ED) data collection tools (DCTs); and,
- Sharing of other documentation as needed.

Benefits to the certificate holder or applicant to use the external portal include:

- Ease of submission and expedited processing and tracking of documents/requests;

• Documents/requests are sent directly to the FS employees, which eliminates wait time for the entry of information by the PI/CPM; and,

- Access to DCTs.

Respondents: Applicant respondents—922; Certificate Holder respondents—7892.

Frequency: On occasion.

Estimated Average Burden per Response: Applicant respondents—135 hours; Certificate Holder respondents—90 hours.

Estimated Total Annual Burden: Applicants \$7,027,935; Certificate Holders \$40,104,456.

Issued in Herndon, VA, on December 10, 2024.

Derek A. Lockhart,

Automation & Policy Team Leader, System Approach for Safety Oversight (SASO) Program Office, AFS-910.

[FR Doc. 2024-29464 Filed 12-19-24; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA-2024-0018]

Notice of Proposed Buy America Waiver for Battery Electric Minibuses and Request for Comment

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of proposed Buy America waiver and request for comment.

SUMMARY: The Federal Transit Administration (FTA) has received multiple requests for a Buy America waiver for battery electric minibuses based on the non-availability of Buy America-compliant vehicles. FTA is proposing a general non-availability waiver of limited duration for vehicles in this class that meet certain criteria. FTA seeks public and industry comment on whether FTA should grant the waiver or a modified version of the waiver.

DATES: Comments must be received by January 6, 2025. Late-filed comments will be considered only to the extent practicable.

ADDRESSES: Please submit all comments electronically to the Federal eRulemaking Portal. Go to <https://www.regulations.gov> and follow the instructions for submitting comments.

Instructions: All submissions must refer to the Federal Transit Administration and the docket number

of this notice. Note that all submissions received, including any personal information provided, will be posted without change and will be available to the public on <https://www.regulations.gov>. You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000 (65 FR 19477), or at <https://www.transportation.gov/privacy>.

FOR FURTHER INFORMATION CONTACT:

Jason Pollock, FTA Attorney-Advisor, at (202) 923-6403 or Jason.Pollock@dot.gov.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to seek public comment on whether FTA should grant a non-availability waiver for the procurement of battery electric minibuses.

Background

Under FTA's Buy America statute, FTA may obligate funds for a project to procure rolling stock only if the cost of components and subcomponents produced in the United States is more than 70 percent of the cost of all components of the rolling stock, and final assembly of the rolling stock occurs in the United States. 49 U.S.C. 5323(j)(2)(C). A manufacturer of rolling stock must submit to pre-award and post-delivery audits and independent inspections to verify its compliance with Buy America. 49 U.S.C. 5323(m).

FTA may waive Buy America for an item, among other reasons, if a compliant version is not produced in a sufficient and reasonably available amount or is not of a satisfactory quality. 49 U.S.C. 5323(j)(2)(B) ("non-availability waiver"). FTA cannot deny a request for a non-availability waiver unless FTA can provide the waiver applicant with a written certification that asserts the item is produced in the United States in a sufficient and reasonably available amount; the item produced in the United States is of a satisfactory quality; and includes a list of known manufacturers in the United States from which the item can be obtained. 49 U.S.C. 5323(j)(6).

In 2023, FTA received 3 applications on behalf of 16 transit operators for non-availability waivers to purchase the Karsan e-Jest battery electric minibus. The 3 applicants are the Heart of Iowa Regional Transit Authority on behalf of 10 transit agencies in California, Iowa, and Washington; the Greater Attleboro Taunton Regional Transit Authority in Massachusetts on behalf of 5 transit agencies in Massachusetts; and Alabama A&M University. Combined, the 3 applications seek a minimum order of

57 and a potential maximum order of 261 vehicles.

After reviewing available electric propulsion minibuses, FTA has not identified a vehicle that meets all the requesters' specifications and FTA's Buy America rolling stock standard. Because of the apparent growing interest in vehicles of this type, as evidenced by these requests and letters of support from over 150 transit agencies across the country, and to foster competition and encourage on-shoring of vehicle manufacturing to the United States, FTA is proposing a general waiver available to any FTA funding recipient and not constrained to any particular manufacturer's offering. The proposed waiver builds on FTA's previous efforts through the Clean Bus Manufacturing Roundtable to encourage the transition to zero emission vehicles by allowing federal participation in the purchase of vehicles that provide public transportation services in areas where full-sized zero emissions buses are not used due to lower passenger counts. Further, the waiver builds on FTA's efforts to encourage domestic manufacturing on-shoring by having a limited duration and phase-in period to give manufacturers sufficient time to establish domestic sourcing and manufacturing capabilities that meet FTA's Buy America rolling stock standard in the smaller bus (aka minibus) market.

Additionally, FTA consulted the National Institute of Standards and Technology's Manufacturing Extension Partnership to conduct supplier scouting for any battery electric minibus supplier capable of meeting FTA's Buy America requirements and the requesters' specifications. Supplier scouting identified no such suppliers.

Proposed Waiver

FTA proposes issuing a general non-availability waiver of FTA's Buy America rolling stock requirements for any vehicle with all of the following characteristics.

- The vehicle is powered by a battery electric propulsion system.
- The vehicle has, or is capable of having, low-floor entry.
- The vehicle is of unibody or monocoque construction (*i.e.*, not body-on-chassis).
- The vehicle has a gross vehicle weight rating or gross vehicle weight of less than 11,794 kg (26,001 pounds) and is designed to transport fewer than 16 seated passengers including the driver.¹

¹ The number of passengers a vehicle is designed to transport is based on the number of designated seats in the vehicle and does not include areas

- The vehicle is not required to report to the National Highway Traffic Safety Administration under the American Automobile Labelling Act. FTA previously issued a partial Buy America waiver for vehicles subject to AALA reporting (*Notice of Partial Buy America Waiver for Vans and Minivans*, 87 FR 64534 (Oct. 25, 2022)), and does not intend to alter the terms of that current waiver by this proposed action.

To encourage potential market entrants to build the requisite domestic supply chains and establish a final assembly facility in the United States, FTA proposes that the waiver would phase out over time. For a contract for a vehicle meeting all the above requirements awarded more than two years after the effective date of the waiver, this waiver would only apply where vehicle final assembly occurs in the United States. This waiver would expire three years after it is finalized, or upon FTA's publication of a **Federal Register** notice rescinding the waiver after determining that a fully Buy America-compliant vehicle has become available, whichever occurs first.

Impacts of the Waiver

The availability of electric minibuses will contribute to the reduction of greenhouse gas emissions and environmental justice.

Beginning with a 2022 Dear Colleague Letter on Cutaway Rebuild Useful Life, FTA has acknowledged and made efforts to address supply constraints and delivery delays of body-on-chassis vehicles experienced by FTA recipients. One of the requesters for this proposed waiver reported waiting times of 24–36 months to receive delivery of body-on-chassis vehicles. This proposed waiver continues FTA's efforts to relieve delays experienced by transit operators due to limited chassis availability for transit vehicles by responding to recipients' requests for vehicles of unibody or monocoque construction. The requesters' specification for a unibody or monocoque construction and zero-emission propulsion would make a new vehicle type available for FTA recipients to provide zero-emission public transportation services on routes or in operations that are most efficiently served by minibuses due to lower passenger counts.

suitable, or even designed for, standing passengers. See 49 CFR 383.5 and Federal Motor Carrier Safety Administration guidance: <https://www.fmcsa.dot.gov/registration/commercial-drivers-license/one-definition-cmv-vehicle-designed-transport-16-or-more>.

Request for Comment

This notice satisfies FTA's requirement to publish any proposed Buy America waiver in the **Federal Register** and provide the public with a reasonable period of time for notice and comment. 49 U.S.C. 5323(j)(3) and section 70937(b)(1) of Public Law 117–58.

FTA seeks public and industry comment from all interested parties. In particular, FTA seeks comment regarding whether the waiver should be approved, and, if so, whether it should be modified from FTA's proposal and why. Relevant information and comments will help FTA fully establish the facts surrounding the waiver requests and FTA's proposal and inform its ultimate decision on whether to grant the waiver.

Veronica Vanterpool,
Deputy Administrator.

[FR Doc. 2024–30448 Filed 12–19–24; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2024–0162]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: CLAPOTIS (SAIL); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.
ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before January 21, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2024–0162 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD–2024–0162 and follow the instructions for submitting comments.

• *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD–2024–0162, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone: (202) 366–0903. Email: patricia.hagerty@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel CLAPOTIS is:

Intended Commercial Use of Vessel: Requester intends to offer passenger charters and cruises.

Geographic Region Including Base of Operations: California. Base of Operations: Marina Del Rey, California.

Vessel Length and Type: 52' Catamaran.

The complete application is available for review identified in the DOT docket as MARAD 2024–0162 at <https://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments

should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <https://www.regulations.gov>, keyword search MARAD–2024–0162 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any

of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024–30440 Filed 12–19–24; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2024–0159]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ZEKI (MOTOR); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before January 21, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2024–0159 by any one of the following methods:

• *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD–2024–0159 and follow the instructions for submitting comments.

• *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD–2024–0159, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m.,

Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-461, Washington, DC 20590. Telephone: (202) 366-0903. Email: patricia.hagerty@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel ZEKI is: *Intended Commercial Use of Vessel:* Requester intends to offer passenger cruises and transport.

Geographic Region Including Base of Operations: The north and east coasts of Puerto Rico including San Juan and Fajardo, Puerto Rico. Base of Operations: San Juan, Puerto Rico.

Vessel Length and Type: 48.4' Motor. The complete application is available for review identified in the DOT docket as MARAD 2024-0159 at <https://www.regulations.gov>.

Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the

instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <https://www.regulations.gov>, keyword search MARAD-2024-0159 or visit the Docket Management Facility (see ADDRESSES for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.
T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.
[FR Doc. 2024-30438 Filed 12-19-24; 8:45 am]
BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2024-0161]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: SUGAR AND SPICE (MOTOR); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.
ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before January 21, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2024-0161 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2024-0161 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2024-0161, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-461, Washington, DC 20590. Telephone: (202) 366-0903. Email: patricia.hagerty@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel SUGAR AND SPICE is:

Intended Commercial Use of Vessel: Requester intends to offer passenger day charters and cruises.

Geographic Region Including Base of Operations: Gulf coast Florida. Base of Operations: Pensacola Beach, Florida.

Vessel Length and Type: 43' Power Catamaran

The complete application is available for review identified in the DOT docket as MARAD 2024-0161 at <https://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <https://www.regulations.gov>, keyword search MARAD-2024-0161 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024-30439 Filed 12-19-24; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2024-0160]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ENVISION (MOTOR); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.
ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before January 21, 2025.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2024-0160 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2024-0160 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD-2024-0160, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in

nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-461, Washington, DC 20590. Telephone: (202) 366-0903. Email: patricia.hagerty@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel ENVISION is:

Intended Commercial Use of Vessel: Requester intends to offer passenger day charters and cruises.

Geographic Region Including Base of Operations: East coast Florida, Long Island, New York. Base of Operations: Delray Beach, Florida.

Vessel Length and Type: 52.9' Motor Yacht.

The complete application is available for review identified in the DOT docket as MARAD 2024-0160 at <https://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <https://www.regulations.gov>, keyword search MARAD-2024-0160 or visit the Docket

Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024-30441 Filed 12-19-24; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Applications: Bond Guarantee Program

Funding Opportunities: Bond Guarantee Program, FY 2025; Notice of Guarantee Availability.

Funding Opportunity Title: Notice of Guarantee Availability (NOGA) inviting Qualified Issuer Applications and Guarantee Applications for the Community Development Financial Institutions (CDFI) Bond Guarantee Program.

Announcement Type: Announcement of opportunity to submit Qualified Issuer Applications and Guarantee Applications.

Catalog of Federal Domestic Assistance (CFDA) Number: 21.011.

Dates: Qualified Issuer Applications and Guarantee Applications may be submitted to the CDFI Fund starting on the date of publication of this NOGA. In order to be considered for the approval of a Guarantee in fiscal year (FY) 2025, Qualified Issuer Applications must be submitted by 11:59 p.m. Eastern Time (ET) on February 18, 2025 and Guarantee Applications must be submitted by 11:59 p.m. ET on February 24, 2025. If applicable, CDFI Certification Applications must be received by the CDFI Fund by 11:59 p.m. ET on January 17, 2025. Under FY 2025 authority, Bond Documents and Bond Loan documents must be executed, and Guarantees will be provided, in the order in which Guarantee Applications are approved or by such other criteria that the CDFI Fund may establish, in its sole discretion, and in any event by December 31, 2025.

Executive Summary: This NOGA is published in connection with the CDFI Bond Guarantee Program, administered by the Community Development Financial Institutions Fund (CDFI Fund), the U.S. Department of the Treasury (Treasury). Through this NOGA, the CDFI Fund announces the availability of up to \$500 million of Guarantee Authority in FY 2025 subject to Congressional authorization. This NOGA explains application submission and evaluation requirements and processes and provides agency contacts and information on CDFI Bond Guarantee Program outreach. Parties interested in being approved for a Guarantee under the CDFI Bond Guarantee Program must submit Qualified Issuer Applications and Guarantee Applications for

consideration in accordance with this NOGA. Capitalized terms used in this NOGA and not defined elsewhere are defined in the CDFI Bond Guarantee Program regulations (12 CFR 1808.102) and the CDFI Program regulations (12 CFR 1805.104).

I. Guarantee Opportunity Description

A. Authority. The CDFI Bond Guarantee Program was authorized by the Small Business Jobs Act of 2010 (Pub. L. 111–240; 12 U.S.C. 4713a) (the Act). Section 1134 of the Act amended the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701, *et seq.*) to provide authority to the Secretary of the Treasury (Secretary) to establish and administer the CDFI Bond Guarantee Program.

B. Bond Issue size; Amount of Guarantee authority. In FY 2025, the CDFI Fund expects that the Secretary may guarantee Bond Issues having a minimum Guarantee of \$100 million each, and up to an aggregate total of \$500 million, or other amounts authorized by FY 2025 Appropriations.

C. Program summary. The purpose of the CDFI Bond Guarantee Program is to support CDFI lending by providing Guarantees for Bonds issued for Eligible Community or Economic Development Purposes, as authorized by section 1134 and 1703 of the Act. The Secretary, as the Guarantor of the Bonds, will provide a 100% Guarantee for the repayment of the Verifiable Losses of Principal, Interest, and Call Premium of Bonds issued by Qualified Issuers. Qualified Issuers, approved by the CDFI Fund, will issue Bonds that will be purchased by the Federal Financing Bank. The Qualified Issuer will use 100% of Bond Proceeds to provide Bond Loans to Eligible CDFIs, which will use Bond Loan proceeds for Eligible Community and Economic Development Purposes, including providing Secondary Loans to Secondary Borrowers in accordance with the Secondary Loan Requirements. Secondary Loans may support lending in the following asset classes: CDFI-to-CDFI, CDFI to Financing Entity, Charter Schools, Commercial Real Estate, Daycare Centers, Healthcare Facilities, Rental Housing, Rural Infrastructure, Owner-Occupied Home Mortgages, Licensed Senior Living and Long-Term Care Facilities, Small Business, and Not-for-Profit Organizations, as these terms are defined in the Secondary Loan Requirements (Underwriting Review Checklist), which can be found on the CDFI Fund's website at www.cdfifund.gov/bond.

D. Review Guarantee Applications, in general.

1. Qualified Issuer Applications submitted with Guarantee Applications will have priority for review over Qualified Issuer Applications submitted without Guarantee Applications. With the exception of the aforementioned prioritized review, all Qualified Issuer Applications and Guarantee Applications will be reviewed by the CDFI Fund on an ongoing basis, in the order in which they are received, or by such other criteria that the CDFI Fund may establish in its sole discretion.

2. Guarantee Applications that are incomplete or require the CDFI Fund to request additional or clarifying information may delay the ability of the CDFI Fund to move the Guarantee Application to the next phase of review. Submitting an incomplete Guarantee Application earlier than other applicants does not ensure first approval.

3. Qualified Issuer Applications and Guarantee Applications that were received in FY 2024 and that were neither withdrawn nor declined in FY 2024 will be considered under FY 2025 authority.

4. Pursuant to the Regulations at 12 CFR 1808.504(c), the Guarantor may limit the number of Guarantees issued per year or the number of Guarantee Applications accepted to ensure that a sufficient examination of Guarantee Applications is conducted.

E. Additional reference documents. In addition to this NOGA, the CDFI Fund encourages interested parties to review the following documents, which have been posted on the CDFI Bond Guarantee Program page of the CDFI Fund's website at <http://www.cdfifund.gov/bond>.

1. Guarantee Program Regulations. The regulations that govern the CDFI Bond Guarantee Program were published on February 5, 2013 (78 FR 8296; 12 CFR part 1808) (the Regulations), and provide the regulatory requirements and parameters for CDFI Bond Guarantee Program implementation and administration including general provisions, eligibility, eligible activities, applications for Guarantee and Qualified Issuer, evaluation and selection, terms and conditions of the Guarantee, Bonds, Bond Loans, and Secondary Loans.

2. Application materials. Details regarding Qualified Issuer Application and Guarantee Application content requirements are found in this NOGA and the respective application materials. Interested parties should review the template Bond Documents and Bond Loan documents that will be used in connection with each Guarantee. The template documents are posted on the

CDFI Fund's website for review. Such documents include, among others:

a. The Secondary Loan Requirements, which contain the minimum required criteria (in addition to the Eligible CDFI's underwriting criteria) for a loan to be accepted as a Secondary Loan or Other Pledged Loan. The Secondary Loan Requirements include the General Requirements and the Underwriting Review Checklist;

b. The Agreement to Guarantee, which describes the roles and responsibilities of the Qualified Issuer, will be signed by the Qualified Issuer and the Guarantor, and will include term sheets as exhibits that will be signed by each individual Eligible CDFI;

c. The Term Sheet(s), which describe the material terms and conditions of the Bond Loan from the Qualified Issuer to the Eligible CDFI. The CDFI Fund website includes template term sheets for the General Recourse Structure (GRS), the Alternative Financial Structure (AFS), and for the CDFI to Financing Entity Asset Class utilizing pooled tertiary loans;

d. The Bond Trust Indenture, which describes the responsibilities of the Master Servicer/Trustee in overseeing the Trust Estate and the servicing of the Bonds, which will be entered into by the Qualified Issuer and the Master Servicer/Trustee;

e. The Bond Loan Agreement, which describes the terms and conditions of Bond Loans, and will be entered into by the Qualified Issuer and each Eligible CDFI that receives a Bond Loan;

f. The Bond Purchase Agreement, which describes the terms and conditions under which the Bond Purchaser will purchase the Bonds issued by the Qualified Issuer, and will be signed by the Bond Purchaser, the Qualified Issuer, the Guarantor and the CDFI Fund; and

g. The Future Advance Promissory Bond, which will be signed by the Qualified Issuer as its promise to repay the Bond Purchaser. The template documents may be updated periodically, as needed, and will be tailored, as appropriate, to the terms and conditions of a particular Bond, Bond Loan, and Guarantee. Additionally, the CDFI Fund may impose terms and conditions that address risks unique to the Eligible CDFI's business model and target market, which may include items such as concentration risk of a specific Eligible CDFI, geography or Secondary Borrower. The Bond Documents and the Bond Loan documents reflect the terms and conditions of the CDFI Bond Guarantee Program and will not be substantially revised or negotiated prior to execution.

F. Frequently Asked Questions. The CDFI Fund may periodically post on its website responses to questions that are asked by parties interested in applying to the CDFI Bond Guarantee Program.

G. Designated Bonding Authority. The CDFI Fund has determined that, for purposes of this NOGA, it will not solicit applications from entities seeking to serve as a Qualified Issuer in the role of the Designated Bonding Authority, pursuant to 12 CFR 1808.201, in FY 2025.

H. Noncompetitive process. The CDFI Bond Guarantee Program is a non-competitive program through which Qualified Issuer Applications and Guarantee Applications will undergo a merit-based evaluation (meaning, applications will not be scored against each other in a competitive manner in which higher ranked applicants are favored over lower ranked applicants). In the event the CDFI Bond Guarantee Program receives applications requesting more than the amount of Guarantee authority, it reserves the right to reduce the award amount to applicants as necessary in order to maximize the utilization of the Guarantee authority.

I. Relationship to other CDFI Fund programs.

1. Award funds received under any other CDFI Fund Program cannot be used by any participant, including Qualified Issuers, Eligible CDFIs, and Secondary Borrowers, to pay principal, interest, fees, administrative costs, or issuance costs (including Bond Issuance Fees) related to the CDFI Bond Guarantee Program, or to fund the Risk-Share Pool for a Bond Issue.

2. Bond Proceeds may not be used to refinance any projects financed and/or supported with proceeds from the Capital Magnet Fund (CMF). This restriction remains in place so long as the property or project is financed or supported by a CMF award, until the end of the defined CMF Affordability Period, or when the loan funded by the CMF award has been replaced by a newer loan for a different phase of the project (for instance a permanent loan to replace a construction loan).

3. Bond Proceeds may not be used to refinance a leveraged loan during the seven-year NMTC compliance period. However, Bond Proceeds may be used to refinance a QLICI after the seven-year NMTC compliance period has ended, so long as all other programmatic requirements are met.

4. The terms Qualified Equity Investment, Community Development Entity, and QLICI are defined in the NMTC Program's authorizing statute, 26 U.S.C. 45D.

J. Relationship and interplay with other Federal programs and Federal funding. Eligible CDFIs may not use Bond Loans to refinance existing Federal debt or to service debt from other Federal credit programs.

1. The CDFI Bond Guarantee Program underwriting process will include a comprehensive review of the Eligible CDFI's concentration of sources of funds available for debt service, including the concentration of sources from other Federal programs and level of reliance on said sources, to determine the Eligible CDFI's ability to service the additional debt. The review of the CDFI's debt concentration could lead to covenants limiting the amount of the applicant's bond loan debt concentration in their portfolio.

2. In the event that the Eligible CDFI proposes to use other Federal funds to service Bond Loan debt or as a Credit Enhancement for Secondary Loans, the CDFI Fund may require, in its sole discretion, that the Eligible CDFI provide written assurance from such other Federal program in a form that is acceptable to the CDFI Fund and that the CDFI Fund may rely upon, that said use is permissible.

K. Contemporaneous application submission. Qualified Issuer Applications may be submitted contemporaneously with Guarantee Applications; however, the CDFI Fund will review an entity's Qualified Issuer Application and make its Qualified Issuer determination prior to approving a Guarantee Application. As noted above in D(1), review priority will be given to any Qualified Issuer Application that is accompanied by a Guarantee Application.

L. Other restrictions on use of funds. Bond Proceeds may not be used to finance or refinance any trade or business consisting of the operation of any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack or other facility used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off-premises. Bond Proceeds may not be used to finance or refinance tax-exempt obligations or to finance or refinance projects that are also financed by tax-exempt obligations if: (a) such financing or refinancing results in the direct or indirect subordination of the Bond Loan or Bond Issue to the tax-exempt obligations, or (b) such financing or refinancing results in a corresponding guarantee of the tax-exempt obligation. Qualified Issuers and Eligible CDFIs must ensure that any financing made in conjunction with tax-

exempt obligations complies with CDFI Bond Guarantee Program Regulations.

II. General Application Information

The following requirements apply to all Qualified Issuer Applications and Guarantee Applications submitted under this NOGA, as well as any Qualified Issuer Applications and Guarantee Applications submitted under the FY 2024 NOGA that were neither withdrawn nor declined in FY 2024.

A. CDFI Certification Requirements.

1. In general. By statute and regulation, the Qualified Issuer applicant must be either a Certified CDFI (an entity that the CDFI Fund has officially notified that it meets all CDFI Certification requirements as set forth in 12 CFR 1805.201) or an entity designated by a Certified CDFI to issue Bonds on its behalf. An Eligible CDFI must be a Certified CDFI as of the Bond Issue Date and must maintain its CDFI Certification throughout the term of the corresponding Bond.

2. CDFI Certification requirements. Pursuant to the regulations that govern CDFI Certification (12 CFR 1805.201), an entity may be certified if it is a legal entity (meaning, that it has properly filed articles of incorporation or other organizing documents with the State or other appropriate body in the jurisdiction in which it was legally established, as of the date the CDFI Certification Application is submitted) and meets the following requirements:

a. Primary Mission requirement (12 CFR 1805.201(b)(1)). To be a Certified CDFI, an entity must have a primary mission of promoting community development. In general, the entity will be found to meet the primary mission requirement if its incorporating documents or board-approved narrative statement (*i.e.*, mission statement or resolution) clearly indicate that it has a mission of purposefully addressing the social and/or economic needs of Low-Income individuals, individuals who lack adequate access to capital and/or financial services, distressed communities, and other underserved markets. An Affiliate of a Controlling CDFI (related to AFS only), seeking to be certified as a CDFI (and therefore, approved to be an Eligible CDFI to participate in the

CDFI Bond Guarantee Program), must demonstrate that it meets the primary mission requirement on its own merit, pursuant to the regulations and the CDFI Certification Application and related guidance materials posted on the CDFI Fund's website.

b. Financing Entity requirement (12 CFR 1805.201(b)(2)). To be a Certified

CDFI, an entity must demonstrate that its predominant business activity is the provision, in arms-length transactions, of Financial Products and/or Financial Services. On April 10, 2015, the CDFI Fund published a revision of 12 CFR 1805.201(b)(2), the section of the CDFI Certification regulation that governs the “financing entity” requirement. The regulatory change creates a means for the CDFI Fund, in its discretion, to deem an Affiliate (meaning, in this case, an entity that is Controlled by a Certified CDFI; see 12 CFR 1805.104) to have met the financing entity requirement based on the financing activity or track record of the Controlling CDFI (Control is defined in 12 CFR 1805.104), solely for the purpose of participating in the CDFI Bond Guarantee Program as an Eligible CDFI. This change is key to the creation of an AFS for the Bond Guarantee Program (see Section II(B)(2) of this NOGA for more information on the AFS). In order for the Affiliate to rely on the Controlling CDFI’s financing track record, (A) the Controlling CDFI must be a Certified CDFI; (B) there must be an operating agreement that includes management and ownership provisions in effect between the two entities (prior to the submission of a CDFI Certification Application and in form and substance that is acceptable to the CDFI Fund). If applicable, CDFI Certification Applications must be received by the CDFI Fund by 11:59 p.m. ET on January 17, 2025. An applicant for an Affiliate certification must have submitted a CDFI Certification Application for an Affiliate by January 17, 2025 in order for it to be considered for CDFI Certification and participation in the FY 2025 application round of the CDFI Bond Guarantee Program. This regulatory provision affects only the Affiliate’s ability to meet the financing entity requirement for purposes of CDFI Certification; said Affiliate must meet the other certification criteria in accordance with the existing regulations governing CDFI Certification.

i. The regulation also states that, solely for the purpose of participating in the CDFI Bond Guarantee Program, the Affiliate’s provision of Financial Products and Financial Services, Development Services, and/or other similar financing transactions does not need to be arms-length in nature if such transaction is by and between the Affiliate and Controlling CDFI, pursuant to an operating agreement that (a) includes management and ownership provisions, (b) is effective prior to the submission of a CDFI Certification Application, and (c) is in form and

substance that is acceptable to the CDFI Fund.

ii. An Affiliate whose CDFI Certification is based on the financing activity or track record of a Controlling CDFI is not eligible to receive financial or technical assistance awards or tax credit allocations under any other CDFI Fund program until such time that the Affiliate meets the financing entity requirement based on its own activity or track record.

iii. If an Affiliate elects to satisfy the financing entity requirement based on the financing activity or track record of a Controlling CDFI, and if the CDFI Fund approves such Affiliate as an Eligible CDFI for the sole purpose of participation in the CDFI Bond Guarantee Program, said Affiliate’s CDFI Certification will terminate if:

(A) it does not enter into Bond Loan documents with its Qualified Issuer within one (1) year of the date that it signs the term sheet (which is an exhibit to the Agreement to Guarantee); (B) it ceases to be an Affiliate of the Controlling CDFI; or (C) it ceases to adhere to CDFI Certification requirements.

iv. An Affiliate electing to satisfy the financing entity requirement based on the financing activity or track record of a Controlling CDFI does not need to have completed any financing activities prior to the date the CDFI Certification Application is submitted or approved. However, the Affiliate and the Controlling CDFI must have entered into the operating agreement described in (b)(i)(B) above, prior to such date, in form and substance that is acceptable to the CDFI Fund.

c. *Target Market requirement (12 CFR 1805.201(b)(3))*: To be a Certified CDFI, an entity must serve at least one eligible Target Market (either an Investment Area or a Targeted Population) by directing at least 60.00% of all of its Financial Product activities (in both number and dollar volume of transactions) to one or more eligible Target Markets.

i. Solely for the purpose of participation as an Eligible CDFI in the FY 2025 application round of the CDFI Bond Guarantee Program, an Affiliate of a Controlling CDFI (related to AFS only) may be deemed to meet the Target Market requirement by virtue of serving either:

(A) an Investment Area through “borrowers or investees” that serve the Investment Area or provide significant benefits to its residents (pursuant to 12 CFR 1805.201(b)(3)(ii)(F)). For purposes of this NOGA, the term “borrower” or “investee” includes a borrower of a loan originated by the Controlling CDFI that

has been transferred to the Affiliate as lender (which loan must meet Secondary Loan Requirements), pursuant to an operating agreement with the Affiliate that includes ownership/investment and management provisions, which agreement must be in effect prior to the submission of a CDFI Certification Application and in form and substance that is acceptable to the CDFI Fund. Loans originated by the Controlling CDFI do not need to be transferred prior to application submission; however, such loans must be transferred before certification of the Affiliate is effective. If an Affiliate has more than one Controlling CDFI, it may meet this Investment Area requirement through one or more of such Controlling CDFIs’ Investment Areas; or

(B) a Targeted Population, which shall mean the individuals, who are Low Income persons or lack adequate access to Financial Products or Financial Services in the entity’s Target Market meeting the requirements of 12 CFR 1805.201(b)(3)(iii) of the CDFI Program Regulations as designated in the Recipient’s most recently approved CDFI certification documentation. Pursuant to 12 CFR

1805.201(b)(3)(iii)(B) if a loan originated by the Controlling CDFI has been transferred to the Affiliate as lender (which loan must meet Secondary Loan Requirements) and the Controlling CDFI’s financing entity activities serve the Affiliate’s Targeted Population pursuant to an operating agreement that includes ownership/investment and management provisions by and between the Affiliate and the Controlling CDFI, which agreement must be in effect prior to the submission of a CDFI Certification Application and in form and substance that is acceptable to the CDFI Fund. Loans originated by the Controlling CDFI do not need to be transferred prior to application submission; however, such loans must be transferred before certification of the Affiliate is effective. If an Affiliate has more than one Controlling CDFI, it may meet this Targeted Population requirement through one or more of such Controlling CDFIs’ Targeted Populations.

An Affiliate that meets the Target Market requirement through paragraphs (ii) (A) or (B) above, is not eligible to receive financial or technical assistance awards or tax credit allocations under any other CDFI Fund program until such time that the Affiliate meets the Target Market requirements based on its own activity or track record.

ii. If an Affiliate elects to satisfy the target market requirement based on paragraphs (c)(ii)(A) or (B) above, the Affiliate and the Controlling CDFI must

have entered into the operating agreement as described above, prior to the date that the CDFI Certification Application is submitted, in form and substance that is acceptable to the CDFI Fund.

d. Development Services requirement (12 CFR 1805.201(b)(4)): To be a Certified CDFI, an entity must provide Development Services in conjunction with its Financial Products and/or Financial Services. Solely for the purpose of participation as an Eligible CDFI in the FY 2025 application round of the CDFI Bond Guarantee Program, an Affiliate of a Controlling CDFI (related to AFS only) may be deemed to meet this requirement if: (i) its Development Services are provided by the Controlling CDFI pursuant to an operating agreement that includes management and ownership provisions with the Controlling CDFI that is effective prior to the submission of a CDFI Certification Application and in form and substance that is acceptable to the CDFI Fund and (ii) the Controlling CDFI must have provided Development Services in conjunction with the transactions that the Affiliate is likely to purchase, prior to the date of submission of the CDFI Certification Application.

e. Accountability requirement (12 CFR 1805.201(b)(5)): To be a Certified CDFI, an entity must maintain accountability to residents of its Investment Area or Targeted Population through representation on its governing board and/or advisory board(s). Solely for the purpose of participation as an Eligible CDFI in the FY 2025 application round of the CDFI Bond Guarantee Program, an Affiliate of a Controlling CDFI (related to AFS only) may be deemed to meet this requirement only if it has a governing board and/or advisory board that has the same composition as the Controlling CDFI and such governing board or advisory board has convened and/or conducted Affiliate business prior to the date of submission of the CDFI Certification Application. If an Affiliate has multiple Controlling CDFIs, the governing board and/or advisory board may have a mixture of representatives from each Controlling CDFI so long as there is at least one representative from each Controlling CDFI.

f. Non-government Entity requirement (12 CFR 1805.201(b)(6)): To be a Certified CDFI, an entity can neither be a government entity nor be Controlled by one or more governmental entities.

g. For the FY 2025 application round of the CDFI Bond Guarantee Program, only one Affiliate per Controlling CDFI may participate as an Eligible CDFI. However, there may be more than one

Affiliate participating as an Eligible CDFI in any given Bond Issue.

3. Operating agreement: An operating agreement between an Affiliate and its Controlling CDFI, as described above, must provide, in addition to the elements set forth above, among other items: (i) conclusory evidence that the Controlling CDFI Controls the Affiliate, through investment and/or ownership; (ii) explanation of all roles, responsibilities and activities to be performed by the Controlling CDFI including, but not limited to, governance, financial management, loan underwriting and origination, record-keeping, insurance, treasury services, human resources and staffing, legal counsel, dispositions, marketing, general administration, and financial reporting; (iii) compensation arrangements; (iv) the term and termination provisions; (v) indemnification provisions, if applicable; (vi) management and ownership provisions; and (vii) default and recourse provisions.

4. For more detailed information on CDFI Certification requirements, please review the CDFI Certification regulation (12 CFR 1805.201) and CDFI Certification Application materials/guidance posted on the CDFI Fund's website. Interested parties should note that there are specific regulations and requirements that apply to Depository Institution Holding Companies, Insured Depository Institutions, Insured Credit Unions, and State-Insured Credit Unions. The above Certification requirements may be revised or further explained by guidance published by the CDFI Fund. The applicant should refer to such materials to ensure it meets Certification requirements that are in effect when it applies.

5. For the 2025 application round, uncertified entities, including an Affiliate of a Controlling CDFI (related to AFS only), that wish to apply to be certified and designated as an Eligible CDFI in the FY 2025 application round of the CDFI Bond Guarantee Program must have submitted a CDFI Certification Application to the CDFI Fund by 11:59 p.m. ET on [DATE]. Any CDFI Certification Application received after such date and time, as well as incomplete applications, will not be considered for the FY 2025 application round of the CDFI Bond Guarantee Program.

6. In no event will the Secretary approve a Guarantee for a Bond from which a Bond Loan will be made to an entity that is not an Eligible CDFI. The Secretary must make FY 2025 Guarantee Application decisions prior to the end of FY 2025 (September 30, 2025), and

the CDFI Fund must close the corresponding Bonds and Bond Loans, prior to the end of Calendar Year 2025 (December 31, 2025). Accordingly, it is essential that CDFI Certification Applications are submitted timely and in complete form, with all materials and information needed for the CDFI Fund to make a Certification decision. Information on CDFI Certification, the CDFI Certification Application, and application submission instructions may be found on the CDFI Fund's website at www.cdfifund.gov.

B. Recourse and Collateral Requirements.

1. General Recourse Structure (GRS). Under the GRS, the Bond is a nonrecourse obligation to the Qualified Issuer, and the Bond Loan is a full general recourse obligation to the Eligible CDFI.

2. Alternative Financial Structure (AFS). An AFS can be used as a limited recourse option to a Controlling CDFI or group of Controlling CDFIs. The AFS is an Affiliate of a Controlling CDFI(s) that is created for the sole purpose of participation as an Eligible CDFI in the CDFI Bond Guarantee Program. The AFS must be an Affiliate of a Controlling CDFI(s) and must be certified as a CDFI in accordance with the requirements set forth in Section II(A) of this NOGA. The AFS, as the Eligible CDFI, provides a general full recourse obligation to repay the Bond Loan, and the Bond Loan is on the balance sheet of the AFS. The requirements for the AFS are delineated in the template term sheet located on the CDFI Fund website at <https://www.cdfifund.gov/programs-training/Programs/cdfi-bond/Pages/apply-step.aspx#step2>.

C. Application Submission.

1. Electronic submission. All Qualified Issuer Applications and Guarantee Applications must be submitted through the CDFI Fund's Awards Management Information System (AMIS). Applications sent by mail, fax, or other form will not be permitted, except in circumstances that the CDFI Fund, in its sole discretion, deems acceptable. Please note that Applications will not be accepted through *Grants.gov*. For more information on AMIS, please visit the AMIS Landing Page at <https://amis.cdfifund.gov>.

2. Applicant identifier numbers. Please note that, pursuant to Office of Management and Budget (OMB) guidance (68 FR 38402), each Qualified Issuer applicant and Guarantee applicant must provide, as part of its Application, its Unique Entity Identifier (UEI), if applicable, as well as UEI

numbers for its proposed Program Administrator, its proposed Servicer, and each Certified CDFI that is included in the Qualified Issuer Application and Guarantee Application. The UEI, generated in the System for Award Management (*SAM.gov*), has become the official identifier for doing business with the federal government. If an entity is registered in *SAM.gov* today, its UEI has already been assigned and is viewable in *SAM.gov*, including inactive registrations. New registrants will be assigned a UEI as part of their *SAM* registration. In addition, each Application must include a valid and current Employer Identification Number (EIN), with a letter or other documentation from the IRS confirming the Qualified Issuer applicant's EIN, as well as EINs for its proposed Program Administrator, its proposed Servicer, and each Certified CDFI that is included in any Application. An Application that does not include such UEI numbers, EINs, and documentation is incomplete and will be rejected by the CDFI Fund. Applicants should allow sufficient time for the IRS and/or *SAM.gov* to respond to inquiries and/or requests for the required identification numbers.

3. System for Award Management (SAM). Registration with SAM is required for each Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, and each Certified CDFI that is included in any Application. The CDFI Fund will not consider any Applications that do not meet the requirement that each entity must be properly registered before the date of Application submission. When accessing *SAM.gov*, users will be asked to create a *Login.gov* user account (if they don't already have one). Going forward, users will use their *Login.gov* username and password every time when logging into *SAM.gov*. The *SAM* registration process may take one month or longer to complete. This requirement is applicable to new entities registering in *SAM* or an existing registration where there is no existing entity administrator. Existing entities with registered entity administrators do not need to submit an annual notarized letter. Applicants without EIN numbers should allow for additional time as an applicant cannot register in *SAM* without an EIN. Applicants that have previously completed the *SAM* registration process must verify that their *SAM* accounts are current and active.

Each applicant must continue to maintain an active *SAM* registration with current information at all times during which it has an active Federal award or an Application under consideration by a Federal awarding

agency. The CDFI Fund will not consider any applicant that fails to properly register or activate its *SAM* account and these restrictions also apply to organizations that have not yet received a UEI or EIN number. Applicants must contact *SAM* directly with questions related to registration or *SAM* account changes as the CDFI Fund does not maintain this system and has no ability to make changes or correct errors of any kind. For more information about *SAM*, visit <https://www.sam.gov>.

4. AMIS accounts. Each Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, and each Certified CDFI that is included in the Qualified Issuer Application or Guarantee Application must register User and Organization accounts in AMIS. Each such entity must be registered as an Organization and register at least one User Account in AMIS. As AMIS is the CDFI Fund's primary means of communication with applicants with regard to its programs, each such entity must make sure that it updates the contact information in its AMIS account before any Application is submitted. For more information on AMIS, please visit the AMIS Landing Page at <https://amis.cdfifund.gov>.

D. Form of Application.

1. As of the date of this NOGA, the Qualified Issuer Application, the Guarantee Application, and related application instructions for this round may be found on the CDFI Bond Guarantee Program's page on the CDFI Fund's website at <https://www.cdfifund.gov/programs-training/programs/cdfi-bond>.

2. Paperwork Reduction Act. Under the Paperwork Reduction Act (44 U.S.C. chapter 35), an agency may not conduct or sponsor a collection of information, and an individual is not required to respond to a collection of information, unless it displays a valid OMB control number. Pursuant to the Paperwork Reduction Act, the Qualified Issuer Application, the Guarantee Application, and the Secondary Loan Requirements have been assigned the following control number: 1559-0044.

3. Application deadlines. In order to be considered for the issuance of a Guarantee under FY 2025 program authority, Qualified Issuer Applications must be submitted by 11:59 p.m. ET on February 18, 2025, and Guarantee Applications must be submitted by 11:59 p.m. ET on February 24, 2025. Qualified Issuer Applications and Guarantee Applications received in FY 2024 that were neither withdrawn nor declined will be considered under FY 2025 authority. If applicable, CDFI Certification Applications must be

received by the CDFI Fund by 11:59 p.m. ET on January 17, 2025.

4. Format. Detailed Qualified Issuer Application and Guarantee Application content requirements are found in the Applications and application guidance. The CDFI Fund will read only information requested in the Application and reserves the right not to read attachments or supplemental materials that have not been specifically requested in this NOGA, the Qualified Issuer, or the Guarantee Application. Supplemental materials or attachments such as letters of public support or other statements that are meant to bias or influence the Application review process will not be read.

5. Application revisions. After submitting a Qualified Issuer Application or a Guarantee Application, the applicant will not be permitted to revise or modify the Application in any way unless authorized or requested by the CDFI Fund.

6. Material changes.

a. In the event that there are material changes after the submission of a Qualified Issuer Application prior to the designation as a Qualified Issuer, the applicant must notify the CDFI Fund of such material changes information in a timely and complete manner. The CDFI Fund will evaluate such material changes, along with the Qualified Issuer Application, to approve or deny the designation of the Qualified Issuer.

b. In the event that there are material changes after the submission of a Guarantee Application (including, but not limited to, a revision of the Capital Distribution Plan or a change in the Eligible CDFIs that are included in the Application) prior to or after the designation as a Qualified Issuer or approval of a Guarantee Application or Guarantee, the applicant must notify the CDFI Fund of such material changes information in a timely and complete manner. The Guarantor will evaluate such material changes, along with the Guarantee Application, to approve or deny the Guarantee Application and/or determine whether to modify the terms and conditions of the Agreement to Guarantee. This evaluation may result in a delay of the approval or denial of a Guarantee Application.

E. Eligibility and completeness review. The CDFI Fund will review each Qualified Issuer and Guarantee Application to determine whether it is complete and the applicant meets eligibility requirements described in the Regulations, this NOGA, and the Applications. If the CDFI Fund determines that additional information is needed to assess the Qualified Issuer's and/or the Certified CDFIs' ability to

participate in and comply with the requirements of the CDFI Bond Guarantee Program, the CDFI Fund may require that the Qualified Issuer furnish additional, clarifying, confirming or supplemental information. Until such information is provided to the CDFI Fund, the Qualified Issuer Application and/or Guarantee Application will not be moved forward for the substantive review process. If the CDFI Fund requests such additional, clarifying, confirming or supplemental information, the Qualified Issuer must provide it within the timeframes requested by the CDFI Fund or the respective Application will be deemed incomplete. An incomplete Qualified Issuer Application or Guarantee Application, or one that does not meet eligibility requirements, will be rejected.

F. Regulated entities. In the case of Qualified Issuer applicants, proposed Program Administrators, proposed Servicers, and Certified CDFIs that are included in the Qualified Issuer Application or Guarantee Application that are Insured Depository Institutions and Insured Credit Unions, the CDFI Fund will consider information provided by, and views of, the Appropriate Federal and State Banking Agencies. If any such entity is a CDFI bank holding company, the CDFI Fund will consider information provided by the Appropriate Federal Banking Agencies of the CDFI bank holding company and its CDFI bank(s). Throughout the Application review process, the CDFI Fund will consider financial safety and soundness information from the Appropriate Federal Banking Agency. Each regulated applicant must have a composite CAMELS/CAMEL rating of at least “3” and/or no material concerns from its regulator. The CDFI Fund also reserves the right to require a regulated applicant to improve safety and soundness conditions prior to being approved as a Qualified Issuer or Eligible CDFI. Each regulated Applicant must have a CRA (Community Reinvestment Act) assessment rating of at least “Satisfactory” on its most recent examination.

G. Prior CDFI Fund recipients. All applicants must be aware that success under any of the CDFI Fund’s other programs is not indicative of success under this NOGA. Prior CDFI Fund recipients should note the following:

1. Pending resolution of default or noncompliance. If a Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, or any of the Certified CDFIs included in the Qualified Issuer Application or

Guarantee Application is a prior recipient or allocatee under any CDFI Fund program and (i) it has submitted reports to the CDFI Fund that demonstrate default or noncompliance with a previously executed agreement with the CDFI Fund, and (ii) the CDFI Fund has yet to make a final determination as to whether the entity is in default or noncompliant with its previously executed agreement, the CDFI Fund will consider the Qualified Issuer Application or Guarantee Application pending full resolution, in the sole determination of the CDFI Fund, of the default or noncompliance.

2. Previous findings of default or noncompliance. If a Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, or any of the Certified CDFIs included in the Qualified Issuer Application or Guarantee Application is a prior recipient or allocatee under any CDFI Fund program and the CDFI Fund has made a final determination that the entity is in default or noncompliant with a previously executed agreement with the CDFI Fund, but has not notified the entity that it is ineligible to apply for future CDFI Fund program awards or allocations, the CDFI Fund will consider the Qualified Issuer Application or Guarantee Application. However, it is strongly advised that the entity take action to address such default or noncompliance finding, as repeat findings of default or noncompliance may result in the CDFI Fund determining the entity ineligible to participate in future CDFI Fund program rounds, which could result in any pending applications being deemed ineligible for further review. The CDFI Bond Guarantee Program staff cannot resolve compliance matters; instead, please contact the CDFI Fund’s Office of Compliance Monitoring and Evaluation Unit (OCME) by AMIS Service Request if your organization has questions about its current compliance status or has been found not in compliance with a previously executed agreement with the CDFI Fund.

3. Ineligibility due to default or noncompliance. The CDFI Fund will not consider a Qualified Issuer Application or Guarantee Application if the applicant, its proposed Program Administrator, its proposed Servicer, or any of the Certified CDFIs included in the Qualified Issuer Application or Guarantee Application, is a prior recipient or allocatee under any CDFI Fund program and if, as of the date of Qualified Issuer Application or Guarantee Application submission, (i) the CDFI Fund has made a determination that such entity is in

default or noncompliant with a previously executed agreement and (ii) the CDFI Fund has provided written notification that such entity is ineligible to apply for any future CDFI Fund program awards or allocations. Such entities will be ineligible to submit a Qualified Issuer or Guarantee Application, or be included in such submission, as the case may be, for such time period as specified by the CDFI Fund in writing. Additionally, regardless of whether a sanction or remedy is imposed, the CDFI Fund will not consider an Qualified Issuer Application or Guarantee Application if the applicant, its proposed Program Administrator, its proposed Servicer, or any of the Certified CDFIs included in the Qualified Issuer Application or Guarantee Application defaulted on a prior Allocation Agreement during the time period beginning 12 months prior to the Application deadline and ending with the FY 2025 Bond Guarantee announcement.

H. Review of Bond and Bond Loan documents. Each Qualified Issuer and proposed Eligible CDFI will be required to certify that its appropriate senior management, and its respective legal counsel, has read the Regulations (set forth at 12 CFR part 1808, as well as the CDFI certification regulations set forth at 12 CFR 1805.201, as amended, and the environmental quality regulations set forth at 12 CFR part 1815) and the template Bond Documents and Bond Loan documents posted on the CDFI Fund’s website including, but not limited to, the following: Bond Trust Indenture, Supplemental Indenture, Bond Loan Agreement, Promissory Note, Bond Purchase Agreement, Designation Notice, Secretary’s Guarantee, Collateral Assignment, Reimbursement Note, Opinion of Bond Counsel, Opinion of Counsel to the Borrower, Escrow Agreement, and Closing Checklist.

I. Contact the CDFI Fund. A Qualified Issuer applicant, its proposed Program Administrator, its proposed Servicer, or any Certified CDFIs included in the Qualified Issuer Application or Guarantee Application that are prior CDFI Fund recipients and/or allocatees are advised to: (i) comply with requirements specified in CDFI Fund assistance, allocation, and/or award agreement(s), and (ii) contact the CDFI Fund to ensure that all necessary actions are underway for the disbursement or deobligation of any outstanding balance of said prior award(s). Any such parties that are unsure about the disbursement status of any prior award should submit a Service

Request through that organization's AMIS Account.

All outstanding reporting and compliance questions should be directed to the Office of Compliance Monitoring and Evaluation help desk by AMIS Service Requests. The CDFI Fund will respond to applicants' reporting, compliance, or disbursement questions between the hours of 9:00 a.m. and 5:00 p.m. ET, starting on the date of the publication of this NOGA.

J. Evaluating prior award performance. In the case of a Qualified Issuer, a proposed Program Administrator, a proposed Servicer, or Certified CDFI that has received awards from other Federal programs, the CDFI Fund reserves the right to contact officials from the appropriate Federal agency or agencies to determine whether the entity is in compliance with current or prior award agreements, and to take such information into consideration before issuing a Guarantee. In the case of such an entity that has previously received funding through any CDFI Fund program, the CDFI Fund will review the entity's compliance history with the CDFI Fund, including any history of providing late reports, and consider such history in the context of organizational capacity and the ability to meet future reporting requirements.

The CDFI Fund may also bar from consideration any such entity that has, in any proceeding instituted against it in, by, or before any court, governmental, or administrative body or agency, received a final determination within the three years prior to the date of publication of this NOGA indicating that the entity has discriminated on the basis of race, color, national origin, disability, age, marital status, receipt of income from public assistance, religion, or sex, including, but not limited to, discrimination under (i) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d *et seq.*), which prohibits discrimination on the basis of race, color, or national origin; (ii) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 *et seq.*), which prohibits discrimination on the basis of sex; (iii) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of disability;

(iv) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101–6107), which prohibits discrimination on the basis of age; (v) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (vi) the Comprehensive Alcohol Abuse and Alcoholism Prevention,

Treatment and Rehabilitation Act of 1970 (Pub. L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (vii) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd–3 and 290 ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (viii) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (ix) the American with Disabilities Act of 1990, as amended (42 U.S.C. 12101 *et seq.*); and (x) the requirements of any other nondiscrimination statutes or regulations which may apply to the CDFI Bond Guarantee Program.

K. Civil Rights and Diversity. Any person who is eligible to receive benefits or services from the CDFI Fund or Recipients under any of its programs or activities is entitled to those benefits or services without being subject to prohibited discrimination. The Department of the Treasury's Office of Civil Rights and Equal Employment Opportunity enforces various Federal statutes and regulations that prohibit discrimination in financially assisted and conducted programs and activities of the CDFI Fund. If a person believes that they have been subjected to discrimination and/or reprisal because of membership in a protected group, they may file a complaint with: Director, Office of Civil Rights, and Equal Employment Opportunity, 1500 Pennsylvania Ave. NW, Washington, DC 20220 or (202) 622–1160 (not a toll-free number).

L. Statutory and national policy requirements. The CDFI Fund will manage and administer the Federal award in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with the U.S. Constitution, Federal Law, and public policy requirements: including, but not limited to, those protecting free speech, religious liberty, public welfare, the environment, and prohibiting discrimination.

M. Changes to review procedures. The CDFI Fund reserves the right to change its completeness, eligibility and evaluation criteria, and procedures if the CDFI Fund deems it appropriate. If such changes materially affect the CDFI Fund's decision to approve or deny a Qualified Issuer Application, the CDFI Fund will provide information regarding the changes through the NOGA or direct communication to applicants, as appropriate.

N. Decisions are final. The CDFI Fund's Qualified Issuer Application

decisions are final. The CDFI Fund may award less than the amount of the Guarantee authority requested by the Applicant either due to the results of the substantive review and approval process outlined in Section III.C and/or in order to maximize the amount of Guarantees issued under the available Guarantee authority. The Guarantor's Guarantee Application decisions are final. There is no right to appeal the decisions. Any applicant that is not approved by the CDFI Fund or the Guarantor may submit a new Application and will be considered based on the newly submitted Application. Such newly submitted Applications will be reviewed along with all other pending Applications in the order in which they are received, or by such other criteria that the CDFI Fund may establish, in its sole discretion.

III. Qualified Issuer Application

A. General. This NOGA invites interested parties to submit a Qualified Issuer Application to be approved as a Qualified Issuer under the CDFI Bond Guarantee Program.

1. Qualified Issuer. The Qualified Issuer is a Certified CDFI, or an entity designated by a Certified CDFI to issue Bonds on its behalf, that meets the requirements of the Regulations and this NOGA, and that has been approved by the CDFI Fund pursuant to review and evaluation of its Qualified Issuer Application. The Qualified Issuer will, among other duties: (i) organize the Eligible CDFIs that have designated it to serve as their Qualified Issuer; (ii) prepare and submit a complete and timely Qualified Issuer and Guarantee Application to the CDFI Fund; (iii) if the Qualified Issuer Application is approved by the CDFI Fund and the Guarantee Application is approved by the Guarantor, prepare the Bond Issue; (iv) manage all Bond Issue servicing, administration, and reporting functions; (v) make Bond Loans; (vi) oversee the financing or refinancing of Secondary Loans; (vii) ensure compliance throughout the duration of the Bond with all provisions of the Regulations, and Bond Documents and Bond Loan Documents entered into between the Guarantor, the Qualified Issuer, and the Eligible CDFI; and (viii) ensure that the Master Servicer/Trustee complies with the Bond Trust Indenture and all other applicable regulations. Further, the role of the Qualified Issuer also is to ensure that its proposed Eligible CDFI applicants possess adequate and well performing assets to support the debt service of the proposed Bond Loan.

2. Qualified Issuer Application. The Qualified Issuer Application is the

document that an entity seeking to serve as a Qualified Issuer submits to the CDFI Fund to apply to be approved as a Qualified Issuer prior to consideration of a Guarantee Application.

3. Qualified Issuer Application evaluation, general. Each Qualified Issuer Application will be evaluated by the CDFI Fund and, if acceptable, the applicant will be approved as a Qualified Issuer, in the sole discretion of the CDFI Fund. The CDFI Fund's Qualified Issuer Application review and evaluation process is based on established procedures, which may include interviews of applicants and/or site visits to applicants conducted by the CDFI Fund. Through the Application review process, the CDFI Fund will evaluate Qualified Issuer applicants on a merit basis and in a fair and consistent manner. Each Qualified Issuer applicant will be reviewed on its ability to successfully carry out the responsibilities of a Qualified Issuer throughout the life of the Bond. The Applicant must currently meet the criteria established in the Regulations to be deemed a Qualified Issuer. Qualified Issuer Applications that are forward-looking or speculate as to the eventual acquisition of the required capabilities and criteria are unlikely to be approved. Qualified Issuer Application processing will be initiated in chronological order by date of receipt; however, Qualified Issuer Applications that are incomplete or require the CDFI Fund to request additional or clarifying information may delay the ability of the CDFI Fund to deem the Qualified Issuer Application complete and move it to the next phase of review. Submitting a substantially incomplete application earlier than other applicants does not ensure first approval.

B. Qualified Issuer Application: Eligibility.

1. CDFI Certification requirements. The Qualified Issuer applicant must be a Certified CDFI or an entity designated by a Certified CDFI to issue Bonds on its behalf.

2. Designation and attestation by Certified CDFIs. An entity seeking to be approved by the CDFI Fund as a Qualified Issuer must be designated as a Qualified Issuer by at least one Certified CDFI. A Qualified Issuer may not designate itself. The Qualified Issuer applicant will prepare and submit a complete and timely Qualified Issuer Application to the CDFI Fund in accordance with the requirements of the Regulations, this NOGA, and the Application. A Certified CDFI must attest in the Qualified Issuer Application that it has designated the Qualified Issuer to act on its behalf and

that the information in the Qualified Issuer Application regarding it is true, accurate, and complete.

C. Substantive review and approval process.

1. Substantive review.

a. If the CDFI Fund determines that the Qualified Issuer Application is complete and eligible, the CDFI Fund will undertake a substantive review in accordance with the criteria and procedures described in the Regulations, this NOGA, the Qualified Issuer Application, and CDFI Bond Guarantee Program policies.

b. As part of the substantive evaluation process, the CDFI Fund reserves the right to contact the Qualified Issuer applicant (as well as its proposed Program Administrator, its proposed Servicer, and each designating Certified CDFI in the Qualified Issuer Application) by telephone, email, mail, or through on-site visits for the purpose of obtaining additional, clarifying, confirming, or supplemental application information. The CDFI Fund reserves the right to collect such additional, clarifying, confirming, or supplemental information from said entities as it deems appropriate. If contacted for additional, clarifying, confirming, or supplemental information, said entities must respond within the time parameters set by the CDFI Fund or the Qualified Issuer Application will be rejected.

2. Qualified Issuer criteria. All materials provided in the Qualified Issuer Application will be used to evaluate the applicant. Qualified Issuer determinations will be made based on Qualified Issuer applicants' experience and expertise, in accordance with the following criteria:

a. Organizational capability.

i. The Qualified Issuer applicant must demonstrate that it has the appropriate expertise, capacity, experience, and qualifications to issue Bonds for Eligible Purposes, or is otherwise qualified to serve as Qualified Issuer, as well as manage the Bond Issue on the terms and conditions set forth in the Regulations, this NOGA, and the Bond Documents, satisfactory to the CDFI Fund.

ii. The Qualified Issuer applicant must demonstrate that it has the appropriate expertise, capacity, experience, and qualifications to originate, underwrite, service and monitor Bond Loans for Eligible Purposes, targeted to Low-Income Areas and Underserved Rural Areas.

iii. The Qualified Issuer applicant must demonstrate that it has the appropriate expertise, capacity, experience, and qualifications to manage the disbursement process set

forth in the Regulations at 12 CFR 1808.302 and 1808.307.

b. Servicer. The Qualified Issuer applicant must demonstrate that it has (either directly or contractually through another designated entity) the appropriate expertise, capacity, experience, and qualifications, or is otherwise qualified to serve as Servicer. The Qualified Issuer Application must provide information that demonstrates that the Qualified Issuer's Servicer has the expertise, capacity, experience, and qualifications necessary to perform certain required administrative duties (including, but not limited to, Bond Loan servicing functions).

c. Program Administrator. The Qualified Issuer applicant must demonstrate that it has (either directly or contractually through another designated entity) the appropriate expertise, capacity, experience, and qualifications, or is otherwise qualified to serve as Program Administrator. The Qualified Issuer Application must provide information that demonstrates that the Qualified Issuer's Program Administrator has the expertise, capacity, experience, and qualifications necessary to perform certain required administrative duties (including, but not limited to, compliance monitoring and reporting functions).

d. Strategic alignment. The Qualified Issuer applicant will be evaluated on its strategic alignment with the CDFI Bond Guarantee Program on factors that include, but are not limited to: (i) its mission's strategic alignment with community and economic development objectives set forth in the Riegle Act at 12 U.S.C. 4701; (ii) its strategy for deploying the entirety of funds that may become available to the Qualified Issuer through the proposed Bond Issue; (iii) its experience providing up to 30-year capital to CDFIs or other borrowers in Low-Income Areas or Underserved Rural Areas as such terms are defined in the Regulations at 12 CFR 1808.102; (iv) its track record of activities relevant to its stated strategy; and (v) other factors relevant to the Qualified Issuer's strategic alignment with the program.

e. Experience. The Qualified Issuer applicant will be evaluated on factors that demonstrate that it has previous experience: (i) performing the duties of a Qualified Issuer including issuing bonds, loan servicing, program administration, underwriting, financial reporting, and loan administration; (ii) lending in Low-Income Areas and Underserved Rural Areas; and (iii) indicating that the Qualified Issuer's current principals and team members have successfully performed the required duties, and that previous

experience is applicable to the current principals and team members.

f. Management and staffing. The Qualified Issuer applicant must demonstrate that it has sufficiently strong management and staffing capacity to undertake the duties of Qualified Issuer. The applicant must also demonstrate that its proposed Program Administrator and its proposed Servicer have sufficiently strong management and staffing capacity to undertake their respective requirements under the CDFI Bond Guarantee Program. Strong management and staffing capacity is evidenced by factors that include, but are not limited to: (i) a sound track record of delivering on past performance; (ii) a documented succession plan; (iii) organizational stability including staff retention; and (iv) a clearly articulated, reasonable, and well-documented staffing plan.

g. Financial strength. The Qualified Issuer applicant must demonstrate the strength of its financial capacity and activities including, among other items, financially sound business practices relative to the industry norm for bond issuers, as evidenced by reports of Appropriate Federal Banking Agencies, Appropriate State Agencies, or auditors. Such financially sound business practices will demonstrate: (i) the financial wherewithal to perform activities related to the Bond Issue such as administration and servicing; (ii) the ability to originate, underwrite, close, and disburse loans in a prudent manner; (iii) whether the applicant is depending on external funding sources and the reliability of long-term access to such funding; (iv) whether there are foreseeable counterparty issues or credit concerns that are likely to affect the applicant's financial stability; and (v) a budget that reflects reasonable assumptions about upfront costs as well as ongoing expenses and revenues.

h. Systems and information technology. The Qualified Issuer applicant must demonstrate that it (as well as its proposed Program Administrator and its proposed Servicer) has, among other things: (i) a strong information technology capacity and the ability to manage loan servicing, administration, management, and document retention; (ii) appropriate office infrastructure and related technology to carry out the CDFI Bond Guarantee Program activities; and (iii) sufficient backup and disaster recovery systems to maintain uninterrupted business operations.

i. Pricing structure. The Qualified Issuer applicant must provide its proposed pricing structure for performing the duties of Qualified

Issuer, including the pricing for the roles of Program Administrator and Servicer. Although the pricing structure and fees shall be decided by negotiation between market participants without interference or approval by the CDFI Fund, the CDFI Fund will evaluate whether the Qualified Issuer applicant's proposed pricing structure is feasible to carry out the responsibilities of a Qualified Issuer over the life of the Bond to help ensure sound implementation of the program.

j. Other criteria. The Qualified Issuer applicant must meet such other criteria as may be required by the CDFI Fund, as set forth in the Qualified Issuer Application or required by the CDFI Fund in its sole discretion, for the purposes of evaluating the merits of a Qualified Issuer Application. The CDFI Fund may request an on-site review of Qualified Issuer applicant to confirm materials provided in the written application, as well as to gather additional due diligence information. The on-site reviews are a critical component of the application review process and will generally be conducted for all applicants not regulated by an Appropriate Federal Banking Agency or Appropriate State Agency. The CDFI Fund reserves the right to conduct a site visit of regulated entities, in its sole discretion.

k. Third-party data sources. The CDFI Fund, in its sole discretion, may consider information from third-party sources including, but not limited to, periodicals or publications, publicly available data sources, or subscriptions services for additional information about the Qualified Issuer applicant, the proposed Program Administrator, the proposed Servicer, and each Certified CDFI that is included in the Qualified Issuer Application. Any additional information received from such third-party sources will be reviewed and evaluated through a systematic and formalized process.

D. Notification of Qualified Issuer determination. Each Qualified Issuer applicant will be informed of the CDFI Fund's decision in writing, by email using the addresses maintained in the entity's AMIS account. The CDFI Fund will not notify the proposed Program Administrator, the proposed Servicer, or the Certified CDFIs included in the Qualified Issuer Application of its decision regarding the Qualified Issuer Application; such contacts are the responsibility of the Qualified Issuer applicant.

E. Qualified Issuer Application rejection. In addition to substantive reasons based on the merits of its review, the CDFI Fund reserves the right

to reject a Qualified Issuer Application if information (including administrative errors) comes to the attention of the CDFI Fund that adversely affects an applicant's eligibility, adversely affects the CDFI Fund's evaluation of a Qualified Issuer Application, or indicates fraud or mismanagement on the part of a Qualified Issuer applicant or its proposed Program Administrator, its proposed Servicer, and any Certified CDFI included in the Qualified Issuer Application. If the CDFI Fund determines that any portion of the Qualified Issuer Application is incorrect in any material respect, the CDFI Fund reserves the right, in its sole discretion, to reject the Application.

IV. Guarantee Applications

A. This NOGA invites Qualified Issuers to submit a Guarantee Application to be approved for a Guarantee under the CDFI Bond Guarantee Program.

1. Guarantee Application.

a. The Guarantee Application is the application document that a Qualified Issuer (in collaboration with the Eligible CDFI(s) that seek to be included in the proposed Bond Issue) must submit to the CDFI Fund in order to apply for a Guarantee. The Qualified Issuer shall provide all required information in its Guarantee Application to establish that it meets all criteria set forth in the Regulations at 12 CFR 1808.501 and this NOGA and can carry out all CDFI Bond Guarantee Program requirements including, but not limited to, information that demonstrates that the Qualified Issuer has the appropriate expertise, capacity, and experience and is qualified to make, administer and service Bond Loans for Eligible Purposes. An Eligible CDFI may be an existing Certified or Certifiable CDFI (the GRS), or the Eligible CDFI may be an Affiliate of a Controlling CDFI(s) that is created for the sole purpose of participation as an Eligible CDFI in the CDFI Fund Bond Guarantee Program (the AFS; see Section II(B) of this NOGA for Recourse and Collateral Requirements and Section II(A) of this NOGA for Certification requirements for Certifiable CDFIs and Affiliates of Controlling CDFIs).

b. The Guarantee Application comprises a Capital Distribution Plan and at least one Secondary Capital Distribution Plan, as well as all other requirements set forth in this NOGA or as may be required by the Guarantor and the CDFI Fund in their sole discretion, for the evaluation and selection of Guarantee applicants.

2. Guarantee Application evaluation, general. The Guarantee Application

review and evaluation process will be based on established standard procedures, which may include interviews of applicants and/or site visits to applicants conducted by the CDFI Fund. Through the Application review process, the CDFI Fund will evaluate Guarantee applicants on a merit basis and in a fair and consistent manner. Each Guarantee applicant will be reviewed on its ability to successfully implement and carry out the activities proposed in its Guarantee Application throughout the life of the Bond. Eligible CDFIs must currently meet the criteria established in the Regulations to participate in the CDFI Bond Guarantee Program. Guarantee Applications that are forward-looking or speculate as to the eventual acquisition of the required capabilities and criteria by the Eligible CDFI(s) are unlikely to be approved. Guarantee Application processing will be initiated in chronological order by date of receipt; however, Guarantee Applications that are incomplete or require the CDFI Fund to request additional or clarifying information may delay the ability of the CDFI Fund to deem the Guarantee Application complete and move it to the next phase of review. Submitting a substantially incomplete application earlier than other applicants does not ensure first approval.

B. Guarantee Application: eligibility.

1. Eligibility; CDFI Certification requirements. If approved for a Guarantee, each Eligible CDFI must be a Certified CDFI as of the Bond Issue Date and must maintain its respective CDFI Certification throughout the term of the corresponding Bond. For more information on CDFI Certification and the Certification of affiliated entities, including the deadlines for submission of Certification applications, see part II of this NOGA.

2. Qualified Issuer as Eligible CDFI. A Qualified Issuer may not participate as an Eligible CDFI within its own Bond Issue, but may participate as an Eligible CDFI in a Bond Issue managed by another Qualified Issuer.

3. Attestation by proposed Eligible CDFIs. Each proposed Eligible CDFI must attest in the Guarantee Application that it has designated the Qualified Issuer to act on its behalf and that the information pertaining to the Eligible CDFI in the Guarantee Application is true, accurate and complete. Each proposed Eligible CDFI must also attest in the Guarantee Application that it will use Bond Loan proceeds for Eligible Purposes and that Secondary Loans will be financed or refinanced in accordance with the applicable Secondary Loan Requirements.

C. Guarantee Application: preparation. When preparing the Guarantee Application, the Eligible CDFIs and Qualified Issuer must collaborate to determine the composition and characteristics of the Bond Issue, ensuring compliance with the Act, the Regulations, and this NOGA. The Qualified Issuer is responsible for the collection, preparation, verification, and submission of the Eligible CDFI information that is presented in the Guarantee Application. The Qualified Issuer will submit the Guarantee Application for the proposed Bond Issue, including any information provided by the proposed Eligible CDFIs. In addition, the Qualified Issuer will serve as the primary point of contact with the CDFI Fund during the Guarantee Application review and evaluation process.

D. Review and approval process.

1. Substantive review.

a. If the CDFI Fund determines that the Guarantee Application is complete and eligible, the CDFI Fund will undertake a substantive review in accordance with the criteria and procedures described in the Regulations at 12 CFR 1808.501, this NOGA, and the Guarantee Application. The substantive review of the Guarantee Application will include due diligence, underwriting, credit risk review, and Federal credit subsidy calculation, in order to determine the feasibility and risk of the proposed Bond Issue, as well as the strength and capacity of the Qualified Issuer and each proposed Eligible CDFI. Each proposed Eligible CDFI will be evaluated independently of the other proposed Eligible CDFIs within the proposed Bond Issue; however, the Bond Issue must then cumulatively meet all requirements for Guarantee approval. In general, applicants are advised that proposed Bond Issues that include a large number of proposed Eligible CDFIs are likely to substantially increase the review period.

b. As part of the substantive review process, the CDFI Fund may contact the Qualified Issuer (as well as the proposed Eligible CDFIs included in the Guarantee Application) by telephone, email, mail, or through an on-site visit for the sole purpose of obtaining additional, clarifying, confirming, or supplemental application information. The CDFI Fund reserves the right to collect such additional, clarifying, confirming or supplemental information as it deems appropriate. If contacted for additional, clarifying, confirming, or supplemental information, said entities must respond within the time

parameters set by the CDFI Fund or the Guarantee Application will be rejected.

2. Guarantee Application criteria.

a. In general, a Guarantee Application will be evaluated based on the strength and feasibility of the proposed Bond Issue, as well as the creditworthiness and performance of the Qualified Issuer and the proposed Eligible CDFIs. Guarantee Applications must demonstrate that each proposed Eligible CDFI has the capacity for its respective Bond Loan to be a secured, general recourse obligation of the proposed Eligible CDFI and to deploy the Bond Loan proceeds within the required disbursement timeframe as described in the Regulations. Unless receiving significant support from a Controlling CDFI, or Credit Enhancements, Eligible CDFIs should not request Bond Loans greater than their current total asset size or which would otherwise significantly impair their net asset or net equity position. In general, an applicant requesting a Bond Loan more than 50% of its total asset size should be prepared to clearly demonstrate that it has a reasonable plan to scale its operations prudently and in a manner that does not impair its net asset or net equity position. Further, an entity with a limited operating history or a history of operating losses is unlikely to meet the strength and feasibility requirements of the CDFI Bond Guarantee Program, unless it receives significant support from a Controlling CDFI, or Credit Enhancements.

b. The Capital Distribution Plan must demonstrate the Qualified Issuer's comprehensive plan for lending, disbursing, servicing and monitoring each Bond Loan in the Bond Issue. It includes, among other information, the following components:

i. Statement of Proposed Sources and Uses of Funds: Pursuant to the requirements set forth in the Regulations at 12 CFR 1808.102(bb) and 1808.301, the Qualified Issuer must provide: (A) a description of the overall plan for the Bond Issue; (B) a description of the proposed uses of Bond Proceeds and proposed sources of funds to repay principal and interest on the proposed Bond and Bond Loans; (C) a certification that 100% of the principal amount of the proposed Bond will be used to make Bond Loans for Eligible Purposes on the Bond Issue Date; and (D) description of the extent to which the proposed Bond Loans will serve Low-Income Areas or Underserved Rural Areas;

ii. Bond Issue Qualified Issuer cash flow model: The Qualified Issuer must provide a cash flow model displaying the orderly repayment of the Bond and

the Bond Loans according to their respective terms. The cash flow model shall include disbursement and repayment of Bonds, Bond Loans, and Secondary Loans. The cash flow model shall match the aggregated cash flows from the Secondary Capital Distribution Plans of each of the underlying Eligible CDFIs in the Bond Issue pool. Such information must describe the expected distribution of asset classes to which each Eligible CDFI expects to disburse funds, the proposed disbursement schedule, quarterly or semi-annual amortization schedules, interest-only periods, maturity date of each advance of funds, and assumed net interest margin on Secondary Loans above the assumed Bond Loan rate;

iii. Organizational capacity: If not submitted concurrently, the Qualified Issuer must attest that no material changes have occurred since the time that it submitted the Qualified Issuer Application;

iv. Credit Enhancement (if applicable): The Qualified Issuer must provide information about the adequacy of proposed risk mitigation provisions designed to protect the financial interests of the Federal Government, either directly or indirectly through supporting the financial strength of the Bond Issue. This includes, but is not limited to, the amount and quality of any Credit Enhancements, terms and specific conditions such as renewal options, and any limiting conditions or revocability by the provider of the Credit Enhancement. For any third-party providing a Credit Enhancement, the Qualified Issuer must provide the following information on the third-party: most recent three years of audited financial statements, a brief analysis of the such entity's creditworthiness, and an executed letter of intent from such entity that indicates the terms and conditions of the Credit Enhancement. Any Credit Enhancement must be pledged, as part of the Trust Estate, to the Master Servicer/Trustee for the benefit of the Federal Financing Bank;

v. Proposed Term Sheets: The CDFI Fund website includes template term sheets for the GRS, the AFS, and the asset class CDFI to Financing Entity utilizing pooled tertiary loans. For each Eligible CDFI that is part of the proposed Bond Issue, the Qualified Issuer must submit a proposed Term Sheet using the applicable template provided on the CDFI Fund's website. The proposed Term Sheet must clearly state all relevant and critical terms of the proposed Bond Loan including, but not limited to: the Bond Loan Collateral Requirements described in Section II(B) of this NOGA, any requested

prepayment provisions, unique conditions precedent, proposed covenants and exact amounts/percentages for determining the Eligible CDFI's ability to meet program requirements, and terms and exact language describing any Credit Enhancements. Terms may be either altered and/or negotiated by the CDFI Fund in its sole discretion, based on the proposed structure in the application, to ensure that adequate protection is in place for the Guarantor;

vi. Secondary Capital Distribution Plan(s): Each proposed Eligible CDFI must provide a comprehensive plan for financing, disbursing, servicing and monitoring Secondary Loans, address how each proposed Secondary Loan will meet Eligible Purposes, and address such other requirements listed below that may be required by the Guarantor and the CDFI Fund. For each proposed Eligible CDFI relying, for CDFI Certification purposes, on the financing entity activity of a Controlling CDFI, the Controlling CDFI must describe how the Eligible CDFI and the Controlling CDFI, together, will meet the requirements listed below:

(A) Narrative and Statement of Proposed Sources and Uses of Funds: Each Eligible CDFI will: (1) provide a description of proposed uses of funds, including the extent to which Bond Loans will serve Low-Income Areas or Underserved Rural Areas, and the extent to which Bond Loan proceeds will be used (i) to make the first monthly installment of a Bond Loan payment, (ii) pay Issuance Fees up to 1% of the Bond Loan, and (iii) finance Loan Loss Reserves related to Secondary Loans; (2) attest that 100% of Bond Loan proceeds designated for Secondary Loans will be used to finance or refinance Secondary Loans that meet Secondary Loan Requirements; (3) describe a plan for financing, disbursing, servicing, and monitoring Secondary Loans; (4) indicate the expected asset classes to which it will lend under the Secondary Loan Requirements; (5) indicate examples of previous lending and years of experience lending to a specific asset class, especially with regards to the number and dollar volume of loans made in the five years prior to application submission to the specific asset classes to which an Eligible CDFI is proposing to lend Bond Loan proceeds; (6) provide a table detailing specific uses and timing of disbursements, including terms and relending plans if applicable; and (7) a community impact analysis, including how the proposed Secondary Loans will address financing needs that the private

market is not adequately serving and specific community benefit metrics;

(B) Eligible CDFI cash flow model:

Each Eligible CDFI must provide a cash flow model of the proposed Bond Loan which: (1) matches each Eligible CDFI's portion of the Qualified Issuer's cash flow model; and (2) tracks the flow of funds through the term of the Bond Issue and demonstrates disbursement and repayment of the Bond Loan, Secondary Loans, and any utilization of the Relending Fund, if applicable. Such information must describe: the expected distribution of asset classes to which each Eligible CDFI expects to disburse funds, the proposed disbursement schedule, quarterly or semi-annual amortization schedules, interest-only periods, maturity date of each advance of funds, and the assumed net interest margin on Secondary Loans above the assumed Bond Loan rate;

(C) Organizational capacity: Each Eligible CDFI must provide documentation indicating the ability of the Eligible CDFI to manage its Bond Loan including, but not limited to: (1) organizational ownership and a chart of affiliates; (2) organizational documents, including policies and procedures related to loan underwriting and asset management; (3) management or operating agreement, if applicable; (4) an analysis by management of its ability to manage the funding, monitoring, and collection of loans being contemplated with the proceeds of the Bond Loan; (5) information about its board of directors; (6) a governance narrative; (7) description of senior management and employee base; (8) independent reports, if available; (9) strategic plan or related progress reports; and (10) a discussion of the management and information systems used by the Eligible CDFI;

(D) Policies and procedures: Each Eligible CDFI must provide relevant policies and procedures including, but not limited to: a copy of the asset-liability matching policy, if applicable; and loan policies and procedures which address topics including, but not limited to: origination, underwriting, credit approval, interest rates, closing, documentation, asset management, and portfolio monitoring, risk-rating definitions, charge-offs, and loan loss reserve methodology;

(E) Financial statements: Each Eligible CDFI must provide information about the Eligible CDFI's current and future financial position, including but not limited to: (1) audited financial statements for the prior three (3) most recent Fiscal Years; (2) current year-to-date or interim financial statement for the immediately prior quarter end of the Fiscal Year; (3) a copy of the current

year's approved budget or projected budget if the entity's Board has not yet approved such budget; and (4) a three (3) year pro forma projection of the statement of financial position or balance sheet, statement of activities or income statement, and statement of cash flows in the standardized template provided by the CDFI Fund;

(F) *Loan portfolio information:* Each Eligible CDFI must provide information including, but not limited to: (1) loan portfolio quality report; (2) pipeline report; (3) portfolio listing; (4) a description of other loan assets under management; (5) loan products; (6) independent loan review report; (7) impact report case studies; and (8) a loan portfolio by risk rating and loan loss reserves; and

(G) *Funding sources and financial activity information:* Each Eligible CDFI must provide information including, but not limited to: (1) current grant information; (2) funding projections; (3) credit enhancements; (4) historical investor renewal rates; (5) covenant compliance; (6) off-balance sheet contingencies; (7) earned revenues; and (8) debt capital statistics.

vii. Assurances and certifications that not less than 100% of the principal amount of Bonds will be used to make Bond Loans for Eligible Purposes beginning on the Bond Issue Date, and that Secondary Loans shall be made as set forth in subsection 1808.307(b); and

viii. Such other information that the Guarantor, the CDFI Fund and/or the Bond Purchaser may deem necessary and appropriate.

c. The CDFI Fund will use the information described in the Capital Distribution Plan and Secondary Capital Distribution Plan(s) to evaluate the feasibility of the proposed Bond Issue, with specific attention paid to each Eligible CDFI's financial strength and organizational capacity. For each proposed Eligible CDFI relying, for CDFI certification purposes, on the financing entity activity of a Controlling CDFI, the CDFI Fund will pay specific attention to the Controlling CDFI's financial strength and organizational capacity as well as the operating agreement between the proposed Eligible CDFI and the Controlling CDFI. All materials provided in the Guarantee Application will be used to evaluate the proposed Bond Issue. In total, there are more than 100 individual criteria or sub-criteria used to evaluate each Eligible CDFI. Specific criteria used to evaluate each Eligible CDFI shall include, but not be limited to, the following criteria below. For each proposed Eligible CDFI relying, for CDFI certification purposes, on the financing entity activity of a Controlling

CDFI, the following specific criteria will also be used to evaluate both the proposed Eligible CDFI and the Controlling CDFI:

i. *Historical financial ratios:* Ratios which together have been shown to be predictive of possible future default will be used as an initial screening tool, including total asset size, net asset or Tier 1 Core Capital ratio, self-sufficiency ratio, non-performing asset ratio, liquidity ratio, reserve over nonperforming assets, and yield cost spread;

ii. *Quantitative and qualitative attributes under the "CAMELS" framework:* After initial screening, the CDFI Fund will utilize a more detailed analysis under the "CAMELS" framework, including but not limited to the following. If a Guarantee Application receives a summary rating of materially deficient during the CAMELS review the application will be recommended for denial.

(A) *Capital Adequacy:* Attributes such as the debt-to-equity ratio, status, and significance of off-balance sheet liabilities or contingencies, magnitude, and consistency of cash flow performance, exposure to affiliates for financial and operating support, trends in changes to capitalization, and other relevant attributes;

(B) *Asset Quality:* Attributes such as the charge-off ratio, adequacy of loan loss reserves, sector concentration, borrower concentration, asset composition, security and collateralization of the loan portfolio, trends in changes to asset quality, and other relevant attributes;

(C) *Management:* Attributes such as documented best practices in governance, strategic planning and board involvement, robust policies and procedures, tenured and experienced management team, organizational stability, infrastructure and information technology systems, and other relevant attributes;

(D) *Earnings and Performance:*

Attributes such as net operating margins, deployment of funds, self-sufficiency, trends in earnings, and other relevant attributes;

(E) *Liquidity:* Attributes such as unrestricted cash and cash equivalents, ability to access credit facilities, access to grant funding, covenant compliance, affiliate relationships, concentration of funding sources (which may include BGP debt, other federal debt, and private debt), trends in liquidity, and other relevant attributes;

(F) *Sensitivity:* The CDFI Fund will stress test each Eligible CDFI's projected financial performance under scenarios that are specific to the unique

circumstance and attributes of the organization. Additionally, the CDFI Fund will consider other relevant criteria that have not been adequately captured in the preceding steps as part of the due diligence process. Such criteria may include, but not be limited to, the size and quality of any third-party Credit Enhancements or other forms of credit support.

iii. *Other criteria:* (A) *Overcollateralization:* The commitment by an Eligible CDFI to over-collateralize a proposed Bond Loan with excess Secondary Loans is a criterion that may affect the viability of a Guarantee Application by decreasing the estimated net present value of the long-term cost of the Guarantee to the Federal Government, by decreasing the probability of default, and/or increasing the recovery rate in the event of default. An Eligible CDFI committing to overcollateralization may not be required to deposit funds in the Relending Account, subject to the maintenance of certain unique requirements that are detailed in the template Agreement to Guarantee and Bond Loan Agreement.

(B) *Credit Enhancements:* The provision of third-party Credit Enhancements, including any Credit Enhancement from a Controlling CDFI or any other affiliated entity, is a criterion that may affect the viability of a Guarantee Application by decreasing the estimated net present value of the long-term cost of the Guarantee to the Federal Government. Credit Enhancements are considered in the context of the structure and circumstances of each Guarantee Application.

(C) *On-Site Review:* The CDFI Fund may request an on-site review of an Eligible CDFI to confirm materials provided in the written application, as well as to gather additional due diligence information. The on-site reviews are a critical component of the application review process and will generally be conducted for all applicants not regulated by an Appropriate Federal Banking Agency or Appropriate State Agency. The CDFI Fund reserves the right to conduct a site visit of regulated entities, in its sole discretion.

(D) *Secondary Loan Asset Classes:* Eligible CDFIs that propose to use funds for new products or lines of business must demonstrate that they have the organizational capacity to manage such activities in a prudent manner. Failure to demonstrate such organizational capacity may be factored into the consideration of Asset Quality or

Management criteria as listed above in this section.

(E) *Concentration*: The CDFI Fund may, through the underwriting process, determine that an Eligible CDFI's participation in the Bond Guarantee Program creates an undue risk based on the concentration of assets, debt, or other factors with respect to the applicant's balance sheet or the distribution of commitments in the CDFI Fund's overall BGP portfolio.

3. *Credit subsidy cost*. The credit subsidy cost is the net present value of the estimated long-term cost of the Guarantee to the Federal Government as determined under the applicable provisions of the Federal Credit Reform Act of 1990, as amended (FCRA). Treasury has not received appropriated amounts from Congress to cover the credit subsidy costs associated with Guarantees issued pursuant to this NOGA. In accordance with FCRA, Treasury must consult with, and obtain the approval of, OMB for Treasury's calculation of the credit subsidy cost of each Guarantee prior to entering into any Agreement to Guarantee.

E. Guarantee approval; Execution of documents.

1. The Guarantor, in the Guarantor's sole discretion, may approve a Guarantee, after consideration of the recommendation from the CDFI Bond Guarantee Program's Credit Review Board and/or based on the merits of the Guarantee Application.

2. The Guarantor reserves the right to approve Guarantees, in whole or in part, in response to any, all, or none of the Guarantee Applications submitted in response to this NOGA. The Guarantor also reserves the right to approve any Guarantees in an amount that is less than requested in the corresponding Guarantee Application. Pursuant to the Regulations at 12 CFR 1808.504(c), the Guarantor may limit the number of Guarantees made per year to ensure that

a sufficient examination of Guarantee Applications is conducted.

3. The CDFI Fund will notify the Qualified Issuer in writing of the Guarantor's approval or disapproval of a Guarantee Application. Bond Documents and Bond Loan documents must be executed, and Guarantees will be provided, in the order in which Guarantee Applications are approved or by such other criteria that the CDFI Fund may establish, in its sole discretion, and in any event by September 30, 2025.

4. Please note that the most recently dated templates of Bond Documents and Bond Loan documents that are posted on the CDFI Fund's website will not be substantially revised or negotiated prior to closing of the Bond and Bond Loan and issuance of the corresponding Guarantee. If a Qualified Issuer or a proposed Eligible CDFI does not understand the terms and conditions of the Bond Documents or Bond Loan documents (including those listed in Section II.H., above), it should ask questions or seek technical assistance from the CDFI Fund. However, if a Qualified Issuer or a proposed Eligible CDFI disagrees or is uncomfortable with any term/condition, or if legal counsel cannot provide a legal opinion in substantially the same form and content of the required legal opinion, it should not apply for a Guarantee.

5. The Guarantee shall not be effective until the Guarantor signs and delivers the Guarantee.

F. Guarantee denial. The Guarantor, in the Guarantor's sole discretion, may deny a Guarantee, after consideration of the recommendation from the Credit Review Board and/or based on the merits of the Guarantee Application. If any Guarantee Application receives a summary rating of materially deficient during the CAMELS underwriting review, the application will not be recommended for approval. In addition,

the Guarantor reserves the right to deny a Guarantee Application if information (including any administrative error) comes to the Guarantor's attention that adversely affects the Qualified Issuer's eligibility, adversely affects the evaluation or scoring of an Application, or indicates fraud or mismanagement on the part of the Qualified Issuer, Program Administrator, Servicer, and/or Eligible CDFIs.

Further, if the Guarantor determines that any portion of the Guarantee Application is incorrect in any material respect, the Guarantor reserves the right, in the Guarantor's sole discretion, to deny the Application.

V. Guarantee Administration

A. Pricing information. Bond Loans will be priced based upon the underlying Bond issued by the Qualified Issuer and purchased by the Federal Financing Bank (FFB or Bond Purchaser). As informed by CDFI Fund underwriting according to the criteria laid out in Section II "General Application Information" and Section IV "Guarantee Applications" of this NOGA, the FFB will set the liquidity premium at the time of the Bond Issue Date, based on the duration and maturity of the Bonds according to the FFB's lending policies (www.treasury.gov/ffb). Liquidity premiums will be charged in increments of 1/8th of a percent (*i.e.*, 12.5 basis points).

B. Fees and other payments. The following table includes some of the fees that may be applicable to Qualified Issuers and Eligible CDFIs after approval of a Guarantee of a Bond Issue, as well as Risk-Share Pool funding, prepayment penalties or discounts, and Credit Enhancements. The table is not exhaustive; additional fees payable to the CDFI Fund or other parties may apply.

Fee	Description
Agency Administrative Fee	Payable monthly to the CDFI Fund by the Eligible CDFI Equal to 10 basis points (annualized) on the amount of the unpaid principal of the Bond Issue.
Bond Issuance Fees	Amounts paid by an Eligible CDFI for reasonable and appropriate expenses, administrative costs, and fees for services in connection with the issuance of the Bond (but not including the Agency Administrative Fee) and the making of the Bond Loan. Fees negotiated between the Qualified Issuer, the Master Servicer/Trustee, and the Eligible CDFI. Up to 1% of Bond Loan Proceeds may be used to finance Bond Issuance Fees.
Servicer Fee	The fees paid by the Eligible CDFI to the Qualified Issuer's Servicer. Servicer fees are negotiated between the Qualified Issuer and the Eligible CDFI.
Program Administrator Fee	The fees paid by the Eligible CDFI to the Qualified Issuer's Program Administrator. Program Administrator fees are negotiated between the Qualified Issuer and the Eligible CDFI.

Fee	Description
Master Servicer/Trustee Fee	The fees paid by the Qualified Issuer and the Eligible CDFI to the Master Servicer/Trustee to carry out the responsibilities of the Bond Trust Indenture. In general, the Master Servicer/Trustee fee for a Bond Issue with a single Eligible CDFI is the greater of 16 basis points per annum or \$6,000 per month once the Bond Loans are fully disbursed. Fees for Bond Issues with more than one Eligible CDFI are negotiated between the Master Servicer/Trustee, Qualified Issuer, and Eligible CDFI. Any special servicing costs and resolution or liquidation fees due to a Bond Loan default are the responsibility of the Eligible CDFI. Please see the template legal documents at https://www.cdfifund.gov/programs-training/Programs/cdfi-bond/Pages/closing-disbursement-step.aspx#step4 for more specific information.
Risk-Share Pool Funding	The funds paid by the Eligible CDFIs to cover Risk-Share Pool requirements; capitalized by pro rata payments equal to 3% of the amount disbursed on the Bond Loan from all Eligible CDFIs within the Bond Issue.
Prepayment Premiums or Discounts	Prepayment premiums or discounts are determined by the FFB at the time of prepayment.
Credit Enhancements	Pledges made to enhance the quality of a Bond and/or Bond Loan. Credit Enhancements include, but are not limited to, the Principal Loss Collateral Provision and letters of credit. Credit Enhancements must be pledged, as part of the Trust Estate, to the Master Servicer/Trustee for the benefit of the Federal Financing Bank.

C. Terms for Bond Issuance and disbursement of Bond Proceeds. In accordance with 12 CFR 1808.302(f), each year, beginning on the one year anniversary of the Bond Issue Date (and every year thereafter for the term of the Bond Issue), each Qualified Issuer must demonstrate that no less than 100% of the principal amount of the Guaranteed Bonds currently disbursed and outstanding has been used to make loans to Eligible CDFIs for Eligible Purposes. If a Qualified Issuer fails to demonstrate this requirement within the 90 days after the anniversary of the Bond Issue Date, the Qualified Issuer must repay on that portion of Bonds necessary to bring the Bonds that remain outstanding after such repayment is in compliance with the 100% requirement above.

D. Secondary Loan Requirements. In accordance with the Regulations, Eligible CDFIs must finance or refinance Secondary Loans for Eligible Purposes (not including loan loss reserves) that comply with Secondary Loan Requirements. The Secondary Loan Requirements are found on the CDFI Fund's website at <https://www.cdfifund.gov/programs-training/Programs/cdfi-bond/Pages/compliance-step.aspx#step5>. Applicants should become familiar with the published Secondary Loan Requirements (both the General Requirements and the Underwriting Review Checklist). Secondary Loan Requirements are subject to a Secondary Loan commitment process managed by the Qualified Issuer. Eligible CDFIs must execute Secondary Loan documents (in the form of promissory notes) with Secondary Borrowers as follows: (i) no later than 12 months after the Bond Issue Date, Secondary Loan documents representing at least 50% of the Bond Loan proceeds allocated for Secondary Loans, and (ii) no later than 24 months

after the Bond Issue Date, Secondary Loan documents representing 100% of the Bond Loan proceeds allocated for Secondary Loans. In the event that the Eligible CDFI does not comply with the foregoing requirements of clauses (i) or (ii) of this paragraph, the available Bond Loan proceeds at the end of the applicable period shall be reduced by an amount equal to the difference between the amount required by clauses (i) or (ii) for the applicable period minus the amount previously committed to the Secondary Loans in the applicable period. Secondary Loans shall carry loan maturities suitable to the loan purpose and be consistent with loan-to-value requirements set forth in the Secondary Loan Requirements. Secondary Loan maturities shall not exceed the corresponding Bond or Bond Loan maturity date. It is the expectation of the CDFI Fund that interest rates for the Secondary Loans will be reasonable based on the borrower and loan characteristics.

E. Secondary Loan Collateral Requirements.

1. The Regulations state that Secondary Loans must be secured by a first lien of the Eligible CDFI on pledged collateral, in accordance with the Regulations (at 12 CFR 1808.307(f)) and within certain parameters. Examples of acceptable forms of collateral may include, but are not limited to: real property (including land and structures), leasehold interests, machinery, equipment and movables, cash and cash equivalents, accounts receivable, letters of credit, inventory, fixtures, contracted revenue streams from non-Federal counterparties, provided the Secondary Borrower pledges all assets, rights and interests necessary to generate such revenue stream, and a Principal Loss Collateral Provision. Intangible assets, such as customer relationships and intellectual

property rights, are not acceptable forms of collateral. Loans secured by real property that are still in a construction phase will only be permitted when backed by a letter of credit issued by a bank deemed acceptable by the CDFI Bond Guarantee Program, in a format deemed acceptable to the CDFI Bond Guarantee Program, that guarantees the full value of the pledged collateral until at minimum completion of the construction and stabilization phases.

2. The Regulations require that Bond Loans must be secured by a first lien on a collateral assignment of Secondary Loans, and further that the Secondary Loans must be secured by a first lien or parity lien on acceptable collateral.

3. Valuation of the collateral pledged by the Secondary Borrower must be based on the Eligible CDFI's credit policy guidelines and must conform to the standards set forth in the Uniform Standards of Professional Appraisal Practice (USPAP) and the Secondary Loan Requirements.

4. Independent third-party appraisals are required for the following collateral: real estate, leasehold interests, fixtures, machinery and equipment, movables stock valued in excess of \$250,000, and contracted revenue stream from non-Federal creditworthy counterparties. Secondary Loan collateral shall be valued using the cost approach, net of depreciation and shall be required for the following: accounts receivable, machinery, equipment and movables, and fixtures.

F. Qualified Issuer approval of Bond Loans to Eligible CDFIs. The Qualified Issuer shall not approve any Bond Loans to an Eligible CDFI where the Qualified Issuer has actual knowledge, based upon reasonable inquiry, that within the past five (5) years the Eligible CDFI: (i) has been delinquent on any payment obligation (except upon a demonstration by the Qualified Issuer satisfactory to

the CDFI Fund that the delinquency does not affect the Eligible CDFI's creditworthiness), or has defaulted and failed to cure any other obligation, on a loan or loan agreement previously made under the Act; (ii) has been found by the Qualified Issuer to be in default of any repayment obligation under any Federal program; (iii) is financially insolvent in either the legal or equitable sense; or (iv) is not able to demonstrate that it has the capacity to comply fully with the payment schedule established by the Qualified Issuer.

G. Credit Enhancements; Principal Loss Collateral Provision.

1. In order to achieve the statutory zero-credit subsidy constraint of the CDFI Bond Guarantee Program and to avoid a call on the Guarantee, Eligible CDFIs are encouraged to include Credit Enhancements and Principal Loss Collateral Provisions structured to protect the financial interests of the Federal Government. Any Credit Enhancement or Principal Loss Collateral Provision must be pledged, as part of the Trust Estate, to the Master Servicer/Trustee for the benefit of the Federal Financing Bank.

2. Credit Enhancements may include, but are not limited to, payment guarantees from third parties or Affiliate(s), non-Federal capital, lines or letters of credit, or other pledges of financial resources that enhance the Eligible CDFI's ability to make timely interest and principal payments under the Bond Loan.

3. As distinct from Credit Enhancements, Principal Loss Collateral Provisions may be provided in lieu of pledged collateral and/or in addition to pledged collateral. A Principal Loss Collateral Provision shall be in the form of cash or cash equivalent guarantees from non-Federal capital in amounts necessary to secure the Eligible CDFI's obligations under the Bond Loan after exercising other remedies for default. For example, a Principal Loss Collateral Provision may include a deficiency guarantee whereby another entity assumes liability after other default remedies have been exercised, and covers the deficiency incurred by the creditor. The Principal Loss Collateral Provision shall, at a minimum, provide for the provision of cash or cash equivalents in an amount that is not less than the difference between the value of the collateral and the amount of the accelerated Bond Loan outstanding.

4. In all cases, acceptable Credit Enhancements or Principal Loss Collateral Provisions shall be proffered by creditworthy providers and shall provide information about the adequacy of the facility in protecting the financial

interests of the Federal Government, either directly or indirectly through supporting the financial strength of the Bond Issue. The information provided must include the amount and quality of any Credit Enhancements, the financial strength of the provider of the Credit Enhancement, the terms, specific conditions such as renewal options, and any limiting conditions or revocability by the provider of the Credit Enhancement.

5. For Secondary Loans benefitting from a Principal Loss Collateral Provision (e.g., a deficiency guarantee), the entity providing the Principal Loss Collateral Provision must be underwritten based on the same criteria as if the Secondary Loan were being made directly to that entity with the exception that the guarantee need not be collateralized.

6. If the Principal Loss Collateral Provision is provided by a financial institution that is regulated by an Appropriate Federal Banking Agency or an Appropriate State Agency, the guaranteeing institution must demonstrate performance of financially sound business practices relative to the industry norm for providers of collateral enhancements as evidenced by reports of Appropriate Federal Banking Agencies, Appropriate State Agencies, and auditors, as appropriate.

7. In the event that the Eligible CDFI proposes to use other Federal funds to service Bond Loan debt or as a Credit Enhancement, the CDFI Fund may require, in its sole discretion, that the Eligible CDFI provide written assurance from such other Federal program, in a form that is acceptable to the CDFI Fund and that the CDFI Fund may rely upon, that said use is permissible.

H. Reporting Requirements.

1. Reports.

a. General. As required pursuant to the Regulations at 12 CFR 1808.619, and as set forth in the Bond Documents and the Bond Loan documents, the CDFI Fund will collect information from each Qualified Issuer which may include, but will not be limited to:

(i) quarterly and annual financial reports and data (including an OMB single audit per 2 CFR 200 Subpart F, as applicable) for the purpose of monitoring the financial health, ratios and covenants of Eligible CDFIs that include asset quality (nonperforming assets, loan loss reserves, and net charge-off ratios), liquidity (current ratio, working capital, and operating liquidity ratio), solvency (capital ratio, self-sufficiency, fixed charge, leverage, and debt service coverage ratios); (ii) annual reports as to the compliance of the Qualified Issuer and Eligible CDFIs

with the Regulations and specific requirements of the Bond Documents and Bond Loan documents; (iii) Master Servicer/Trustee summary of program accounts and transactions for each Bond Issue; (iv) Secondary Loan Certifications describing Eligible CDFI lending, collateral valuation, and eligibility; (v) financial data on Secondary Loans to monitor underlying collateral, gauge overall risk exposure across asset classes, and assess loan performance, quality, and payment history; (vi) annual certifications of compliance with program requirements; (vii) material event disclosures including any reports of Eligible CDFI management and/or organizational changes; (viii) annual updates to the Capital Distribution Plan (as described below); (ix) supplements and/or clarifications to correct reporting errors (as applicable); (x) project level reports to understand overall program impact and the manner in which Bond Proceeds are deployed for Eligible Community or Economic Development Purposes; and (xi) such other information that the CDFI Fund and/or the Bond Purchaser may require, including but not limited to demographic information of the beneficiaries of the CDFI Bond Guarantee Program, to the extent permissible by law.

b. Additional reporting by Qualified Issuers. A Qualified Issuer receiving a Guarantee shall submit annual updates to the approved Capital Distribution Plan, including an updated Proposed Sources and Uses of Funds for each Eligible CDFI, noting any deviation from the original baseline with regards to both timing and allocation of funding among Secondary Loan asset classes. The Qualified Issuer shall also submit a narrative, no more than five (5) pages in length for each Eligible CDFI, describing the Eligible CDFI's capacity to manage its Bond Loan. The narrative shall address any Notification of Material Events and relevant information concerning the Eligible CDFI's management information systems, personnel, executive leadership or board members, as well as financial capacity. The narrative shall also describe how such changes affect the Eligible CDFI's ability to generate impacts in Low-Income or Underserved Rural Areas.

c. Change of Secondary Loan asset classes. Any Eligible CDFI seeking to expand the allowable Secondary Loan asset classes beyond what was approved by the CDFI Bond Guarantee Program's Credit Review Board or make other deviations that could potentially result in a modification, as that term is defined in OMB Circulars A-11 and A-129,

must receive approval from the CDFI Fund before the Eligible CDFI can begin to enact the proposed changes. The CDFI Fund will consider whether the Eligible CDFI possesses or has acquired the appropriate systems, personnel, leadership, and financial capacity to implement the revised Capital Distribution Plan. The CDFI Fund will also consider whether these changes assist the Eligible CDFI in generating impacts in Low- Income or Underserved Rural Areas. Such changes will be reviewed by the CDFI Bond Guarantee Program and presented to the Credit Review Board for approval, and, if required, appropriate consultation will be made with OMB to ensure compliance with OMB Circulars A–11 and A–129, prior to notifying the Eligible CDFI if such changes are acceptable under the terms of the Bond Loan Agreement.

d. Reporting by Affiliates and Controlling CDFIs. In the case of an Eligible CDFI relying, for CDFI Certification purposes, on the financing entity activity of a Controlling CDFI, the CDFI Fund will require that the Affiliate and Controlling CDFI provide certain joint reports, including but not limited to those listed in subparagraph 1(a) above.

e. Detailed information on specific reporting requirements and the format, frequency, and methods by which this information will be transmitted to the CDFI Fund will be provided to Qualified Issuers, Program Administrators, Servicers, and Eligible CDFIs through the Bond Loan Agreement, correspondence, and webinar trainings, and/or scheduled outreach sessions.

f. Reporting requirements will be enforced through the Agreement to Guarantee and the Bond Loan Agreement, and will contain a valid OMB control number pursuant to the Paperwork Reduction Act, as applicable.

g. Each Qualified Issuer will be responsible for the timely and complete

submission of the annual reporting documents, including such information that must be provided by other entities such as Eligible CDFIs, Secondary Borrowers or Credit Enhancement providers. If such other entities are required to provide annual report information or documentation, or other documentation that the CDFI Fund may require, the Qualified Issuer will be responsible for ensuring that the information is submitted timely and complete. Notwithstanding the foregoing, the CDFI Fund reserves the right to contact such entities and require that additional information and documentation be provided directly to the CDFI Fund.

h. Annual Assessments. Each Qualified Issuer and Eligible CDFI will be required to have an independent third-party conduct an Annual Assessment of its Bond Loan portfolio. The Annual Assessment is intended to support the CDFI Fund's annual monitoring of the Bond Loan portfolio and to collect financial health, internal control, investment impact measurement methodology information related to the Eligible CDFIs. This assessment is consistent with the program's requirements for Compliance Management and Monitoring (CMM) and Portfolio Management and Loan Monitoring (PMLM), and will be required pursuant to the Bond Documents and the Bond Loan documents. The assessment will also add to the Department of the Treasury's review and impact analysis on the use of Bond Loan proceeds in underserved communities and support the CDFI Fund in proactively managing portfolio risks and performance. The Annual Assessment criteria for Qualified Issuers and Eligible CDFIs is available on the CDFI Fund's website.

i. The CDFI Fund reserves the right, in its sole discretion, to modify its reporting requirements if it determines it to be appropriate and necessary; however, such reporting requirements

will be modified only after notice to Qualified Issuers. Additional information about reporting requirements pursuant to this NOGA, the Bond Documents and the Bond Loan documents will be subject to the Paperwork Reduction Act, as applicable.

2. Accounting.

a. In general, the CDFI Fund will require each Qualified Issuer and Eligible CDFI to account for and track the use of Bond Proceeds and Bond Loan proceeds. This means that for every dollar of Bond Proceeds received from the Bond Purchaser, the Qualified Issuer is required to inform the CDFI Fund of its uses, including Bond Loan proceeds. This will require Qualified Issuers and Eligible CDFIs to establish separate administrative and accounting controls, subject to the applicable OMB Circulars. The CDFI Fund will provide guidance to Qualified Issuers outlining the format and content of the information that is to be provided on an annual basis, outlining and describing how the Bond Proceeds and Bond Loan proceeds were used.

VI. Agency Contacts

A. *General information on questions and CDFI Fund support.* The CDFI Fund will respond to questions and provide support concerning this NOGA, the Qualified Issuer Application and the Guarantee Application between the hours of 9:00 a.m. and 5:00 p.m. ET, starting with the date of the publication of this NOGA. The final date to submit questions is February 10, 2025. Applications and other information regarding the CDFI Fund and its programs may be obtained from the CDFI Fund's website at <http://www.cdfifund.gov>. The CDFI Fund will post on its website responses to questions of general applicability regarding the CDFI Bond Guarantee Program.

B. *The CDFI Fund's contact information is as follows:*

TABLE 2—CONTACT INFORMATION

Type of question	Telephone number (not toll free)	Email addresses
CDFI Bond Guarantee Program	(202) 653–0421, Option 5	bgp@cdfi.treas.gov .
CDFI Certification	(202) 653–0423	ocpecert@cdfi.treas.gov .
Compliance Monitoring and Evaluation	(202) 653–0423	ccme@cdfi.treas.gov .
Information Technology Support	(202) 653–0422	AMIS@cdfi.treas.gov .

C. *Communication with the CDFI Fund.* The CDFI Fund will communicate with applicants, Qualified Issuers, Program Administrators, Servicers, Certified CDFIs and Eligible

CDFIs, using the contact information maintained in their respective AMIS accounts. Therefore, each such entity must maintain accurate contact information (including contact person

and authorized representative, email addresses, fax numbers, phone numbers, and office addresses) in its respective AMIS account. For more information about AMIS, please see the AMIS

Landing Page at <https://amis.cdfifund.gov>.

VII. Information Sessions and Outreach

The CDFI Fund may conduct webcasts, webinars, or information sessions for organizations that are considering applying to, or are interested in learning about, the CDFI Bond Guarantee Program. The CDFI Fund intends to provide targeted outreach to both Qualified Issuer and Eligible CDFI participants to clarify the roles and requirements under the CDFI Bond Guarantee Program. For further information, or to sign up for alerts, please visit the CDFI Fund's website at <http://www.cdfifund.gov>.

Authority: Pub. L. 111–240; 12 U.S.C. 4701, *et seq.*; 12 CFR part 1808; 12 CFR part 1805; 12 CFR part 1815.

Pravina Raghavan,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2024–30269 Filed 12–19–24; 8:45 am]

BILLING CODE 4810–05–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Appraisal Management Companies

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning a revision to its information collection titled, “Appraisal Management Companies.” The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by January 21, 2025.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.

- *Mail:* Chief Counsel's Office,

Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0324, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

- *Fax:* (571) 293–4835.

Instructions: You must include “OCC” as the agency name and “1557–0324” in your comment. In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should also be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. You can find this information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet.

- **Viewing Comments Electronically:** Go to www.reginfo.gov. Hover over the “Information Collection Review” tab and click on “Information Collection Review” from the drop-down menu. From the “Currently under Review” drop-down menu, select “Department of Treasury” and then click “submit.” This information collection can be located by searching OMB control number “1557–0324” or “Appraisal Management Companies.” Upon finding the appropriate information collection, click on the related “ICR Reference Number.” On the next screen, select “View Supporting Statement and Other Documents” and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT:

Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks the OMB to extend its approval of the collection in this notice.

Title: Appraisal Management Companies.

OMB Control No.: 1557–0324.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description: This information collection comprises recordkeeping and disclosure requirements under regulations issued by the OCC, jointly with the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the National Credit Union Administration, the Bureau of Consumer Financial Protection, and the Federal Home Finance Agency, that implement the minimum requirements in section 1473 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) to be applied by States in the registration and supervision of appraisal management companies (AMCs). The regulations also implement the requirement in section 1473 of the Dodd-Frank Act for States to report to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council the information required by the ASC to administer the new national registry of appraisal management companies (AMC National Registry or Registry). The information collection requirements are established in 12 CFR part 34 of the OCC's codified regulations. There is no change in the methodology or substance of this information collection. The decrease in total estimated annual burden from 2,455 in 2021 to 1,991 currently is due to a change in the estimated number or respondents.

Estimated Burden:

SUMMARY OF ESTIMATED ANNUAL BURDEN (OMB No. 1557-0324)

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
1. Written Notice of Appraiser Removal from Network or Panel, 12 CFR 34.212(b) (Mandatory).	Disclosure (On occasion)	8,481	1	00:05	707
2. Develop and Maintain a State Licensing Program, 12 CFR 34.213(a) and (b) (Mandatory).	Recordkeeping (On occasion)	1	1	40:00	40
3. AMC Disclosure Requirements (State regulated AMCs), 12 CFR 34.214 (Mandatory).	Disclosure (On occasion)	1,206	1	01:00	1,206
4. AMC Disclosure Requirements (Federally regulated AMCs), 12 CFR 34.215(c) (Mandatory).	Disclosure (On occasion)	38	1	01:00	38
<i>Total Annual Burden (Hours):</i> .....	.....	.....	.....	.....	<i>1,991</i>

Estimated Total Annual Burden:
1,991 hours.

Comments: On October 15, 2024, the OCC published a 60-day notice for this information collection, (89 FR 83087). No comments were received.

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation,

maintenance, and purchase of services to provide information.

Patrick T. Tierney,
Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2024-30447 Filed 12-19-24; 8:45 am]

BILLING CODE 4810-33-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 17, 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 17, 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

1. LU, Huaying, United Arab Emirates; DOB 01 Dec 1978; nationality China; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Passport EJ5513114 (China) (individual) [NPWMD] (Linked To: SIM, Hyon Sop).

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 (E.O. 13382), for acting or purporting to act for or on behalf of, directly or indirectly, Sim Hyon Sop, a person whose property and interests in property are blocked pursuant to E.O. 13382.

2. ZHANG, Jian, Al Owais Building, Al Baniyas Street, Apt. 707, Dubai, United Arab Emirates; DOB 03 Feb 1981; POB Tangshan, China; nationality China; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Passport EJ4340624 (China); National ID No. 130203198102030017 (China) (individual) [NPWMD] (Linked To: SIM, Hyon Sop).

Designated pursuant to section 1(a)(iv) of E.O. 13382 for acting or purporting to act for or on behalf of, directly or indirectly, Sim Hyon Sop, a person whose property and interests in property are blocked pursuant to E.O. 13382.

Entity:

1. GREEN ALPINE TRADING, LLC (Arabic: جرين البين للتجارة ش.ذ.م.م.), United Arab Emirates; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Organization Established Date 08 Nov 2021; Organization Type: Wholesale of construction materials, hardware, plumbing and heating equipment and supplies; Business Registration Number 998687 (United Arab Emirates) [NPWMD] (Linked To: SIM, Hyon Sop).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or having attempted to provide, financial, material, technological or other support for, or goods or services in support of Sim Hyon Sop, an individual whose property and interest in property are blocked pursuant to E.O. 13382.

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

[FR Doc. 2024–30415 Filed 12–19–24; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC’s Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC’s determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on December 9, 2024. See Supplementary Information for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490 or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC’s website: <https://ofac.treasury.gov>.

Notice of OFAC Actions

On December 9, 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.

Individuals

1. PATTNI, Kamlesh Mansukhlal Damji, United Arab Emirates; DOB 12 Mar 1965; POB Mombasa, Kenya; nationality Kenya; alt. nationality United Kingdom; Gender Male; Passport CK23926 (Kenya) expires 11 Mar 2029 (individual) [GLOMAG].

Designated pursuant to section 1(a)(iii)(A)(1) of Executive Order (E.O.) 13818 of December 20, 2017, "Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption," 82 FR 60839 (Dec. 26, 2017) (E.O. 13818 or the "Order") for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, or bribery, that is conducted by a foreign person.

2. ABAKUMOV, Dmytro, 426 Kempinski Residence Palm Jumeirah, Dubai, United Arab Emirates; DOB 14 Jul 1992; POB Chutove, Ukraine; nationality Ukraine; Gender Male; Passport PU664588 (United Arab Emirates) expires 09 Sep 2032 (individual) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(A)(2) of E.O. 13818 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

3. CROSBY, David Paul, Zimbabwe; DOB 05 May 1990; nationality United Kingdom;

Gender Male; Passport 507244751 (United Kingdom) expires 18 Nov 2021 (individual) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(A)(2) of E.O. 13818 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

4. PATTNI, Mishal Hitesh, United Arab Emirates; DOB 11 Aug 1991; nationality Kenya; Gender Male; Passport CK49589 (Kenya) expires 20 Nov 2029 (individual) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(A)(2) of E.O. 13818 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

5. SANJAY, Raj Vaya (a.k.a. SKORUS, Raj), Zimbabwe; DOB 07 Aug 2000; nationality Kenya; Gender Male; Passport CK65152 (Kenya) expires 08 Sep 2032 (individual) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(A)(2) of E.O. 13818 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

6. SINHA, Swetang, Zimbabwe; DOB 09 Jun 1985; nationality India; Gender Male; Passport Z5048447 (India) expires 20 Dec 2028 (individual) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(A)(2) of E.O. 13818 for having materially assisted, sponsored, or provided financial, material, or technological support

for, or goods or services to or in support of, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

7. SOOD, Rahul, House No 6 20 Loiyangalani Drive, Lavington, Nairobi 00500, Kenya; DOB 13 Aug 1978; nationality India; Gender Male; Passport Z6726968 expires 15 Aug 2032 (individual) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(A)(2) of E.O. for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

8. VAYA, Sanjay Keshavji, Zimbabwe; DOB 04 Sep 1971; nationality Kenya; Gender Male; Passport A1149518 (Kenya) expires 14 Jun 2017 (individual) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(A)(2) of E.O. 13818 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

9. VAYA, Mukesh Mansukhlal, United Arab Emirates; DOB 19 Sep 1971; nationality Kenya; Gender Male; Passport CK65184 (Kenya) expires 05 Sep 2032 (individual) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(A)(2) of E.O. 13818 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

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Entities

1. SAMARIA HOLDINGS LIMITED, PO Box 14401, Dubai, United Arab Emirates; Office 2507 To 2508, 25th Floor, One Lake Plaza Cluster T, Jumeirah Lakes Towers, Dubai, United Arab Emirates; Organization Established Date 10 Apr 2007; Company Number OE027369 (United Kingdom); Business Registration Number OF-3180 (United Arab Emirates) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

2. FIZA GOLD AND BULLION TRADING L.L.C (a.k.a. FIZA GOLD AND DIAMOND JEWELLERY L.L.C), Dubai, United Arab Emirates; Organization Established Date 14 Oct 2018; Registration Number 816507 (United Arab Emirates) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

3. GOLDEN LUXURY JEWELLERY TRADING L.L.C (Arabic: جولدن لكسري لتجارة المجوهرات ش.ذ.م.م), Unit 202, Al Harmoodi Building, Gold Souq, Deira, Dubai, United Arab Emirates; Organization Established Date 14 Sep 2017; Legal Entity Number 213800SS45WKYIT4EP89; Registration Number 790294 (United Arab Emirates) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

4. MANURAMA LIMITED, Plot LR 209/525/26 Dubois Street, 12505, Nairobi 00100, Kenya; P.O Box 10711, Nairobi, Kenya; Organization Established Date 26 May 2010; Registration Number CPR/2010/118463 (Kenya) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

5. MARWA INVESTMENTS LIMITED, Suite# 3006, 30th Floor, Al Attar Tower, Sheikh Zayed Road, Dubai, United Arab Emirates; P.O. Box 43630, Dubai, United Arab Emirates; Organization Established Date 20 Aug 2009; Registration Number IC/1951/09 (United Arab Emirates) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

6. MEMORIES GOLDEN JEWELLERY L.L.C, Mahl Raqm 25, Malik Waqf Meerza Hasan Muhammad al Rahma, Bur Dubai, United Arab Emirates; Organization Established Date 04 Dec 2017; Legal Entity Number 213800LXUH73839MI315; Registration Number 795758 (United Arab Emirates) [GLOMAG] (Linked To: SUN MULTINATIONAL DMCC).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Sun Multinational DMCC, a person whose property and interests in property are blocked pursuant to E.O. 13818.

7. PRECIOUS BULLION DMCC, Dubai, United Arab Emirates; Website <https://precious-bullion.com/>; Organization Established Date 18 Mar 2021; Registration Number DMCC-800432 (United Arab Emirates) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

8. RUBINI INVESTMENT GROUP LIMITED (a.k.a. "RUBINI INVESTMENTS GROUP LIMITED"), Plot No. FZJOB0624 WS02, Jebel Ali Free Zone, 61027, Dubai, United Arab Emirates; Organization Established Date 07 Apr 2001; Company Number 372782 (Virgin Islands, British); Registration Number 2938 (United Arab Emirates) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

9. RUHMEER DIAMONDS DMCC, Office 13L, Gold Tower, Cluster I, JLT, Dubai, United Arab Emirates; Website <https://ruhmeerdiamonds.com/>; Registration Number DMCC-734284 (United Arab Emirates) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

10. SKORUS INVESTMENTS PVT LTD, Fidelity House, Releigh Street, Harare, Zimbabwe; Organization Established Date 03 Oct 2019; Registration Number 1046914 (Zimbabwe) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal

Damji).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

11. SUN MULTINATIONAL DMCC, Jumeirah Lake Towers, Office No. 2507-08, 25th Floor, One Lake Plaza, Cluster-T, Dubai, United Arab Emirates; Website <https://sunmultinational.com/>; Organization Established Date 02 Feb 2010; Registration Number JLT-65441 (United Arab Emirates) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

12. SUN STAR TRAVEL & TOURISM L.L.C, Deira Al Khabeesi, Dubai, United Arab Emirates; Website <https://www.sunstartravels.com/>; Organization Established Date 11 Jul 2018; Registration Number 810462 (United Arab Emirates) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

13. SUZAN GENERAL TRADING JLT (a.k.a. SUZAN GENERAL TRADING DMCC), 2508 One Lake Plaza, Dubai, United Arab Emirates; PO Box 14401, Dubai, United Arab Emirates; Organization Established Date 31 Jan 2010; Registration Number 65441 (United Arab Emirates) [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

14. SUZAN GENERAL TRADING PVT LTD, 299 Borrowdale Road, Harare, Zimbabwe; Organization Type: Wholesale and retail trade [GLOMAG] (Linked To: PATTNI, Kamlesh Mansukhlal Damji).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamlesh Mansukhlal Damji Pattni, a person whose property and interests in property are blocked pursuant to E.O. 13818.

15. MIRDK FYUELS OSOO (a.k.a. OBSHTESTVO S OGRANICHENNOY OTVETSTVENNOSTYU MIRDK FYUELS; a.k.a. "MIRDK FUELS"), 36k/1, ul. Lva Tolstogo Oktyabrski raion, Bishkek, Kyrgyzstan; Organization

Established Date 30 Mar 2023; Registration Number 31834940 (Kyrgyzstan) [GLOMAG] (Linked To: CROSBY, David Paul).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, David Paul Crosby, a person whose property and interests in property are blocked pursuant to E.O. 13818.

16. ROYAL SONA OSOO (a.k.a. OBSHTESTVO S OGRANICHENNOY OTVETSTVENNOSTYU ROYAL SONA), 36k/1, ul. Lva Tolstogo Oktyabrski raion, Bishkek, Kyrgyzstan; Organization Established Date 30 Mar 2023; Registration Number 31834928 (Kyrgyzstan) [GLOMAG] (Linked To: CROSBY, David Paul).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, David Paul Crosby, a person whose property and interests in property are blocked pursuant to E.O. 13818.

17. SAHARA PETROLEUM PTE. LTD., One Raffles Place, #21-01, Singapore 048616, Singapore; Organization Established Date 16 May 2023; Registration Number 202319137N (Singapore) [GLOMAG] (Linked To: SOOD, Rahul).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Rahul Sood, a person whose property and interests in property are blocked pursuant to E.O. 13818.

18. SAKHARA PETROLEUM OSOO (a.k.a. OBSHTESTVO S OGRANICHENNOY OTVETSTVENNOSTYU SAKHARA PETROLEUM), 36k/1, ul. Lva Tolstogo Oktyabrski raion, Bishkek, Kyrgyzstan; Organization Established Date 30 Mar 2023; Registration Number 31834911 (Kyrgyzstan) [GLOMAG] (Linked To: CROSBY, David Paul).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, David Paul Crosby, a person whose property and interests in property are blocked pursuant to E.O. 13818.

19. SUPRIM EF IKS OSOO (a.k.a. OBSHTESTVO S OGRANICHENNOY OTVETSTVENNOSTYU SUPRIM EF IKS), 36k/1, ul. Lva Tolstogo Oktyabrski raion, Bishkek, Kyrgyzstan; Organization Established Date 30 Mar 2023; Registration Number 31834897 (Kyrgyzstan) [GLOMAG] (Linked To: CROSBY, David Paul).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, David Paul Crosby, a person whose property and interests in property are blocked pursuant to E.O. 13818.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2024-30373 Filed 12-19-24; 8:45 am]

BILLING CODE 4810-AL-C

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names

of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on December 9, 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 Actions

On December 9, 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.

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Individuals

1. AL-MURTADHA, Abdulqader Hasan Yahya (a.k.a. ALMORTADA, Abdul Kader (Arabic: عبد القادر المرتضى); a.k.a. AL-MORTADA, Abdul Qadir; a.k.a. AL-MORTADA, Abdulqader; a.k.a. AL-MURTADA, Abdul Qader; a.k.a. AL-MURTADA, Abdulkader; a.k.a. AL-MURTADA, Abdulqader; a.k.a. AL-MURTAZA, Abdul Qader; a.k.a. MORTADA, Abdulqader), Yemen; DOB 04 Mar 1978; POB Saada, Yemen; nationality Yemen; Gender Male; Passport 00023233 (Yemen) issued 30 Jun 2021 expires 29 Jun 2027 (individual) [GLOMAG].

Designated pursuant to sections 1(a)(ii)(A) and 1(a)(ii)(C)(1) of Executive Order 13818 of December 20, 2017, "Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption," 82 FR 60839 (Dec. 26, 2017) (E.O. 13818) for being a foreign person who is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse and for being a foreign person who is or has been a leader or official of an entity, including any government entity, that has engaged in, or whose members have engaged in, serious human rights abuse relating to the leader's or official's tenure.

2. AL-AKHRAS, Fawaz (Arabic: فواز الاخرس) (a.k.a. AKHRAS, Fawwaz), 34 Allan Way, London, United Kingdom; DOB Sep 1946; POB Homs, Syria; nationality United Kingdom; alt. nationality Syria; Gender Male (individual) [SYRIA-EO13894] (Linked To: AL-ASSAD, Bashar).

Designated pursuant to section 1(a)(i)(E) of Executive Order 13894 of October 14, 2019, "Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Syria," 84 FR 55851 (Oct. 17, 2019) (E.O. 13894) for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, BASHAR AL-ASSAD, a person whose property and interests in property are blocked pursuant to E.O. 13894.

Entity

1. HOUTHİ NATIONAL COMMITTEE FOR PRISONERS AFFAIRS (a.k.a. NATIONAL COMMITTEE FOR PRISONERS AFFAIRS; a.k.a. "NCPA"), Sana'a, Yemen [GLOMAG].

Designated pursuant to section 1(a)(ii)(A) of E.O. 13818 for being a foreign person who is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse.

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

[FR Doc. 2024-30372 Filed 12-19-24; 8:45 am]

BILLING CODE 4810-AL-C



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Part II

Department of Transportation

National Highway Traffic Safety Administration

49 CFR Parts 561 and 571

Federal Motor Vehicle Safety Standards; FMVSS No. 305a Electric-Powered Vehicles: Electric Powertrain Integrity Global Technical Regulation No. 20 Incorporation by Reference; Final Rule

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Parts 561 and 571**

[Docket No. NHTSA–2024–0091]

RIN 2127–AM43

Federal Motor Vehicle Safety Standards; FMVSS No. 305a Electric-Powered Vehicles: Electric Powertrain Integrity Global Technical Regulation No. 20 Incorporation by Reference

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: Consistent with a Global Technical Regulation on electric vehicle safety, NHTSA is establishing Federal Motor Vehicle Safety Standard (FMVSS) No. 305a to replace FMVSS No. 305, “Electric-powered vehicles: Electrolyte spillage and electrical shock protection.” Among other improvements, FMVSS No. 305a applies to light and heavy vehicles and includes performance requirements for the propulsion battery. NHTSA is also establishing a new regulation, part 561, “Documentation for Electric-powered Vehicles,” that requires manufacturers to compile risk mitigation documentation and to submit standardized emergency response information to assist first and second responders handling electric vehicles.

DATES:

Effective date: This final rule is effective February 18, 2025.

IBR date: The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of February 18, 2025.

Compliance dates: The compliance date is December 22, 2025, for the emergency response documentation requirements. For all other requirements, the compliance date is September 1, 2027, for vehicles with a gross vehicle weight rating of 4,536 kilograms (kg) or less and September 1, 2028, for vehicles with a gross vehicle weight rating over 4,536 kg. Small-volume manufacturers, final-stage manufacturers, and alterers are provided an additional year to comply with the requirements beyond the dates identified above. Optional early compliance is permitted.

Petitions for Reconsideration: Petitions for reconsideration of this final rule must be received no later than February 3, 2025.

ADDRESSES: Petitions for reconsideration of this final rule must refer to the docket and notice number set forth above and be submitted to the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, West Building, Washington, DC 20590. All petitions received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit a copy, from which you have deleted the claimed confidential business information, to Docket Management at the address given above. When you send a submission containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR part 512). Please see further information in the Regulatory Notices and Analyses section of this preamble.

Privacy Act: The petition will be placed in the docket. Anyone is able to search the electronic form of all submissions to any of our dockets by the name of the individual submitting the submission (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> at any time or to 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Telephone: (202) 366–9826.

FOR FURTHER INFORMATION CONTACT: For technical issues, you may contact Ms. Lina Valivullah, Office of Crashworthiness Standards; Telephone: (202) 366–8786; Email: Lina.Valivullah@dot.gov; Facsimile: (202) 493–2739. For legal issues, you may contact Ms. K. Helena Sung, Office of Chief Counsel; Telephone: (202) 366–

2992; Email: Helena.Sung@dot.gov; Facsimile: (202) 366–3820. The mailing address of these officials is: National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590.

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I. Executive Summary

NHTSA is issuing this final rule to achieve two goals. First, NHTSA is establishing FMVSS No. 305a, “Electric-powered Vehicles: Electric Powertrain

Integrity,” to upgrade and replace existing FMVSS No. 305. The new FMVSS No. 305a has all the requirements of FMVSS No. 305 and expands its applicability to vehicles with a gross vehicle weight rating (GVWR) greater than 4,536 kilograms (kg) (10,000 pounds (lb)). FMVSS No. 305a also adds requirements and test procedures covering new aspects of electric vehicle safety, such as performance requirements for the propulsion battery system, also referred to as the Rechargeable Electrical Energy Storage System (REESS). NHTSA is also establishing a new regulation, 49 CFR part 561 (part 561), “Documentation for Electric-powered Vehicles,” to require that manufacturers submit, at NHTSA’s request, documentation addressing safety risk mitigation under specified scenarios to demonstrate that they considered, assessed, and mitigated risks for safe operation of the vehicle. Manufacturers are also required to submit documentation to ensure both first¹ and second² responders have access to vehicle-specific information about extinguishing REESS fires and mitigating safety risks associated with stranded energy³ when responding to emergencies. The restructured and upgraded FMVSS No. 305a will facilitate future updates to the standard as battery technologies and charging systems continue to evolve.

The second goal is to further NHTSA’s effort to harmonize the Federal Motor Vehicle Safety Standards under the Economic Commission for Europe 1998 Global Agreement (“1998 Agreement”). The efforts of the U.S. and other contracting parties to the 1998 Agreement culminated in the establishment of Global Technical Regulation (GTR) No. 20, “Electric Vehicle Safety.”⁴ FMVSS No. 305 already incorporates a substantial portion of GTR No. 20’s requirements due to a previous NHTSA rulemaking. In 2017, NHTSA amended FMVSS No. 305 to include electrical safety requirements from GTR No. 13, “Hydrogen and fuel cell vehicles,” pertaining to electric vehicle

performance during normal vehicle operation and post-crash.⁵ Because GTR No. 13’s provisions for electric vehicles were later incorporated into what would become GTR No. 20, the 2017 final rule that adopted GTR No. 13’s provisions adopted what later became many of the requirements of GTR No. 20. That 2017 rulemaking, however, did not expand the applicability of FMVSS No. 305 to include heavy vehicles nor did it include requirements for the REESS. This final rule largely adopts these and other GTR No. 20 requirements.

The notice of proposed rulemaking (NPRM) preceding this final rule was published on April 15, 2024. The comment period closed on June 14, 2024. After carefully reviewing the comments, NHTSA is adopting the proposed requirements with some changes from the NPRM. Commenters to the NPRM commented on the applicability to heavy vehicles; vehicle-level testing; technical details on documentation requirements; test procedures for evaluating fire risk mitigation; warning in the case of a thermal event in the battery pack; and water exposure safety. NHTSA addresses the comments in this final rule with minor changes to the regulatory text. These changes include edits to definitions and test procedures for clarity and accuracy, addition of a provision to exempt out-of-reach rooftop charging systems from direct contact protection requirements, and new regulation part 561 for documentation requirements and emergency response information requirements.

High Level Summary of the Final Rule

FMVSS No. 305 currently only applies to passenger cars and to multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less (“light vehicles”). Consistent with GTR No. 20, FMVSS No. 305a expands the current applicability of FMVSS No. 305 to vehicles with a GVWR greater than 4,536 kg (10,000 lb) (“heavy vehicles”). Under the final FMVSS No. 305a, light vehicles will be subject to requirements carried over from FMVSS No. 305 that ensure the safety of the electrical system during normal vehicle operations and after a crash (post-crash). They will also be subject to new requirements for the REESS. Heavy vehicles will be subject to the requirements for electrical system

safety during normal vehicle operations and to requirements for the REESS. However, except for heavy school buses, they will not be subject to post-crash requirements. Heavy school buses (GVWRs greater than 4,536 kg (10,000 lb)) will be subject to the requirements for electrical system safety during normal vehicle operations and to the requirements for the REESS, and will have to meet post-crash test requirements to ensure the vehicles protect against unreasonable risk of electric shock and risk of fire after a crash. The post-crash tests are the same tests described in FMVSS No. 301 for heavy school buses (impacted at any point and at any angle by a moving contoured barrier).

The post-crash requirements of FMVSS No. 305a for light vehicles and heavy school buses include electric shock protection (there are four compliance options: low voltage, electrical isolation, protective barrier, and low energy for capacitors); REESS retention; electrolyte leakage; and fire safety. The requirements for REESS retention and electrolyte leakage are already in FMVSS No. 305, but the final rule adopts the NPRM proposal to enhance some provisions consistent with GTR No. 20.

FMVSS No. 305a also includes new and comprehensive performance requirements and risk mitigation strategies for safety of the REESS. These REESS requirements will apply to all vehicles, regardless of GVWR. A REESS provides electric energy for propulsion and may include necessary ancillary systems for physical support, thermal management, electronic controls, and casings. The requirements set a level of protection of the REESS against external fault inputs, ensure the REESS operations are within the manufacturer-specified functional range, and increase the likelihood of safe operation of the REESS and other electrical systems of the vehicle during and after water exposure during normal vehicle operations.

The final rule addresses some aspects of REESS safety through documentation measures, consistent with GTR No. 20. “Documentation measures” means a list of information provided by manufacturers, at NHTSA’s request, that demonstrates that they considered, assessed, and mitigated identified risks for safe operation of the vehicle. The final rule’s documentation requirements address: (a) safety risk mitigation associated with charging and discharging during low temperature; (b) providing a warning if there is a malfunction of vehicle controls that manage REESS safe operation; (c)

¹ “First responder” means a person with specialized training such as a law enforcement officer, paramedic, emergency medical technician, and/or firefighter, who is typically one of the first to arrive and provide assistance at the scene of an emergency.

² “Second responder” means a worker who supports first responders by cleaning up a site, towing vehicles, and/or returning services after an event requiring first responders.

³ Stranded energy is the energy remaining inside the REESS after a crash or other incident.

⁴ GTR No. 20, <https://unece.org/fileadmin/DAM/trans/main/wp29/wp29wgs/wp29gen/wp29registry/ECE-TRANS-180a20e.pdf>.

⁵ GTR No. 13 only applied to light vehicles. Normal vehicle operations include operating modes and conditions that can reasonably be encountered during typical operation of the vehicle, such as driving, parking, standing in traffic with the vehicle in drive mode, and charging. Final rule, 82 FR 44950, September 27, 2017.

providing a warning if there is a thermal event in the REESS;⁶ and (d) safety risk mitigation for thermal runaway and propagation due to an internal short circuit of a single cell. The GTR takes a documentation approach to these aspects of safety because of the rapidly evolving electric vehicle technologies and the variety of available REESS and electric vehicle designs. NHTSA agrees that there are currently no objective test procedures in these specified areas that are not design restrictive given the current state of knowledge. Thus, until test procedures and performance criteria can be developed for all vehicle powertrain architectures, 49 CFR part 561 will require manufacturers to submit documentation to NHTSA, at NHTSA's request, that identifies all known safety hazards, describes their risk mitigation strategies for the safety hazards, and, if applicable, describes how they provide a warning to address a safety hazard. The purpose of the documentation approach is two-fold. Given the variation of battery design and design specific risk mitigation systems, the documentation requirement will be a means of ensuring that each manufacturer has identified safety risks and safety risk mitigation strategies. The requirement provides a means for NHTSA to learn of the risks associated with the REESS, understand how the manufacturer is addressing the risks, and oversee those safety hazards. This approach is battery technology neutral, not design restrictive, and is intended to evolve over time as battery technologies continue to rapidly evolve. It is an interim measure intended to ensure that manufacturers will identify and address the safety risks of the REESS until such time as objective performance standards can be developed that can be applied to all applicable REESS designs.

As part of NHTSA's battery initiative and in response to a 2020 NTSB recommendation,⁷ the NPRM proposed to include in FMVSS No. 305a a requirement that vehicle manufacturers submit to NHTSA standardized emergency response guides (ERGs) and rescue sheets for each vehicle make, model, and model year. The uploaded ERGs and rescue sheets

will be publicly available on NHTSA's website for easy searchable access. ERGs and rescue sheets communicate vehicle-specific information related to fire, submersion, and towing, as well as the location of components in the vehicle that may expose the vehicle occupants or rescue personnel to risks, the nature of a specific function or danger, and devices or measures which inhibit a dangerous state. The final rule adopts the proposed requirement to submit standardized emergency response information to a NHTSA website in part 561. The standardized information will be available and understandable to first and second responders so they can easily refer to vehicle-specific rescue information en route to or at the scene of a crash or fire event and respond to the emergency quickly and safely.

NHTSA is issuing this final rule pursuant to and in accordance with its authority under the National Traffic and Motor Vehicle Safety Act (Safety Act). Under 49 United States Code (U.S.C.) Chapter 301, Motor Vehicle Safety (49 U.S.C. 30101 *et seq.*), the Secretary of Transportation is responsible for prescribing motor vehicle safety standards that are practicable, meet the need for motor vehicle safety, and are stated in objective terms. The Safety Act also authorizes NHTSA to require manufacturers to retain certain records and/or make information available to NHTSA. Section 30166 of the Act provides NHTSA the ability to request and inspect manufacturer records that are necessary to enforce the prescribed regulations. NHTSA is authorized by delegation to issue regulations to carry out the agency's duties of ensuring vehicle safety.⁸

NHTSA believes there are no notable costs associated with this final rule. This final rule closely mirrors the electrical safety provisions of GTR No. 20, which have been voluntarily implemented by manufacturers in this country. The agency believes that the finalized safety standards are widely implemented by manufacturers of light and heavy electric vehicles and heavy electric school buses. Manufacturers are also already providing emergency response information to the National Fire Protection Association (NFPA); under part 561, they would just have to standardize the format and submit the information to NHTSA.

II. Background

a. Overview of FMVSS No. 305

The purpose of FMVSS No. 305, "Electric-powered vehicles: electrolyte

spillage and electrical shock protection," is to reduce deaths and injuries from electrical shock. The standard applies only to light vehicles (vehicles with a GVWR less than or equal to 4,536 (kg) (10,000 (lb))). The standard's requirements reduce the risk of harmful electric shock: (a) during normal vehicle operation; and (b) in post-crash situations to protect vehicle occupants, and rescue workers and others who may come in contact with the vehicle after a crash. The standard's requirements for the former protect against direct and indirect contact of high voltage sources during everyday operation of the vehicles. The focus of the "in-use" testing (unlike "post-crash" testing) deals with performance criteria that will be assessed without first exposing the vehicle to a crash test. The standard's post-crash test requirements address electrical isolation following frontal, rear, and side impacts of the vehicle, in addition to limiting electrolyte spillage from propulsion batteries.

FMVSS No. 305 already has many of GTR No. 20's requirements for light vehicles, including requirements for electrical safety during normal vehicle operation; post-crash electrolyte spillage; post-crash REESS retention; and most of the GTR's post-crash electrical safety options for high voltage sources.

b. Overview of GTR No. 20

1. The GTR Process

The United States is a contracting party to the Agreement concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles ("1998 Agreement"). This agreement entered into force in 2000 and is administered by the UN Economic Commission for Europe's (UNECE's) World Forum for the Harmonization of Vehicle Regulations (WP.29). The purpose of this agreement is to establish Global Technical Regulations (GTRs).

In March 2012, UNECE WP.29 formally adopted the proposal to establish GTR No. 20 at its one-hundred-and-fifty-eighth session. NHTSA chaired the development of GTR No. 20 and voted in favor of establishing GTR No. 20.

As a Contracting Party Member to the 1998 Global Agreement that voted in favor of GTR No. 20, NHTSA is obligated to initiate the process used in the U.S. to adopt the GTR as an agency regulation. This process was initiated by the NPRM published on April 15, 2024.

⁶ The NPRM proposed to include a thermal warning requirement and a corresponding test procedure. After consideration of comments, the final rule specifies an additional documentation requirement in part 561 for the REESS thermal event warning instead of a corresponding test procedure with the warning requirement.

⁷ "Safety risks to emergency responders from lithium-ion battery fires in electric vehicles," Safety Report NTSB/SR-20/01, PB2020-101011, National Transportation Safety Board, <https://www.nts.gov/safety/safety-studies/Documents/SR2001.pdf>.

⁸ 49 U.S.C. 322(a); 49 CFR 1.95.

NHTSA is not obligated to adopt the GTR after initiating this process. In deciding whether to adopt a GTR as an FMVSS, NHTSA follows the requirements for NHTSA rulemaking, including the Administrative Procedure Act, the National Traffic and Motor Vehicle Safety Act (Vehicle Safety Act), Presidential Executive Orders, and DOT and NHTSA policies, procedures, and regulations. Among other things, FMVSSs issued under the Vehicle Safety Act “shall be practicable, meet the need for motor vehicle safety, and be stated in objective terms.”

2. GTR No. 20

GTR No. 20 establishes performance-oriented requirements that reduce potential safety risks of electric vehicles while in use and after a crash event. The GTR includes provisions that address electrical shock associated with high voltage circuits of EVs and potential hazards associated with lithium-ion batteries and/or other REESS. One of the principles for developing GTR No. 20 was to address unique safety risks posed by electric vehicles and their components to ensure a safety level equivalent to conventional vehicles with internal combustion engines.

The requirements in GTR No. 20, for Phase 1 in the GTR development process, address issues relating to the safe operation of the REESS, and the mitigation of fire risk and other safety risks associated with the REESS. Phase 2 of the GTR No. 20 development process, which is ongoing, will address issues involving long-term research and verification.

GTR No. 20 applies to all electric-powered vehicles regardless of GVWR, in contrast to FMVSS No. 305, which only applies to light vehicles. FMVSS No. 305 currently includes the majority of GTR No. 20's requirements regarding electric shock protection and applies these only to light vehicles. GTR No. 20 also has safety requirements for the REESS beyond those in FMVSS No. 305. A summary of these additional requirements in GTR No. 20 for the REESS includes:

Safe operation of REESS under the following exposures during normal vehicle operations:

- REESS protection under external fault conditions and extreme operating temperatures:
 - External short circuit
 - Overcharge
 - Over-discharge
 - Overcurrent
 - High operating temperature
 - Low operating temperature
- Management of REESS emitted gases

- Water exposure during vehicle washing and driving through 10-centimeter (cm) deep water on roadway
- Thermal shock and cycling (–40 °C to 60 °C)*⁹
- Resistance to short duration external gasoline pool fire *
- Vibration environment during normal vehicle operations *

Warning systems for REESS safe operation in case of:

- Low energy content in REESS *
- REESS control operational failure
- Thermal runaway propagation due to single cell short circuit in REESS
- Thermal event in REESS
- Installation (location) of REESS on the vehicle¹⁰

GTR No. 20 includes post-crash requirements but does not specify the crash tests for post-crash evaluation. Instead, the GTR allows contracting parties to apply the crash tests in their regulations. Further, the GTR allows contracting parties to permit regulated entities to comply with post-crash requirements without conducting vehicle crash tests. In place of crash tests, a contracting party may specify tests for “mechanical integrity” and “mechanical shock” of the REESS.

The April 2024 NPRM¹¹ proposed to complete the alignment of FMVSS No. 305 with GTR No. 20 by proposing to establish FMVSS No. 305a, which adopts all the requirements in FMVSS No. 305 and extends the standard's electrical safety requirements to heavy vehicles. The NPRM also proposed to adopt the above requirements under normal vehicle operations for the REESS to light and heavy vehicles, except as noted by an asterisk, because requirements for thermal shock and cycling, resistance to short duration external pool fire, and vibration environment are already included under United States Hazardous Materials Regulations (HMR), 49 CFR parts 171 to 180, in accordance with the international lithium battery transportation requirements of UN 38.3, “Transport of dangerous goods: Manual of tests and criteria.” The NPRM proposed adding the post-crash test requirements in FMVSS No. 305 for light vehicles and adding a crash test for

all school buses similar to that in FMVSS No. 301, “Fuel system integrity.” The NPRM also proposed a post-crash requirement for no observed fire or explosion in the vehicle for a duration of one hour after the crash test and a low energy post-crash option for capacitors in the electric power train to meet electrical safety requirements.

c. Statutory Authority

NHTSA is issuing this final rule pursuant to and in accordance with its authority under the National Traffic and Motor Vehicle Safety Act (Safety Act). Under 49 United States Code (U.S.C.) Chapter 301, Motor Vehicle Safety (49 U.S.C. 30101 *et seq.*), the Secretary of Transportation is responsible for prescribing motor vehicle safety standards that are practicable, meet the need for motor vehicle safety, and are stated in objective terms (section 30111(a)). “Motor vehicle safety” is defined in the Safety Act (section 30102(a)(8)) as “the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident, and includes nonoperational safety of a motor vehicle.” “Motor vehicle safety standard” means a minimum standard for motor vehicle or motor vehicle equipment performance (section 30102(a)(9)). When prescribing such standards, the Secretary must consider all relevant available motor vehicle safety information (section 30111(b)(1)). The Secretary must also consider whether a proposed standard is reasonable, practicable, and appropriate for the particular type of motor vehicle or motor vehicle equipment for which it is prescribed (section 30111(b)(3)) and the extent to which the standard will further the statutory purpose of reducing traffic accidents and associated deaths and injuries (section 30111(b)(4)). The responsibility for promulgation of FMVSSs is delegated to NHTSA (49 CFR 1.95).

The Safety Act also authorizes NHTSA to require manufacturers to retain certain records and/or make information available to NHTSA. Section 30166 of the Act provides NHTSA the ability to request and inspect manufacturer records that are necessary to enforce the prescribed regulations. NHTSA is also authorized by delegation to issue regulations to

⁹ The asterisk notes that the NPRM did not propose to adopt the GTR No. 20 requirement.

¹⁰ This requirement is intended for countries with type approval systems where a generic REESS can be approved separately from the vehicle. A vehicle with a pre-approved REESS that complies with the REESS installation requirement would not have to undergo post-crash safety assessment for approval. This installation requirement would not apply in the U.S. with a self-certification system.

¹¹ 89 FR 26704 (Apr. 15, 2024).

carry out the agency's duties of ensuring vehicle safety.¹²

d. Overview of the Final Rule Requirements

Consistent with GTR No. 20, the new FMVSS No. 305a expands the current applicability of FMVSS No. 305 to vehicles with a GVWR greater than 4,536 kg (10,000 lb) ("heavy vehicles"). Under FMVSS No. 305a:

- Light vehicles are subject to requirements carried over from FMVSS No. 305 that ensure the safety of the electrical system during normal vehicle operations and after a crash (post-crash).¹³ They are also subject to new requirements for the REESS.

- Heavy vehicles are subject to the requirements for electrical system safety during normal vehicle operations and to requirements for the REESS. However, except for heavy school buses, they are not subject to post-crash requirements. This exclusion of heavy vehicles, other than school buses, from crash tests, aligns with similar exclusions in FMVSS No. 301, "Fuel system integrity," for conventional fuel vehicles and FMVSS No. 303, "Fuel system integrity of compressed natural gas vehicles," for compressed natural gas vehicles.

- Heavy school buses (GVWRs greater than 4,536 kg (10,000 lb))¹⁴ are subject to the requirements for electrical system safety during normal vehicle operations and to the requirements for the REESS, and have to meet post-crash test requirements to ensure the vehicles protect against unreasonable risk of electric shock and risk of fire after a crash. The post-crash tests are the same tests described in FMVSS No. 301 for heavy school buses (impacted at any point and at any angle by a moving contoured barrier).

The post-crash requirements of FMVSS No. 305a for light vehicles and heavy school buses include electric shock protection (there are four compliance options: low voltage, electrical isolation, protective barrier, and low energy for capacitors); REESS retention; electrolyte leakage; and fire safety. The requirements for REESS retention and electrolyte leakage are in

FMVSS No. 305, but FMVSS No. 305a enhances some provisions consistent with GTR No. 20. For example, FMVSS No. 305 does not specify that there must be no fire or explosion after a crash test. Electric vehicles may catch fire long after a collision or other occurrence resulting in a fault condition. To account for the potential delayed response, FMVSS No. 305a is prohibiting fire or explosion for a one-hour post-test period.

A substantial portion of FMVSS No. 305a focuses on safety provisions for the propulsion battery, the REESS. FMVSS No. 305a includes comprehensive performance requirements for the REESS. These REESS requirements apply to all vehicles, regardless of GVWR. A REESS provides electric energy for propulsion and may include necessary ancillary systems for physical support, thermal management, electronic controls, and casings. The requirements set a level of protection of the REESS against external fault inputs, ensure the REESS operations are within the manufacturer-specified functional range, and increase the likelihood of safe operation of the REESS and other electrical systems of the vehicle during and after water exposure during normal vehicle operations.

This final rule addresses some aspects of REESS safety through documentation measures, consistent with GTR No. 20, through a new regulation, part 561. "Documentation measures" means a list of information provided by manufacturers, at NHTSA's request, that demonstrates that they considered, assessed, and mitigated identified risks for safe operation of the vehicle. These documentation requirements address: (a) safety risk mitigation associated with charging and discharging during low temperature; (b) providing a warning if there is a malfunction of vehicle controls that manage REESS safe operation; (c) providing a warning if there is a thermal event in the REESS; and (d) safety risk mitigation for thermal runaway and propagation due to an internal short circuit of a single cell. The GTR takes a documentation approach to these aspects of safety because of the rapidly evolving electric vehicle technologies and the variety of available REESS and electric vehicle designs. The Informal Working Group experts that drafted the GTR determined there currently are no objective test procedures to evaluate safety risk mitigation designs or the operations of warnings of a malfunction of vehicle controls in a manner that is not design restrictive.

NHTSA agrees with this approach given the current state of knowledge.

Thus, until test procedures and performance criteria can be developed for all vehicle powertrain architectures, manufacturers will be required to submit documentation to NHTSA, at NHTSA's request, that identifies all known safety hazards, describes risk mitigation strategies for the safety hazards, and, if applicable, describes how they provide a warning to address a safety hazard.¹⁵ The purpose of the documentation approach is two-fold. Given the variation of battery design and design specific risk mitigation systems, the documentation requirement is a means of ensuring that each manufacturer has identified safety risks and safety risk mitigation strategies. The requirement provides a means for NHTSA to learn of the risks associated with the REESS, understand how the manufacturer is addressing the risks, and oversee those safety hazards. This approach is battery technology neutral, not design restrictive, and is intended to evolve over time as battery technologies continue to rapidly evolve. It is an interim measure intended to ensure that manufacturers will identify and address the safety risks of the REESS until such time as objective performance standards can be developed that can be applied to all applicable REESS designs. NHTSA will also acquire information from the submissions to learn about the safety of the REESSs and potentially develop the future performance standards for FMVSS No. 305a. The documentation requirements are based on the approach of GTR No. 20, but NHTSA focused the GTR's documentation requirements to enable the agency to obtain more targeted information from manufacturers.

As part of NHTSA's battery initiative,¹⁶ this final rule also establishes, through regulation, a requirement that vehicle manufacturers submit to NHTSA emergency response guides (ERGs) and rescue sheets for each vehicle make, model, and model year. The purpose of the requirement is to provide information to first and second responders regarding the safe handling of the vehicle in emergencies and for towing and storing operations. The uploaded ERGs and rescue sheets will be publicly available on NHTSA's website for easy searchable access. ERGs and rescue sheets communicate vehicle-specific information related to fire, submersion, and towing, as well as the

¹² 49 U.S.C. 322(a). This provision states that the Secretary of Transportation may prescribe regulations to carry out the duties and powers of the Secretary. The authority to implement the Vehicle Safety Act has been delegated to NHTSA.

¹³ Current FMVSS No. 305 light vehicle post-crash test requirements (front, side, and rear crashes) are aligned with FMVSS No. 301's light vehicle post-crash test requirements.

¹⁴ In the school bus safety area, stakeholders, including NHTSA, commonly refer to buses with a GVWR over 4,536 kg (10,000 lb) as "large" school buses.

¹⁵ Section 30166 of the Vehicle Safety Act authorizes the Secretary of Transportation (NHTSA by delegation) the ability to request and inspect manufacturer records that are necessary to enforce the prescribed regulations.

¹⁶ <https://www.nhtsa.gov/battery-safety-initiative>.

location of components in the vehicle that may expose the vehicle occupants or rescue personnel to risks, the nature of a specific function or danger, and devices or measures which inhibit a dangerous state.

NHTSA is requiring standardized formatting of the information. The ERG and rescue sheet requirements include the layout and format specified in ISO-17840, "Road vehicles—Information for first and second responders," which standardize color-coded sections in a specific order to help first and second responders quickly identify pertinent vehicle-specific rescue information. The standardized information will be available and understandable to first and second responders so they can easily refer to vehicle-specific rescue information enroute to, or at the scene of, a crash or fire event and respond to the emergency quickly and safely.

e. Changes From the NPRM to the Final Rule

In developing this final rule, NHTSA made some modifications to the proposed regulatory requirements in response to comments received and to improve clarity and accuracy of the regulatory text. In addition to typographical corrections, the final rule differs from the April 2024 NPRM in the following ways:

1. Timing of voltage measurements for determining electrical isolation post-crash. The proposal required voltage measurements for assessment of post-crash electrical isolation to be made between 10 to 60 seconds from the time of impact. The final rule requires the voltage measurements for post-crash electrical isolation assessment to be made at least 10 seconds after impact. NHTSA determined that taking all the voltage measurements for determining electrical isolation would typically take more than 60 seconds and since electrical isolation value is not expected to change with time, only specifying a minimum time after impact for making the measurements is sufficient.

2. Definition of State of Charge (SOC). The definition of SOC was updated to clarify that it is the available electric charge in a REESS expressed as a percentage of its normal operating capacity specified by the manufacturer and not as a percentage of the total charge (stored energy) in the REESS.

3. Documentation requirements included in part 561. The NPRM proposed documentation requirements in FMVSS No. 305a for manufacturers to submit, upon request, documentation regarding vehicle and REESS designs to mitigate the risk of vehicle fire and explosion resulting from single cell

thermal runaway in the REESS, loss or malfunction of controls managing safe operation of the REESS, and vehicle operations at low temperatures. The NPRM also proposed requiring manufacturers to submit emergency response information to a repository prior to the certification time of the vehicle. The final rule has moved these requirements to part 561 because documentation requirements without corresponding test procedures are better suited in a regulation. Additionally, the final rule requires emergency response information to be submitted to NHTSA's repository before first sale or lease of the vehicle model upon the compliance date.

4. Thermal event warning documentation requirement. The NPRM proposed a test procedure to evaluate the warning function resulting from a thermal event in the REESS. Due to practicability and safety concerns with the proposed test procedure, the final rule specifies an additional documentation requirement in part 561 for the REESS thermal event warning instead of a corresponding test procedure with the warning requirement.

5. Maximum time to conduct driving through standing water test (protection against water exposure). The NPRM proposed a maximum test duration of 5 minutes for the driving through standing water test. Based on NHTSA's recent testing, the final rule extends this time to 10 minutes because of the practicability concerns for conducting the test within 5 minutes for water pools shorter than 500 meters.

7. Exclusion for rooftop charging systems. The final rule excludes those high voltage devices on heavy vehicles not energized except during charging of the REESS, that are installed out of reach on the vehicle rooftop, from direct contact protection requirements. NHTSA inadvertently excluded this carveout for the out of reach high voltage devices from the proposed direct contact protection requirements.

8. Addition of loading specifications. The proposed crash test procedure for heavy school buses inadvertently omitted the loading specifications. Loading specifications matching FMVSS Nos. 301 and 303 have been added to the final regulatory text for completeness.

9. Compliance dates. The final rule adopts the proposed 1-year lead time from the date of publication of the final rule to comply with the emergency response information requirements. The proposed 2-year lead time for complying with all other requirements for light vehicles is largely adopted with a slight

date change to align with the beginning of the model year on or after the first September 1 that is at least two years after the publication of the final rule. In response to comments received, the final rule extends the heavy vehicles' lead time to comply with the requirements other than the emergency response information requirements to the first September 1 that is at least three years after the publication of the final rule.

III. Summary of Comments

The NPRM preceding this final rule included requests for comment on several topics, including the post-crash requirements, the thermal event warning performance test, the water exposure tests, the exclusion of some GTR No. 20 requirements, and the documentation requirements. From April 15, 2024, to June 14, 2024, the agency received 38 comments on the NPRM, including one that appears to be an accidental duplicate submission. The comments were generally supportive of the proposed rule, particularly with regard to the collection of standardized emergency response information and harmonization with international regulations. Many commenters suggested modifications to the proposed requirements, including establishing documentation requirements in a separate regulation instead of the FMVSS. Of the 37 unique comments, the majority (26 comments) were submitted by vehicle and component manufacturers and industry associations. Comments were also submitted by standards testing laboratories (3 comments), a government agency (1 comment), and other stakeholders (7 comments).

The vehicle and component manufacturers that provided comments were American Honda Motor Co. ("Honda"), Blue Bird Body Company ("Blue Bird"), Bugatti Rimac d.o.o. ("Bugatti"), Daimler Truck North America ("DTNA"), Eaton Corporation ("Eaton"), Ford Motor Company ("Ford"), Freudenberg Battery Power Systems ("Freudenberg"), Honeywell International ("Honeywell"), Hyundai America Technical Center ("HATCI" or "Hyundai"), Lubrizol Corporation ("Lubrizol"), Lucid Motors ("Lucid"), Navistar, New Flyer of America ("NFA"), Nikola Corporation ("Nikola"), Nissan North America ("Nissan"), Prevost, Rivian Automotive ("Rivian"), Tesla, and Volkswagen Group of America ("Volkswagen").

The industry associations that provided comments were the Alliance for Automotive Innovation ("Auto Innovators"), Coalition for Safe

Autonomous Vehicles and Electrification (“SAVE Coalition”), Electric Drive Transportation Association (“EDTA”), MEMA Vehicle Suppliers Association (“MEMA”), National Electrical Manufacturers Association (“NEMA”), Truck and Engine Manufacturers Association (“EMA”), and Zero Emission Transportation Association (“ZETA”). Some manufacturers that submitted comments individually indicated that they belong to one of these industry associations and/or stated support for the comments submitted by an industry association.

The standards testing laboratories and associations that provided comments were UL Solutions, the American Council of Independent Laboratories (“ACIL”), and the American Association for Laboratory Accreditation (“A2LA”).

The National Transportation Safety Board (“NTSB”) submitted one comment, expressing strong support for the proposed rulemaking.

The other stakeholders that provided comments were the Center for Auto Safety (“CAS”), Consumer Reports, Creaform/Ametek (“Creaform”), Electric Vehicle Rescue App (“EV Rescue App,” two comments), Michael Lillo, and Kurt Vollmacher.

With regard to heavy vehicles, the commenters generally expressed support for the proposed requirements for heavy school buses. Comments on applying additional requirements to other heavy vehicles were more varied, with some commenters in favor of additional test requirements at the component level or at the vehicle level, and others opposed. One commenter requested that NHTSA add an exemption from the direct contact protection requirements during normal vehicle operation for rooftop charging systems on heavy vehicles.

With regard to post-crash safety, manufacturers expressed support for the inclusion of the low energy option for capacitors. Commenters also generally agreed with the proposed requirement that there be no evidence of fire or explosion for the duration of one hour after each crash test. Comments on the voltage measurement procedure were mixed, with some commenters in agreement and others requesting changes to the test specifications. Honda and Auto Innovators requested removal of the 60-second time limit for post-crash electrical isolation measurements, which would align the specification with GTR No. 20. For electrolyte leakage, commenters said that the updated terminology is appropriate, but the 5-liter maximum leakage

requirement is no longer relevant with modern REESS chemistries.

With regard to the proposed requirements for safe operation of the REESS, commenters commented about certain aspects of the proposed test procedures, particularly the state of charge, breakout harness location, and test termination specifications. Many comments from industry disagreed with the agency’s exclusion of component-level compliance test options. For the thermal event warning, some commenters also requested implementation of a documentation requirement instead of a test requirement.

For the proposed documentation requirements, some commenters requested clarification of the requirements and implementation in a separate regulation. Most commenters expressed strong support for NHTSA’s proposed collection of standardized emergency response information, with a few vehicle manufacturers requesting a modification to the submission timeline. Some also requested extending the compliance date for the other proposed requirements beyond 2 years after publication of the final rule.

IV. Response to Comments on Proposed Requirements

a. Expanding Applicability of FMVSS No. 305a to Heavy Vehicles

1. Normal Vehicle Operations and Requirements for the REESS

Proposed Requirements

Consistent with GTR No. 20, the NPRM proposed to expand the current applicability of FMVSS No. 305 to heavy vehicles. Under FMVSS No. 305a, heavy vehicles (including heavy school buses) would have to meet the same requirements as light vehicles for electrical system safety during normal vehicle operations and for the REESS. The fundamentals for protecting against an electrical shock are the same for light vehicles and heavy vehicles. A failure of a high voltage system may cause injurious electric shock to the human body.

Comments Received

Commenters generally expressed support for applying the expanded electrical system safety requirements during normal vehicle operations to heavy school buses. Comments on applying these requirements to other heavy vehicles were more varied, with some commenters in favor of additional test requirements at the component level or at the vehicle level, and others opposed. MEMA agreed with the

inclusion of heavy-duty vehicles without crash testing. Auto Innovators commented that FMVSS No. 305a should not apply to heavy vehicles at this time and more research is needed. Auto Innovators noted that the proposed regulatory requirements that were not previously applicable to heavy vehicles have potential design implications that require thorough consideration by the agency.

EMA disagreed specifically with application of the REESS overcurrent test to heavy vehicles, which were exempted in GTR No. 20. EMA said that NHTSA did not provide justification for applying the overcurrent test requirement to heavy vehicles. EMA also requested that NHTSA include an exemption from GTR No. 20 related to direct contact protection during normal vehicle operation. Specifically, EMA stated that the proposed requirement omitted an important exemption provision for some heavy vehicle applications. Under this provision, conductive connection devices not energized except during charging of the REESS that are located on the roof of the vehicle and out of reach of a person standing outside the vehicle are exempted from direct contact protection requirements. EMA explained that this exemption is necessary for rooftop pantograph charging systems used in some heavy vehicles like transit buses.

Agency Response

The agency is adopting most of the requirements for heavy vehicles as proposed in the NPRM, with one modification. Unlike the NPRM, the final rule excludes direct contact protection requirements from those high voltage devices on heavy vehicles not energized except during charging of the REESS, that are installed out of reach on the vehicle rooftop. NHTSA inadvertently excluded this carveout for high voltage rooftop charging devices on heavy vehicles from the direct contact protection provision in the proposed requirements for FMVSS No. 305a. GTR No. 20 excludes high voltage sources that are not energized except during charging of the REESS from direct contact protection requirements if they are located on the vehicle rooftop such that the wraparound distance from the instep of the vehicle, or the lowest step (if multiple steps are present) of the vehicle, to the high voltage source is at least 3 meters. NHTSA agrees that if the high voltage live parts are not energized except during charging of the REESS and are out of reach for a person standing outside of the vehicle, it is appropriate to exempt those parts from the IPXXB direct contact protection

requirement. NHTSA has included the relevant language in the regulatory text of the final rule.

EMA also requested not applying the overcurrent test to heavy vehicles. The overcurrent test in GTR No. 20 is applicable to light vehicles that have the capability to be charged by an external DC supply. GTR No. 20 states that the overcurrent test for heavy vehicles will be considered in Phase 2, “as it is unclear how to apply on vehicles that have different charging technologies.” GTR No. 20 specifies two methods of conducting the overcurrent test. In the first method, the overcurrent is applied through the external DC supply equipment connected to the vehicle inlet while the vehicle is charging normally. In the second method, the charge current and the overcurrent are applied through a breakout harness connected just outside the REESS. The external DC supply equipment connected to the other end of the breakout harness supplies the normal charge as well as the overcurrent to the REESS. The overcurrent test procedure in FMVSS No. 305a uses the breakout harness method, so any challenges associated with testing via the charging inlet for different charging technologies are avoided. NHTSA evaluated the overcurrent test using the breakout harness and found it to be an easy test to conduct that is practical and feasible for different vehicle types.¹⁷

Auto Innovators recommended excluding heavy vehicles from FMVSS No. 305a electrical system safety during normal vehicle operations and REESS requirements at this time, citing the need for more research on the implications of these requirements on heavy vehicle designs. Auto Innovators did not provide additional information to support its statement. NHTSA believes the requirements for normal vehicle operations and the REESS in FMVSS No. 305a are basic safety measures that should be included in all electric vehicle designs.¹⁸ These basic safety measures ensure protection from electric shock and fire originating in the electric powertrain and specifically in the REESS. These measures include electrical isolation, direct and indirect contact protection, protection of the REESS from abuse and external inputs that could damage the REESS over time,

and measures to ensure the REESS always operates within its safe operating boundaries. The agency believes that the requirements proposed in the NPRM for heavy vehicles, including the overcurrent test requirement, are relevant and appropriate for heavy vehicle safety and that the test procedures are practicable.

2. Post-Crash Safety for Heavy School Buses

Proposed Requirements

In addition to the requirements for electrical system safety during normal vehicle operations and for the REESS, the NPRM also proposed requirements for post-crash safety of heavy electric school buses. The NPRM proposed use of a moving contoured barrier test, where a barrier traveling at any speed up to 48 km/h (30 mph) impacts the school bus at any point and angle. The crash test requirement aligns FMVSS No. 305a with the requirements for heavy school buses in FMVSS No. 301, “Fuel system integrity,” and FMVSS No. 303, “Fuel system integrity of compressed natural gas vehicles.” The agency did not propose a provision in GTR No. 20 that allows the use of component-level mechanical integrity and mechanical shock tests instead of vehicle crash tests. NHTSA believes that post-crash safety is better evaluated at the system level in a crash test.

Comments Received

Commenters were generally in favor of the proposed crash test requirements for heavy school buses. Commenters NTSB, DTNA, Navistar, and EV Rescue App expressed full support for the expanded requirements for heavy school buses. In particular, NTSB agreed with expanding the post-crash requirements and making full use of the system-level requirements that exist for heavy school buses so the vehicles will be subject to the full intent and scope of FMVSS No. 305a. Bus manufacturers DTNA (Thomas Built Buses) and Navistar (IC Bus) also agreed with the proposed crash test performance requirements, which are consistent with FMVSS No. 301 and FMVSS No. 303. Navistar stated that the proposed requirements for heavy school buses were reasonable and would not add significant cost or weight to the vehicles. EMA noted that the loading requirements should be added to the crash test specifications in S10.2.3. Individual commenter Mr. Lillo also stated general support for enhanced EV school bus safety and suggested conducting time trials for bus evacuation.

One manufacturer disagreed with the proposed requirements for heavy school buses. Blue Bird stated that including multiple post-crash requirements makes FMVSS No. 305a more burdensome than the corresponding requirements for non-electric school buses. Blue Bird also said that the proposed rule would require manufacturers to crash a school bus every time they make a change to the battery pack. Blue Bird requested component-level testing instead of full-vehicle testing.

Agency Response

After reviewing the comments, NHTSA is adopting the crash test and post-crash requirements for heavy school buses as proposed in the NPRM, with the addition of loading specifications. EMA noted that the proposed regulatory text in the NPRM did not state the school bus loading condition for the crash test. This final rule corrects this inadvertent omission; loading specifications matching FMVSS Nos. 301 and 303, as suggested by EMA, have been added to the regulatory text for completeness. With regard to potential fire emergencies, in addition to the requirements of this final rule, electric school buses are subject to FMVSS No. 217, “Bus emergency exits and window retention and release,” which specifies operating forces, opening dimensions, and markings for emergency exits on school buses to facilitate rapid evacuation, and FMVSS No. 302, “Flammability of interior materials,” which specifies burn resistance requirements. NHTSA will also continue to evaluate school bus safety, including school bus evacuation, and update applicable safety standards as technology changes over time.

Most commenters, including bus manufacturers, agreed with the proposed requirements. The dissenting commenter expressed concerns over the testing burden. With regard to the crash test requirements for electric school buses, the dynamic moving contoured barrier test aligns FMVSS No. 305a with FMVSS Nos. 301 and 303, which address post-crash safety of heavy school buses using conventional fuel or compressed natural gas. The four post-crash requirements for FMVSS No. 305a are electric shock protection, REESS retention, electrolyte leakage, and fire safety. These requirements do not necessitate multiple crash tests and can be verified simultaneously. In other words, although there are four post-crash requirements, only one crash test is needed. There are also four compliance options for the electric shock protection requirement to provide flexibility. With regard to repeated full-

¹⁷ Electric Vehicle GTR No. 20 Test Development, Validation, and Assessment, DOT HS 812 092, April 2021, <https://rosap.nhtl.bts.gov/view/dot/55584>.

¹⁸ Lithium-ion Battery Safety Issues for Electric and Plug-in Hybrid Vehicles, DOT HS 812 418, October 2017, https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/12848-lithiumion_safetyhybrids_101217-v3-tag.pdf.

vehicle crash testing for component modifications, the FMVSS specifies the procedures that NHTSA uses to evaluate compliance. Manufacturers may use other reasonable methods to certify the compliance of their vehicles, such as simulations and component-level testing, which they may find appropriate when making minor changes. The vehicles must meet the FMVSS when tested by NHTSA according to the test procedures in the standard. For these reasons, the agency is not persuaded by Blue Bird's comments on the test burden of conducting full-vehicle crash tests for school buses. NHTSA maintains that the requirements are reasonable and appropriate for school bus safety and is adopting all proposed requirements for heavy school buses from the NPRM.

3. Post-Crash Safety for Other Heavy Vehicles

Proposed Requirements

The NPRM did not propose crash testing requirements for heavy vehicles other than heavy school buses because there is currently no available test that would be appropriate for these vehicles. The NPRM sought comment on applying a moving contoured barrier crash test to all heavy electric vehicles while acknowledging the cost and practicability constraints. The NPRM also sought comment on component-level tests that are representative of actual impact loads in heavy vehicle crashes and that can be applied to different weight classes of heavy vehicles.

GTR No. 20 provides an option for evaluating post-crash safety of light vehicles using a mechanical integrity test (crush test) of the REESS, with a quasi-static load up to 100 kN. GTR No. 20 also includes a mechanical shock test that evaluates the REESS mountings and fixtures by accelerating and decelerating the REESS installed on a sled system. However, as noted in the NPRM, the loads and accelerations specified in GTR No. 20 may be too low for heavy vehicles. In the absence of additional data to develop appropriate requirements, the NPRM did not propose component-level crash testing of heavy vehicle REESS.

Comments Received

Comments on the potential post-crash requirements for heavy vehicles other than school buses were varied, with some commenters suggesting vehicle-level or component-level tests and others stating additional research is needed. NTSB commented that NHTSA should have proposed the REESS

mechanical integrity and mechanical shock test requirements from GTR No. 20 for heavy vehicles, calling the exclusion "unnecessary." NTSB noted that the component-level tests constitute an established and applicable standard for heavy vehicle REESS that is not design-restrictive. Alternatively, NTSB stated, FMVSS No. 305a could at least include documentation requirements for post-crash safety of the heavy vehicle REESS. MEMA and Eaton also stated support for the inclusion of mechanical integrity and mechanical shock tests with additional isolation criteria.

Heavy vehicle manufacturers, DTNA and Prevost, commented that additional research should be conducted before establishing test requirements for post-crash safety of heavy vehicle REESS. DTNA stated support for the concept of the mechanical integrity test in general, but said that further research is necessary to develop a repeatable, reproducible, and practical test method. Prevost said additional research is needed for mechanical shock testing because accelerations on the REESS are highly design dependent. While Auto Innovators disagreed with application of additional requirements to heavy vehicles in general, Auto Innovators said it did not have significant concerns about applying the mechanical shock test from GTR No. 20 to heavy vehicles and suggested refining the test procedure by defining the acceleration as a function of vehicle mass to provide a more granular method.

Heavy vehicle manufacturer NFA agreed with NHTSA's assessment that component-level tests are more appropriate than full scale crash tests for heavy vehicles due to practicability, as did Navistar and EMA. None of them provided data on crash loads for heavy vehicles; NFA expressly stated that it does not have sufficient data to determine test parameters at this time. NFA pointed to existing standards for mechanical shock testing, stating that it currently uses the mechanical shock requirements of UNECE R100, and noting industry standards for compressed natural gas (CNG) vehicles require that the CNG storage system can endure an inertial load of 8G, which is within the range of the component test procedure from GTR No. 20.

Truck manufacturer Nikola stated that it designed and tested its vehicles based on the moving barrier tests currently in FMVSS Nos. 208, 214, and 305, and recommended that NHTSA likewise use the moving barrier for any heavy vehicle crash test requirements because it is more representative of a passenger vehicle. For mechanical shock testing, Nikola said that test facilities are not

currently equipped with a test apparatus capable of testing Nikola's entire REESS or subset. Regarding mechanical integrity testing, Nikola disagreed with establishing a requirement, as it is not required by GTR No. 20 and Nikola already requires its battery pack manufacturers to follow the UL 2580 standard, which includes a crush test.

Tesla commented that component-level testing is inadequate for mechanical integrity and mechanical shock testing, stating that the test will not be representative of the full vehicle, especially if the battery system must be removed from the vehicle for testing. Creaform, a 3D measurement and analysis company, also recommended vehicle-level post-crash requirements for heavy vehicles, saying that vehicle crashes can impose higher loads on an unprotected REESS than quasi-static crush tests, depending on the location of the REESS in the vehicle, and that adjusting the component-level mechanical integrity and mechanical shock test parameters would not cover the risks. Creaform said advanced numerical simulations can serve as a lower-cost alternative to vehicle crash testing. Battery manufacturer Freudenberg also disagreed with component-level mechanical integrity testing, stating it will place undue expectations on the battery enclosure. Freudenberg requested alignment of FMVSS No. 305a with the UNECE regulation, which exempts heavy vehicles from mechanical integrity test requirements.

Agency Response

In the absence of new data, the agency is not adopting post-crash requirements for heavy vehicles other than heavy school buses in FMVSS No. 305a. The agency did not propose post-crash requirements for heavy vehicles other than school buses in the NPRM because additional information is needed to develop requirements that are reasonable, practicable, and appropriate for the vehicles. While NTSB stated that the component-level tests in GTR No. 20 are appropriate, the comment did not provide additional information. NTSB also suggested a documentation requirement for post-crash safety, which was not discussed in the NPRM and is therefore out of scope for this final rule.

Comments from heavy vehicle manufacturers indicated that they currently use industry standards such as UL 2580, "Electric vehicle battery testing and certification," and other safety regulations in designing their vehicles and procuring battery packs. The industry standards used by manufacturers are convenient tools to

establish best practices in design and generally lack the objectivity needed for FMVSS. Further research will be needed to evaluate and modify such testing standards for inclusion in the FMVSS. Further investigation into heavy vehicle impacts and component-level test specifications would also address commenters' concerns regarding accurate representation of crash forces. As none of the comments provided supporting data, the agency maintains that additional research is necessary to determine appropriate post-crash requirements and acceptability criteria for heavy vehicles other than heavy school buses for future consideration of FMVSS adoption.

b. General Specifications Relating to Crash Testing

The NPRM proposed several general provisions from GTR No. 20 that would apply to various testing and performance requirements. These provisions pertain to light vehicles and heavy school buses subject to the crash testing requirements of the proposed FMVSS No. 305a.

1. Low Energy Option for Capacitors Proposed Requirements

Currently, FMVSS No. 305 S5.3 requires that vehicles meet one of the following three criteria post-crash: electrical isolation; absence of high voltage; or physical barrier protection. The NPRM proposed to include a post-crash low energy option for capacitors in the electric powertrain that is included in GTR No. 20. Capacitors store electrical energy and may be connected directly to the chassis in some electric power trains. In fuel cell electric vehicles (FCEVs), the high-voltage systems may contain capacitors that are connected to high voltage buses and are not electrically isolated. Such capacitors may be high voltage sources post-crash (because a charged capacitor may not discharge quickly) and may not be able to comply with post-crash electrical safety requirements using the direct and indirect contact protection option or the electrical isolation option. However, capacitors may not pose a safety hazard when contacted, even though they may be high voltage sources post-crash, because they are low energy high voltage sources. NHTSA conducted an analysis of the potential hazard and concluded that the post-crash electrical safety compliance option for capacitors based on an electrical energy of 0.2 Joules or less provides adequate safety from electrical shock and long-term harmful effects on the human body.

Comments Received

Comments on the low energy option for capacitors were positive, with manufacturers expressing support for the inclusion. Tesla agreed that there is no need to fully discharge all the capacitors, and Auto Innovators noted that the option is consistent with GTR No. 20 and other applicable international regulations. Auto Innovators suggested changing the y-capacitor calculation to match ECE 100.03,¹⁹ noting that the proposed calculation "is inconsistent with ECE practice where the energy of a Y capacitor is the greater of $0.5C_y \times V_{11}^2$ or $0.5C_y \times V_{12}^2$." Auto Innovators also suggested a minor edit to the text of S8.2 to clarify that the inclusion of the low energy specification for capacitors is an additional option for the post-crash electrical safety requirement.

MEMA and Eaton commented that the low energy option for capacitors in the powertrain should include additional isolation requirements. MEMA said, "criteria should include an isolation requirement from all parts of battery system to the external power output connectors of the battery pack as is currently included in FMVSS 305 S5.3, as well as avoiding a single point of failure as a standard and best-practice." Eaton recommended the same criteria. MEMA and Eaton referred to these two additional requirements as "acceptability criteria," and requested their inclusion in multiple sections.

Agency Response

In response to the comments, the final rule follows the proposal in including a low energy option for capacitors for post-crash electrical safety. However, as detailed below, the final rule adopts the GTR No. 20 method of calculating energy in y-capacitors. In addition, the first paragraph of S8.2 has been edited for clarity and the typographical errors in S8.2(a)(2) have been corrected as suggested by commenters.

Auto Innovators requested changing the y-capacitor energy calculation to that in ECE R.100.03. We note that ECE R.100.03 does not have the post-crash low energy optional method of meeting electric safety requirements because ECE R.100.03 does not address post-crash safety. The post-crash low energy option is available in ECE R.94,²⁰ and

¹⁹ ECE R.100, "Uniform provisions concerning the approval of vehicles with regard to specific requirements for the electric power train," <https://unece.org/sites/default/files/2024-01/R0100r3e.pdf>.

²⁰ ECE R.94 Revision 4, "Concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for

the method of calculating capacitor energy post-crash is similar to that in GTR No. 20. The NPRM proposed calculating the energy stored in the two y-capacitors at once, assuming that each capacitance is the same, and requiring that the total energy not exceed 0.2 Joules. However, GTR No. 20 calculates the energy in each y-capacitor separately, using the individual capacitance, and requires that the energy in each capacitor does not exceed 0.2 Joules. Because the GTR No. 20 method uses the actual capacitance of each y-capacitor in the corresponding calculation, and therefore more accurately represents the stored energy in each, NHTSA is adopting the method from GTR No. 20 and requiring that the energy in each capacitor not exceed 0.2 Joules.

FMVSS No. 305a includes provisions for electrical isolation. As proposed, the post-crash electrical safety requirements in FMVSS No. 305a are the same as the current requirements in FMVSS No. 305, except for the addition of a low energy option for capacitors to comply with electrical safety requirements. All high voltage sources, including the REESS, need to be either electrically isolated, contactors open resulting in low voltage, or have direct and indirect contact protection. The low energy option for capacitors does not circumvent the requirements for electrical protection, but rather allows for another verification method.

The requirement to ensure no single point of failure (e.g., contact failure) was not discussed in the NPRM and is not in scope of this rulemaking. The FMVSS requirements are written in a manner to not be design restrictive, and therefore do not prescribe a particular connection to the battery due to the variation of battery designs. However, the requirements for the REESS that are included in FMVSS No. 305a for normal vehicle operations and post-crash scenarios verify that the system design provides a requisite level of safety. Comprehensive risk mitigation of potential hazards is further addressed by the documentation requirements. As discussed later in Section IV.n., "Documentation Requirements," manufacturers are required to demonstrate that they have considered and addressed identified safety risks for their vehicles. Designing separate connections to the battery and avoiding a single point of failure are examples of risk mitigation strategies that could be implemented by manufacturers along

Reciprocal Recognition of Approvals Granted on the Basis of these United Nations Regulations," <https://unece.org/sites/default/files/2024-07/R094r4e.pdf>.

with other protective measures. Additional requirements for the post-crash low energy option for capacitors, beyond those test and documentation requirements discussed above, were not included in the NPRM and so are not in scope for this final rule. NHTSA will continue to study and discuss further requirements for battery safety, including additional requirements for post-crash low energy option for capacitors, during the ongoing efforts on Phase 2 updates to GTR No. 20. Harmonization with the GTR No. 20 Phase 2 updates would be considered in future updates to the FMVSS No. 305a requirements.

2. Assessing Fire or Explosion in Vehicle Post-Crash Test

Proposed Requirements

In accordance with GTR No. 20, NHTSA proposed to include in FMVSS No. 305a a requirement that there be no evidence of fire or explosion for the duration of one hour after the crash test for heavy school buses, and for the duration of one hour after each crash test and subsequent quasi-static rollover test for light vehicles. The assessment of fire or explosion would be verified by inspection without removal of the REESS or any parts of the vehicle.

Comments Received

Commenters generally agreed with the proposed requirement. MEMA, Auto Innovators, Lucid, and Nikola stated support, with Nikola saying that the provision should also apply to heavy vehicles if a crash test requirement is added. Tesla agreed with the proposal as well but requested additional guidance and an explicit evaluation procedure. In contrast to other industry members, SAVE Coalition disagreed with implementing the requirement at the vehicle level because FMVSS Nos. 208, 214, 301, and 303 do not include the same requirement for other types of vehicles. SAVE Coalition said, "If NHTSA's intent is to regulate fire risks from all vehicle systems, that requirement should be applied more generally in a regulation covering all vehicles regardless of powertrain. For the purposes of assessing electric vehicle safety, and to align with GTR 20 and the stated intent in the preamble, this requirement should be clarified to be specific to REESS related fires."

Agency Response

After considering the comments, NHTSA has decided to adopt the proposed post-crash requirement that there be no evidence of fire or explosion. For electric vehicles, thermal runaway and propagation poses a

significant fire risk regardless of electrolyte leakage from the battery pack, so FMVSS No. 305a addresses fire safety assessment directly. The post-crash assessment does not require disassembly of the vehicle or components. Evidence of fire or explosion could include flames, smoke, scorch marks, or other indications. If such evidence were visible at any time within the one-hour inspection period following the crash test, the vehicle would fail to meet the safety requirement. The agency maintains that the requirement is appropriate as written.

Regarding SAVE Coalition's concern that only electric vehicles, not other vehicle types, are subject to post-crash fire assessment, NHTSA would like to explain the FMVSS safety requirements that were cited. FMVSS No. 208, "Occupant crash protection," and FMVSS No. 214, "Side impact protection," apply to vehicles regardless of fuel type and address the physical forces and accelerations in a crash; electric and non-electric vehicles must meet the safety requirements in these FMVSSs. Fire resulting from spillage or leakage of combustible fuels is addressed in fuel specific FMVSSs, including FMVSS No. 301, "Fuel system integrity," and FMVSS No. 303, "Fuel system integrity of compressed natural gas vehicles," by limiting combustible fuel spillage or leakage. For electric vehicles, FMVSS No. 305a addresses fire safety assessment directly because limiting electrolyte leakage outside of the battery pack is insufficient to address the risk of fire from thermal runaway and propagation in the REESS. Further, it may be difficult to ascertain the origin of a fire observed at the vehicle level, and exempting fires that may originate in or involve other vehicle systems would not be beneficial to safety. For these reasons, the agency is adopting the proposed requirement.

3. Assessing Post-Crash Voltage Measurements

Proposed Requirements

The NPRM proposed that the post-crash voltage measurements in FMVSS No. 305a would be made between 10 seconds and 60 seconds after impact. Using the time of impact to define the measurement period avoids a source of ambiguity present in FMVSS No. 305 and is consistent with the GTR No. 20 test procedure. The voltage measurement and calculation methods in the NPRM are otherwise the same as those currently in FMVSS No. 305.

Comments Received

Comments on the voltage measurement procedure were mixed, with some commenters in agreement and others requesting changes to the test specifications. Manufacturers Nikola, Tesla, and Lucid agreed with the agency's rationale and stated support for the proposed requirements. However, Honda said that the timing language is ambiguous and "could be misinterpreted to mean that the requirements must be met both at 10 seconds and 60 seconds after the impact." Honda also said that 60 seconds is insufficient for isolation resistance measurements and requested full alignment with GTR No. 20, which does not include the upper time limit for electrical isolation. Auto Innovators provided a similar comment, noting that electrical isolation is stable and requesting removal of the 60-second limit for post-crash isolation measurements.

Auto Innovators commented on the proposed calculation method as well, stating, "the NPRM assumes that $V_1 + V_2 = V_{bat}$, but this may not be strictly true," due to multimeter resistance. Auto Innovators provided revised diagrams and formulas and suggested that FMVSS No. 305a provide an electrical isolation compliance option matching ECE 100.03. Bugatti also disagreed with the calculation method for the electrical isolation baseline measurement, saying that it does not address a potential zero-volt measurement across R_o that may occur if R_i is much higher. Bugatti noted that the proposed requirements do not allow the use of a megohmmeter as an alternative method to avoid the zero-volt issue. Bugatti requested clarification and recommended adding the megohmmeter measurement method allowed by ECE 100.03. As with the low energy option for capacitors, Eaton again suggested adding acceptability criteria for battery isolation.

Agency Response

The agency is adopting the proposed requirements with a minor revision for the timing of voltage measurements for assessing electrical isolation post-crash. The proposed requirements stated that the post-crash voltage measurements would be made "between 10 to 60 seconds after impact." The agency believes that this language is clear but agrees that the time specification should distinguish between compliance options. The post-crash electrical safety requirements include four compliance options: low voltage, electrical isolation, protective barrier, and low energy for

capacitors. After further consideration, the agency agrees that the 60-second time limit is unnecessary for the electrical isolation measurement procedure because the values are static and that harmonization with the GTR No. 20 specification is appropriate. For these reasons, the post-crash test specification has been modified to state that the measurements for the electrical isolation compliance option are made at least 10 seconds after impact, with no upper time limit.

With regard to possible zero-volt measurements in the electrical isolation baseline calculation, the agency does not believe there is an issue. Consistent with GTR No. 20, the minimum resistance of the voltmeter is specified, and a higher resistance R_0 can be used if the voltage measurement is very low. The agency has not observed zero-volt measurements in testing using the specified procedures, which were evaluated for practicability and repeatability. The megohmmeter option from UNECE R100 is not incorporated because research has shown that the megohmmeter method may provide different results than the multimeter method. The agency believes inclusion of the megohmmeter option could lead to inconsistent results and would not be beneficial.

Auto Innovators provided an alternate measurement method and calculations for electrical isolation resistance that takes into consideration the resistance of the multimeter used for voltage measurements. Auto Innovators noted that this alternate method is in ECE R.100.03 and requested harmonizing with ECE R.100.03. However, the test method and calculations in ECE R.100.03²¹ are the same as those currently in FMVSS No. 305 and proposed in the NPRM for FMVSS No. 305a. Regardless, the agency will continue evaluating the recommended alternate procedure to determine whether the results and ease of testing support its inclusion in FMVSS No. 305a. The alternate method was not proposed in the NPRM and is therefore out of scope of this rulemaking. If the agency's research supports use of the alternate measurement procedure and calculations, they may be added at a later date. At this time, NHTSA is adopting the method currently in FMVSS No. 305 and proposed in the NPRM for inclusion in FMVSS No. 305a.

The suggestion to add acceptability criteria for battery isolation to the post-

crash requirements was discussed earlier in Section IV.b.1, "Low Energy Option for Capacitors."

4. Electrolyte Leakage

Proposed Requirements

The NPRM proposed to include a post-crash requirement limiting electrolyte leakage; this requirement is currently in FMVSS No. 305 as "electrolyte spillage" and permits no more than 5 liters of electrolyte spilled or leaked. NHTSA sought comment on the necessity and relevance of such a requirement for current EVs, as well as recommendations regarding electrolyte leakage detection methods and differentiation from other liquids.

Comments Received

Commenters agreed that the updated terminology of "electrolyte leakage" is appropriate but stated that the 5-liter maximum leakage requirement is no longer relevant. Auto Innovators and Nikola both said that leakage outside of the battery pack should not occur with modern EVs and that 5 liters is a very large amount. Auto Innovators stated that there is no reliable method to detect or quantify leakage and recommended that the requirement be removed entirely. Tesla stated that physical characteristics can be used to determine whether electrolyte or coolant has leaked from the vehicle if differentiation is a concern. Nikola suggested that any electrolyte leakage outside of the battery pack should constitute a failure. Blue Bird noted that there are many different forms of electrolytes, including solids and gels, and leakage may not be observed.

Agency Response

This final rule adopts the updated "electrolyte leakage" terminology and the current FMVSS No. 305 requirement for no more than 5 liters of electrolyte leakage post-crash. The cells of lithium-ion batteries in current EVs have small quantities of electrolyte that could leak out of the battery casing rather than spill. The agency agrees with commenters that any electrolyte leakage in EVs using lithium-ion batteries would be significantly lower than the current 5-liter limit in FMVSS No. 305. However, there are other types of batteries with aqueous electrolyte that may be considered for vehicle applications in the future.²² At this time, it is unclear whether the 5-liter

limit will remain appropriate for future batteries. Specifically for vehicles using a REESS with aqueous electrolyte, GTR No. 20 similarly includes a requirement limiting electrolyte leakage to no more than 5 liters within 60 minutes after the crash test.²³ Because there is no further information available, the agency is adopting the post-crash electrolyte leakage limit of 5 liters that is consistent with the current requirements in FMVSS No. 305 and GTR No. 20. However, unlike GTR No. 20, the agency is not distinguishing between REESS with different types of electrolyte; the requirements in FMVSS No. 305a are established as battery chemistry-neutral and are applicable to all types of REESS. The agency will continue to review and update the requirements in FMVSS No. 305a over time, as relevant information becomes available.

While one commenter suggested a requirement for no electrolyte leakage outside of the battery pack, a post-crash requirement prohibiting any electrolyte leakage from the pack was not proposed in the NPRM and is out of scope for this final rule. A post-crash test requirement prohibiting any amount of leakage outside of the battery pack may also be challenging to verify. However, as in FMVSS No. 305, this final rule includes a requirement that no visible trace of electrolyte shall leak into the passenger compartment of the vehicle for occupant safety. This final rule also adopts visual inspection requirements in the tests evaluating safety during normal vehicle operations, including no evidence of electrolyte leakage or venting (without disassembly of the vehicle), as discussed in Section IV.c.6., below.

c. Vehicle Controls for Safe REESS Operation

Overview

The NPRM proposed requirements and associated full-vehicle tests for vehicles to ensure they have controls managing safe REESS operation, specifically overcharge, over-discharge, overcurrent, over-temperature, and external short-circuit protection. These requirements are applicable to light vehicles and heavy vehicles, and are generally aligned with those in GTR No. 20, with minor differences for ease of testing. The NPRM also proposed documentation requirements for low-temperature protection, as in GTR No.

²³ GTR No. 20 also requires that no more than 7 percent by volume of the REESS electrolyte shall leak into the passenger compartment. However, as noted in the NPRM, there is no practical way of measuring the quantity by volume of the electrolyte in the REESS to ensure compliance with such a requirement.

²¹ See Annex 5A on page 40 in ECE R.100.03 at <https://unece.org/sites/default/files/2024-01/R0100r3e.pdf>.

²² Sodium ion aqueous batteries (SIAB), which are environmentally benign, provide a promising alternative for safe, cost-effective, and scalable energy storage, with high power density. However, current SIABs have limited output voltage and inadequate energy density for vehicle applications.

20, because no practical test procedure currently exists.

Commenters addressed a variety of topics related to the requirements for safe REESS operation. The comments submitted by NTSB and Consumer Reports expressed appreciation and support for the requirements to ensure REESS safety and longevity. The comments from industry also expressed general agreement with the requirements for safe REESS operation but disagreed about certain aspects of the test procedures. Specifically, these comments addressed vehicle- and component-level testing, REESS state of charge, breakout harness location, over-temperature testing, overcurrent protection, and venting and visual inspection, as detailed below. Overall vehicle- and component-level testing is addressed below in section IV.c.1. Comments on specific testing provisions for vehicle controls are then addressed in sections IV.c.2 through c.6.

1. Vehicle- and Component-Level Testing

Proposed Requirements

The NPRM proposed vehicle-level testing using a breakout harness connected to a battery tester/cycler to evaluate vehicle controls for safe REESS operation. The test procedures ensure the vehicle controls provide protection against overcharge, over-discharge, overcurrent, over-temperature, and external short-circuit fault conditions. Maintaining the REESS within the manufacturer-specified functional range minimizes the risk of fire and electrical shock. NHTSA proposed vehicle-level testing of the REESS because testing at the equipment level would not evaluate all relevant vehicle controls or any interaction or interference between vehicle controls.

Comments Received

Many comments from industry disagreed with the agency's exclusion of component-level compliance test options, which are included in GTR No. 20 and ECE R100.03. Auto Innovators, Bugatti, EMA, Ford, Honda, Hyundai, Lucid, NFA, Nissan, UL Solutions, and ZETA were among those that requested component-level testing. ZETA stated that manufacturers "could face hurdles in transitioning to vehicle-level testing, including changing logistics, higher costs, and lack of testing equipment availability." Auto Innovators likewise said that vehicle-level testing would add significant cost without increasing robustness or stringency.

Ford agreed with Auto Innovators, saying that it does not have large

enough facilities, and noted that NHTSA did not provide data showing a need for full-vehicle testing. Honda stated that vehicle-level testing requires specialized parts, increases safety risks, and reduces control over test conditions compared to component-level testing. NFA said requiring full-vehicle testing would be burdensome and redundant, because the same pack would be tested multiple times. Hyundai said that the option to conduct testing at the component level would enable manufacturers to iterate on REESS design and safety systems more rapidly. Lucid said, "testing at the component level (REESS) provides the benefit of recreating the worst-case scenario, ideal for safety testing, due to its smaller thermal mass. Vehicle-level testing would also require larger thermal shock chambers than currently used at the REESS-level." UL Solutions also suggested adding UL 2580 certification as another compliance option, while ZETA further requested that NHTSA allow manufacturers to specify their own boundary conditions for component-level testing because each vehicle model is different.

A few commenters suggested that component-level testing should be allowed under certain conditions or for specific tests. Nissan suggested that NHTSA allow a component-level compliance option if the manufacturer can demonstrate that the test results reasonably reflect the safety performance of the complete REESS under the same conditions. UL Solutions similarly requested that the agency "allow independent testing of the battery if the battery can demonstrate compliance to the requirements without the benefit of the vehicle support systems." Tesla agreed with most of the proposed test procedures but requested a component-level compliance option for the over-temperature test, as "it would be difficult to characterize real-world driving temperature profiles fully and accurately due to variable drive states." Nikola stated that vehicle-level testing for overcharge, over-discharge, and over-temperature protection cannot be conducted on hybrid or fuel cell EVs, so those tests should be conducted at the component level.

Agency Response

After reviewing the comments, the agency is adopting the requirements as proposed because vehicle-level testing is supported by NHTSA's research for its practicability and feasibility. NHTSA-funded research independently evaluated, refined, and validated the proposed vehicle-level test procedures

for various types of electric vehicles (HEV, PHEV, and BEV).²⁴ NHTSA conducted additional research to evaluate capabilities in compliance test laboratories and practicability of vehicle level tests.²⁵ The test program demonstrated the ease of conducting tests at the vehicle level using breakout harnesses connected to a battery cycler/ tester for the external inputs to the REESS without having to remove the REESS from the vehicle to conduct component-level tests. Evaluating REESS operation at the vehicle level is consistent with other FMVSSs and ensures the entire system is captured, including input from different subsystems and any interaction or interference between vehicle controls, and is most representative of real-world conditions. A vehicle level test also ensures that the boundary conditions are appropriate and would not be challenged in the event of a compliance test failure. NHTSA's initial research for test procedure development for electric vehicles was done with the whole vehicle and not with individual components in the vehicle.²⁶ The comments did not demonstrate that component-level testing of the REESS would provide the same comprehensive evaluation, nor that full-vehicle tests cannot be conducted on all applicable vehicles.

In contrast to comments that vehicle-level tests are burdensome, overly costly, and require additional safety measures, NHTSA's testing program revealed the ease of conducting testing at the vehicle level multiple times on the same vehicle without significant cost. The overcharge, over-discharge, overcurrent, over-temperature, and external short-circuit test procedures in FMVSS No. 305a are non-destructive, are conducted at ambient temperatures, and can be conducted sequentially on the same vehicle, minimizing the time and cost of testing. The tests also include multiple end conditions for design flexibility. The agency maintains that the requirements are appropriate to replicate and confirm real-world vehicle operations and do not constitute an undue burden on manufacturers.

²⁴ System-Level RESS Safety and Protection Test Procedure Development, Validation, and Assessment—Final Report," DOT HS 812 782, <https://rosap.nhtl.bts.gov/view/dot/42551>.

²⁵ Test reports and laboratory test procedures are available in the docket NHTSA-2021-0029. <https://www.regulations.gov/docket/NHTSA-2021-0029/document>, Docket ID, NHTSA-2021-0029-0001, NHTSA-2021-0029-0002, and NHTSA-2021-0029-0003.

²⁶ Safety Performance of Rechargeable Energy Storage Systems, DOT HS 812 717, 2019, <https://rosap.nhtl.bts.gov/view/dot/40791>.

We understand manufacturers may conduct testing for various scenarios beyond the requirements of FMVSS No. 305a, and such testing may be conducted at the vehicle level and/or the component level. FMVSSs establish minimum safety requirements and the FMVSS test procedures provide notice to establish how the agency would verify compliance. However, this does not mean that manufacturers must conduct the exact test in the FMVSS to certify their vehicles. The Safety Act requires manufacturers to ensure their vehicles comply with all applicable FMVSSs and to certify compliance of their vehicles with all applicable FMVSSs, and the Safety Act specifies that manufacturers may not certify compliance if, in exercising reasonable care, the manufacturer has reason to know the certificate is false or misleading. A manufacturer may use component-level tests to certify its vehicles if they exercise reasonable care in doing so. In other words, a manufacturer must ensure that its vehicles will meet the requirements of FMVSS No. 305a when NHTSA tests the vehicles in accordance with the test procedures specified in the standard, but the manufacturer may use different test procedures to do so.

2. State of Charge (SOC)

Proposed Requirements

Initial SOC ranges were specified for each of the proposed test procedures for vehicles to ensure they have controls managing safe REESS operations. Some of the SOC ranges differed from those in GTR No. 20 for practicability and ease of conducting the tests. For the overcharge, over-temperature, and external short-circuit tests, the REESS is initially at 90 to 95 percent SOC. For the over-discharge test, the REESS is initially at 10 to 15 percent SOC. For the over-current test, the REESS is initially at 40 to 45 percent SOC.

Comments Received

Several commenters stated that there should be more flexibility in the SOC ranges for the tests. Auto Innovators and Honda stated that the proposed values are too extreme and will likely have already activated the protections. Auto Innovators requested that NHTSA align the starting SOC values with those in GTR No. 20. Nissan suggested setting the starting SOC around the middle of the normal operating range for the overcharge and external short-circuit tests, as in UNECE Regulation No.100, because hybrid vehicles may fall outside the range of normal use if the REESS is initially set between 90 to 95 percent

SOC. Bugatti commented similarly, “Prescribing absolute values for SoC of the REESS, without consultation of manufacturer-specified SoC operational windows, may influence test results due to possible risk for the REESS to be out of its normal operating SoC range, even from the beginning of tests.” Bugatti recommended removing SOC values and taking a similar approach to UNECE Regulation No. 100, which references manufacturer-specified SOC.

Agency Response

After reviewing the comments, the agency is adopting the proposed requirements with a minor modification to the definition of SOC to clarify the requirements and address commenters’ concerns. The initial SOC specifications in the test procedures refer to the “operating SOC,” or percent charge available under normal operation as it may be displayed to the user. In other words, the charge level for beginning each test is based on the normal functional range of the REESS defined by the manufacturer, not direct measurement of the battery capacity. This distinction was not sufficiently clear in the NPRM, leading to concerns about the validity of the test parameters. However, the specified parameters were tested and validated for different types of electric vehicles, including HEV and PHEV. These tests included vehicle crash tests of battery electric vehicles²⁷ and tests of vehicle controls that manage REESS operations and its health.²⁸ The initial SOC ranges are intended to minimize the amount of time needed to conduct each test. Starting every test in the middle of the normal operating range rather than the upper or lower portion would lead to longer test times with no added benefit. In the event that the vehicle does not display the operating SOC, the charge level can be estimated using the information provided by the manufacturer.

To improve clarity, NHTSA is changing the definition of “State of charge” to mean the available electrical charge in a REESS expressed as a percentage of the normal operating capacity specified by the vehicle manufacturer.

²⁷ As an example, see page 2–27 of a NCAP crash test report of the 2022 Chevrolet Bolt, which indicates that the voltage range corresponds to the “usable energy” of the battery. <https://nrd-static.nhtsa.dot.gov/reports/vehdb/v10000/v14200/v14218R001.pdf>.

²⁸ Electric Vehicle GTR No. 20 Test Development, Validation, and Assessment, DOT HS 812 092, April 2021, <https://rosap.nhtl.bts.gov/view/dot/55584>.

3. Breakout Harness Location

Proposed Requirements

The NPRM proposed to conduct the REESS tests using a breakout harness connected to manufacturer-specified location(s) on the traction side of the REESS on the vehicle’s electric powertrain. The manufacturer is required to specify the location(s) for connecting the breakout harness and may also provide an appropriate breakout harness for testing the vehicle. If the manufacturer does not provide a breakout harness, NHTSA will use a generic breakout harness to connect to the traction side of the REESS.

Comments Received

Regarding the overcharge, over-discharge, and overcurrent test procedures, Honda stated that the term “traction side” is too prescriptive and inconsistent with the proposed test procedure in S12.5, which did not include the same specification. Auto Innovators provided the same comment. Prevost requested clarification of the “traction side” designation to make clear which systems and subsystems are considered to be part of the traction side of the REESS and which are not. An example to clarify is whether the charging inlet is part of the “traction side” of the REESS. Prevost further suggested making note of a designated location when it is not specified by the manufacturer.

Agency Response

This final rule adopts the proposed requirements for the breakout harness location(s) as described in the NPRM, with edits for clarity and consistency. The “traction side” of the REESS refers to the connection between the REESS and the transmission, so it does not include the charging inlet. The traction side of the REESS is specified to ensure that external charging and regenerative charging are both captured by the test. Regenerative charging can potentially lead to overcharge conditions even if the vehicle controls prevent overcharging from the charging inlet. The manufacturer is also required to state the connection location(s) because a single location would not work for all vehicles and because connecting the harness to the wrong points of the powertrain could be damaging and/or hazardous. For the test operators’ safety, ease of testing, and to prevent damage to the vehicle or test equipment, the manufacturer is required to recommend specific connection location(s). Although the NPRM clearly stated that the manufacturer is required to provide connection locations, the proposed

regulatory text was inconsistent. The text in S12 has been edited to clarify the requirement. Additionally, because the manufacturer is required to provide connection locations, no default locations are necessary. Regarding the exclusion of “traction side” in S12.5, that test is intended to evaluate the response to an external short circuit, so the traction side specification does not apply. Another possible source of confusion could be due to the proposed text for S12.5 referencing “overcharge” instead of “external short-circuit;” the text has been corrected in the final rule.

4. Over-Temperature Protection

Proposed Requirements

The NPRM proposed to include the over-temperature protection requirement and test procedure from GTR No. 20, with minor changes. NHTSA’s testing indicated that presoaking the vehicle was not necessary,²⁹ so the NPRM proposed to remove presoaking from the procedure to reduce the test time and burden. The test procedure specifies that the test is conducted at ambient temperature, between 10°C and 30°C, with the cooling system disabled or minimized. The vehicle is driven on a chassis dynamometer using the manufacturer-provided drive profile, or with aggressive acceleration and deceleration if an appropriate drive profile is not provided.

Comments Received

Commenters generally agreed with the requirement but recommended changes to some aspects of the test procedure. MEMA stated agreement with the agency’s decision to remove presoaking, and Auto Innovators agreed with removing the requirement but said it should be permitted. Auto Innovators also stated that several provisions were overly prescriptive and unnecessary, specifically the directions to conduct the test on a chassis dynamometer and/or in active driving mode, limit the ambient temperature to 30°C, and specify a one-hour time period. Honda also disagreed with the limits on the time period and ambient temperature, stating that there are situations where the battery temperature will not rise unless the ambient temperature rises. EMA also suggested modifying the

standard cycle specification to allow a manufacturer supplied drive profile, as “S12.4 (d) requires using an appropriate manufacturers supplied drive profile and (h) should follow the same drive profile or allow for the option to follow the same manufactured supplied drive profile.” In an ex-parte meeting,³⁰ Nissan commented that it was unclear whether all three test termination conditions had to be fulfilled to terminate the charge/discharge cycle.

Agency Response

After reviewing the comments, the agency is adopting the proposed requirements with an additional clarification for the manufacturer-provided drive profile. The proposed rule defined an appropriate drive profile by stating that it should raise the temperature of the REESS above the safe operating temperature within one hour. The test procedure specifies that the cooling system is disabled or functionally minimized for testing, but this provision was not stated when defining an appropriate drive profile. The commenters did not specify if the REESS cooling system was minimized in their testing. However, the agency recognizes that some vehicles may not be operable with cooling reduced to a level that would allow the REESS to overheat under the specified test conditions. To address commenters’ concerns, if it is not possible to raise the temperature of the REESS without raising the ambient temperature of the vehicle above 30°C, the manufacturer may provide a drive profile that would trigger the over-temperature condition within one hour if the thermal management system were effectively disabled.

For the performance test, the test termination conditions in FMVSS No. 305a are identical to those in GTR No. 20, where the vehicle may be charged and discharged for up to 3 hours. The test time is not limited to one hour and it is not required to trigger the over-temperature protection, to avoid penalizing effective thermal management. The test procedure also does not prohibit presoaking or otherwise specify the starting temperature of the vehicle. However, the test is conducted at ambient temperature to avoid the added cost of testing in a heat chamber. The use of a chassis dynamometer and active driving possible mode of the vehicle are specified to ensure that the vehicle is

tested in the normal operating state. The termination conditions were accurately described in the preamble of the NPRM and are the same as those in GTR No. 20. However, the agency agrees that the proposed regulatory text did not clearly indicate only one of the termination conditions needs to be fulfilled to terminate the discharge/charge cycle. The regulatory text specifying the test methods for evaluating vehicle controls managing REESS safe operations (S12) have all been modified to clarify the corresponding termination condition requirements in the final rule.

Section S12.4(h) of the over-temperature test procedure specifies conducting a standard cycle, if allowed by the vehicle. A standard cycle, as defined in GTR No. 20 and FMVSS No. 305a, consists of a standard discharge followed by a standard charge. The NPRM stated that the discharge and charge rates used for the standard cycle would be provided by the vehicle manufacturer. It also specified the alternative charge and discharge rates that would be used if the manufacturer did not provide them. The standard cycle is the same for each of the test procedures addressing safe operation of the REESS and is unrelated to other test specifications. The definition and use of the standard cycle are adopted as proposed.

5. Overcurrent Protection

Proposed Requirements

The NPRM proposed to include the overcurrent protection and test for vehicles capable of charging by direct current (DC) external electricity supply, as in GTR No. 20. During the test, the REESS is charged using the battery tester/cycler in accordance with the manufacturer’s recommended charging procedure with the highest normal charge current specified by the manufacturer, or at a rate of C/3 current if none is provided. After charging is initiated, an over-current specified by the manufacturer is supplied, or the current is increased in 10-Ampere steps, until the vehicle over-current protection terminates charging or the temperature gradient of the REESS is within 4°C for a two-hour period. The standard cycle is then performed, if possible, and the test concludes with electrical isolation assessment and a one-hour observation period to assess evidence of electrolyte leakage, venting, fire, or rupture.

Comments Received

EDTA, MEMA, NEMA, and Eaton suggested expanding the overcurrent protection requirements to address battery isolation. NEMA said that the

²⁹ NHTSA testing demonstrated that presoaking of the vehicle at elevated temperature does not raise the temperature of the REESS as significantly as by driving the vehicle under high acceleration and deceleration drive modes. See System-Level RESS Safety and Protection Test Procedure Development, Validation, and Assessment-Final Report. DOT HS 812 782 October 2019. <https://rosap.nhtl.bts.gov/view/dot/42551>.

³⁰ Nissan requested to meet with NHTSA to present information related to the proposed rule. An ex-parte memo has been submitted to the docket (<https://www.regulations.gov/docket/NHTSA-2024-0012>).

contactors can weld, leading to a system protection failure and a safety issue, and that GTR No. 20 does not offer adequate overcurrent protection in those cases. Eaton emphasized that contactor failure occurs frequently, as evidenced by recent vehicle recalls, and suggested NHTSA require manufacturers to demonstrate they can fully isolate the positive and negative poles of the battery following a vehicle crash or overcurrent event. EDTA, MEMA, and NEMA made similar comments, requesting battery isolation testing and documentation showing no single point of failure.

Agency Response

After reviewing the comments, the agency is adopting the proposed requirements. NHTSA agrees with commenters that contactor failure can lead to system protection failure and a safety issue. However, we do not see a need to explicitly require “fully isolat[ing] the positive and negative poles of the battery following a vehicle crash or overcurrent event,” as Eaton and other commenters suggested. The test procedures in the FMVSS are established to mitigate safety risks in a manner that is not design restrictive. In the adopted overcurrent test, the overcurrent is applied until either the protection controls terminate charging (contactors open), or a long time has passed without an appreciable change in REESS temperature. Additionally, after the overcurrent is applied, a standard cycle is performed, if possible,³¹ after which no electrolyte leakage, rupture, venting, fire, or explosion is permitted during a one-hour observation period. At the conclusion of the observation period, the electrical isolation is determined in a similar manner as in FMVSS No. 305, using a voltmeter to measure the voltages. The agency believes that the termination criteria for the application of overcurrent and the subsequent evaluations ensure that the main contactors in the REESS are not fused due to the overcurrent and therefore mitigate the safety risk. These requirements are intended to enhance safety while allowing manufacturers design flexibility.

NHTSA will continue to research and assess electric vehicle safety issues and the need for additional changes to the overcurrent requirements. NHTSA is also aware of vehicle fires originating at the vehicle charge inlet while the vehicle is being charged. Some of these

fires have resulted from faulty connections between the charge connector and the vehicle. As part of NHTSA’s Battery Safety Initiative,³² the agency continues to evaluate these safety risks and potential future agency actions to mitigate these risks.

6. Venting and Visual Inspection

Proposed Requirements

Venting is the release of excessive internal pressure from a cell or REESS in a manner intended by design to preclude rupture or explosion. Venting during normal vehicle use may result in varying degrees of safety risks to the vehicle occupant. The NPRM proposed that each of the tests evaluating vehicle controls for safe REESS operation (overcharge, over-discharge, overcurrent, over-temperature, and external short-circuit test procedures) would end with the vehicle observed for one hour for evidence of electrolyte leakage, rupture, venting, fire, or explosion, followed by voltage measurements for determining electrical isolation. NHTSA proposed that there be no evidence of electrolyte leakage, venting, or rupture that is verified by visual inspection without disassembly of any part of the vehicle. Visible smoke during and after the test, and/or the presence of soot and/or electrolyte residue in post-test visual inspection, are indicators of venting and electrolyte leakage. The agency acknowledged that research is needed to develop a repeatable, reproducible, and practical method to verify the occurrence of various vented gases and requested comment on the Informal Working Group’s continuing work in Phase 2 of the GTR.

Comments Received

As a whole, commenters agreed that venting detection methods are challenging to specify at this time and appropriate sensors are still under development. Auto Innovators stated that the proposed visual inspection requirement is unnecessary because visible venting is unlikely. On the other hand, DTNA agreed with the visual inspection requirement but requested adding a test procedure provision where venting inspection is captured visually and with written description of the findings.

With regard to sensor research, Tesla stated agreement with the agency’s assessment that more research is needed, and Nikola said it doesn’t have enough data to recommend the usage of such sensors for general application. For future test requirements, Rivian

suggested that the detection method depend on whether the area of concern is the gas venting within the REESS or the risk of occupant/bystander exposure to vented gases. Rivian noted that gas detection outside of the REESS is more challenging than detection inside the REESS and recommended prioritizing carbon monoxide sensors. Auto Innovators suggested focusing on a limited number of critical gases, with an emphasis on release or venting that may impact occupants.

Agency Response

The agency is adopting the proposed requirements for no evidence of electrolyte leakage, rupture, venting, fire, or explosion as determined by visual inspection during a one-hour observation period for each of the vehicle controls for safe REESS operation tests. The commenters agreed that appropriate sensors and procedures for detection of vented gases are not currently available and that more research is needed. NHTSA is continuing to investigate gas detection methods and potential test procedures to address venting of hazardous gases such as carbon monoxide. This research will inform future rulemaking. At this time, the agency believes inclusion of the visual inspection requirement enhances safety protection to limit safety risk to vehicle occupants due to venting and should remain a minimum requirement until quantitative detection methods are fully developed. As with similar standards, the compliance test procedures will include recording of the visual inspection results, using detailed descriptions, video, and/or photographs as appropriate.

d. Mitigating Risk of Thermal Propagation Due to Internal Short Within a Single Cell in the REESS

Proposed Requirements

The NPRM proposed documentation requirements for risk mitigation of thermal propagation events resulting from single-cell thermal runaway (SCTR) due to an internal short circuit within a cell in the REESS. NHTSA’s proposed documentation component structure is based on elements from GTR No. 20, ISO-6469-1: Amendment 1

³¹ If the contactor opens when the overcurrent is applied, the vehicle will not charge/discharge unless the controls are reset.

³² <https://www.nhtsa.gov/battery-safety-initiative>.

2022–11,³³ and ISO–26262.³⁴ The documentation submitted by the manufacturer is required to include all known risks to vehicle occupants and bystanders, risk assessment, risk management, and risk mitigation strategies in external charging mode, active driving possible mode, and parking mode. The objective of the documentation requirements is for vehicle manufacturers to identify the risks of single-cell thermal runaway and propagation for their REESS type, identify strategies to mitigate those risks, and demonstrate how those strategies work. The manufacturers' assessment and validation of risk mitigation strategies may involve a combination of physical testing and simulations at the component level and/or full vehicle level. The requirements are not design restrictive and apply to REESSs of all types.

Comments Received

There were several comments on SCTR risk mitigation documentation, including multiple requests for clarification. Tesla, HATCI, and Honeywell stated support for the proposed documentation approach. However, HATCI disagreed with the addition of the two new operation modes, stating they are unlikely to add material safety benefits while unnecessarily increasing the test and documentation burden, whereas Honeywell said the addition acknowledges the need to identify distinct risks and mitigations for each operational mode. Nissan suggested that NHTSA add a detailed description of safety risks “such as fire, explosion, or smoke” to enhance clarity regarding the severity of these risks in S13.1. Lubrizol stated strong support for the requirements proposed in the NPRM and provided graphs demonstrating the performance of their fluids for immersed thermal management of the REESS.

Auto Innovators questioned the necessity of the SCTR requirement given

the inclusion of other thermal runaway and propagation requirements (e.g., the requirement for a thermal event warning), and asked the agency to provide additional research to support the inclusion of this requirement, though it also said that the proposed reporting requirements appear to be reasonable. Additionally, Auto Innovators said the requirement should not apply to Ni-MH batteries because the electrolyte generally used in Ni-MH batteries is not flammable; Auto Innovators noted that GTR No. 20 and industry standards limited the requirement to flammable electrolyte REESS and that internal short-circuits are less likely in Ni-MH batteries due to greater spacing of the electrodes. Auto Innovators further requested clarification on several aspects of the requirements, including risks, validation strategies, and terminology where the FMVSS deviates from GTR No. 20. Auto Innovators said the term “vehicle power” in the definition of parking mode is ambiguous and could mean any voltage or just high voltage. Auto Innovators also said there should be processes for updates or corrections, the requirements should not be limiting, and providing confidential business information should not be required if the information is subject to public disclosure.

Lucid and NFA also requested further clarification of the requirements. Lucid said, “As proposed, the requirements could lead to either over- or under-reporting. Lucid stresses the importance of delineating the documentation requirement under Part IV, overall evaluation of risk mitigation, to avoid conflation with risk mitigation itself.” NFA likewise suggested that NHTSA define “the requisite detail level within the SCTR Risk Assessment and Mitigation documentation of the Proposal, with the expectation that it aligns with established best practices and industrial standards, such as ISO 26262 or SAE J1739.” NFA also stated that the vehicle manufacturers will need information from the REESS manufacturer and NHTSA should follow the confidential document treatment procedure of 49 CFR part 512 to protect proprietary information. Nikola agreed that it makes sense to not require a warning for SCTR and that a thermal runaway warning should be required. Nikola suggested a battery manufacturer requirement similar to the UL 2580 SCTR test, which forces a cell into thermal runaway. Similar to NFA, Nikola expressed concerns about obtaining proprietary information from battery manufacturers and suggested

Confidential Business Information treatment per 49 CFR part 512.

Agency Response

For the final rule, the agency is adopting the proposed risk mitigation documentation requirements. However, instead of including the documentation requirements in FMVSS No. 305a as proposed, this final rule includes the risk mitigation documentation requirements in part 561. The purpose of these documentation requirements is to ensure that manufacturers have considered and addressed the risk of SCTR due to an internal short circuit, as the risk is highly dependent on REESS design and there is no one field-relevant performance test that can be applied to all REESS designs in a repeatable and reproducible manner. NHTSA-funded research examined various existing methods of initiating thermal runaway, including the heating element method, rapid heater method, nail penetration, and laser method, on batteries with a variety of chemistries, formats, and configurations.³⁵ The agency's research indicated that the thermal runaway initiation methods may influence the test results and the most appropriate initiation method for a battery may depend on the battery chemistry, format, and configuration. Nikola referenced a private industry developed standard, UL 2580 “Standard for batteries for use in electric vehicles,” as a potential requirement for battery manufacturers. Among other requirements, UL 2580 specifies a test where a single cell is forced into thermal runaway, by any means recommended by the battery manufacturer, with a requirement for no evidence of fire or explosion for 1 hour after initiating thermal runaway. Such a test is not appropriate as a compliance test procedure because some thermal runaway initiation methods employed may require advanced equipment and knowledge of the REESS that is only available to the manufacturer. It is also difficult to establish objectivity and could be design restrictive. However, manufacturers may voluntarily use any or all of the tests in UL 2580 for validating risk mitigation strategies in their documentation submitted to the agency. For these reasons, the agency is not requiring a performance test for thermal runaway of a single cell.

Regarding the need for SCTR risk mitigation requirements given the other requirements in the proposal, including

³³ ISO 6469–1: Third Edition 2019–04 Amendment 1 2022–11, “Electrically propelled road vehicles—Safety specifications—Part 1: Rechargeable energy storage system (RESS),” specifies safety requirements for REESSs, including test methodology for initiating thermal runaway in a cell for the purpose of conducting a thermal runaway propagation test and a format for reporting on risk mitigation strategies of thermal propagation resulting from a thermal runaway in a single cell of an REESS due to an internal short within the cell.

³⁴ ISO 26262: 2018, “Road vehicles—Functional safety,” provides a comprehensive collection of standards to manage and implement road vehicle functional safety from concept phase to production and operation. The standard provides guidelines for overall risk management, individual component development, production, operation, and service.

³⁵ Lamb, J., Torres-Castro, L., Stanley J., Grosso, C., Gray, L., “Evaluation of Multi-Cell Failure Propagation,” Sandia Report SAND2020–2802, March 2020. <https://www.osti.gov/servlets/purl/1605985>.

warning for a thermal event in the REESS, the agency believes a requirement to mitigate the risk of SCTR due to an internal short circuit is needed because: (1) there have been a number of electric vehicle fires in the field resulting from a short circuit within a cell in the REESS of vehicles in parking, charging, and driving modes, (2) none of the performance test requirements for the safe operation of the REESS (overcharge, over-discharge, overcurrent, external short-circuit tests) address SCTR and thermal propagation resulting from an internal short circuit, and (3) the thermal event warning is required when the vehicle is in the active driving possible mode to allow vehicle occupants to safely egress, but does not address prevention of vehicle fire.

With regard to specific battery chemistries, the documentation requirements for SCTR are battery chemistry neutral. Safety risks need to be evaluated and mitigated for all types of vehicle REESS, regardless of chemistry, to minimize the possibility of hazardous conditions. Gas venting, explosion, or other hazards can occur even without flammable electrolyte. The documentation requirements include identification of safety risks and mitigation strategies. If a REESS uses non-flammable electrolyte and the REESS cells have large spacing between electrodes, those elements may be included as primary risk mitigation strategies in the required documentation. Primary risk mitigation strategies include manufacturing quality control to mitigate defects in cells of REESS, REESS design features such as heat sinks, cell spacing, coolant, advanced battery management system with prognostics, and diagnostics systems to manage the health of the cells of an REESS and detect a possible thermal runaway condition before it occurs. Primary risk mitigation strategies reduce the risk of SCTR due to an internal short circuit and the occurrence of thermal propagation that may result from SCTR, while secondary risk mitigation strategies may not reduce the risk of thermal runaway or thermal propagation but reduce the hazards associated with thermal propagation. Secondary risk mitigation strategies include warning systems to vehicle occupants/bystanders and/or notification to emergency personnel in the event of thermal propagation (e.g., automatic notification to 911 operators). The NPRM provided examples of mitigation strategies, but specific strategies are not mandated, allowing flexibility and practicability of various

battery chemistry and battery systems without limiting only certain risk mitigation strategies known now. The risk reduction analysis requirement follows industry standard methodology.³⁶

As previously stated, the requirements are based on those from GTR No. 20. NHTSA extended the requirements to include consideration of the external charging and parking modes to ensure safety under all normal vehicle operating conditions. The incremental amount of documentation from adding other operating modes is minimal. The operating modes were defined in the NPRM, with *Parking mode* defined as “the vehicle mode in which the vehicle power is turned off, the vehicle propulsion system and ancillary equipment such as the radio are not operational, and the vehicle is stationary.” Per this definition, both the high-voltage and the low-voltage power are turned off. The regulatory text also describes the information to include in each section of the documentation for completeness, from system diagrams to validation of risk mitigation strategies. As proposed, the required documentation is to be submitted upon request. Documentation containing proprietary information can be submitted as Confidential Business Information (CBI) under 49 CFR part 512 and will be handled accordingly. Documentation submission, regulations, and CBI are discussed further in Section k.

e. Thermal Event Warning

Proposed Requirements

As part of a risk-mitigation approach addressing multiple aspects of electrical system safety, the NPRM proposed a performance requirement for a thermal event warning. The term “thermal event” refers to a condition when the temperature within the REESS is significantly higher (as defined by the manufacturer) than the maximum operating temperature specified by the manufacturer. Thermal events may occur due to moisture and dust accumulation that causes a short circuit at the connections or electronic components within the REESS. A

thermal event within a battery pack can be a safety critical event, as it can lead to smoke, fire, and/or explosion. A warning provided when a thermal event within the REESS occurs while the vehicle is in active driving possible mode would reduce the likelihood of occupant exposure to hazardous smoke, fire, and/or explosion. NHTSA also proposed that the visual warnings be provided to all front row occupants for vehicles with automated driving systems without manually operated driving controls.

Comments Received

There were many comments on the proposed thermal event warning test. Comments from Consumer Reports, Lucid, and EMA stated support for the actual audio-visual warning. Consumer Reports also suggested that NHTSA work with manufacturers to ensure all warnings are sufficiently prominent and convey the severity of the event. SAVE Coalition agreed with the warning overall but noted that it was only directed to the driver of the vehicle. To include vehicles equipped with automated driving systems, SAVE Coalition suggested adding, “For a vehicle without manually operated driving controls, the warning must be provided to occupants in all outboard designated seating positions.” On the other hand, Auto Innovators said, “We recommend remove requirements for AVs without manual driving controls; NHTSA has not provided rationale for why any warning needs to be provided to the ‘front row occupant’; the occupant cannot take any action based on the visual warning.” Honeywell suggested adding an auditory warning requirement for active charging and parking modes to enable relocation of adjacent vehicles, evacuation of building occupants, and alerts to bystanders. ACIL likewise encouraged NHTSA to include requirements for a warning to vehicle occupants and/or bystanders outside the vehicle in the event of thermal propagation.

Some commenters said that the NPRM discussion of “thermal runaway,” “thermal propagation,” and “thermal event” was unclear. Nissan suggested that sections S13.2 and S13.3 for the thermal event warning should be distinct from S13, thermal propagation safety, to ensure clarity and precision in addressing thermal safety risks within the documentation. Nikola said, “NHTSA is proposing to not have a warning for a thermal runaway but to require one for thermal event that is intended to inform occupants to egress the vehicle. The definitions of Thermal event and Thermal Runaway are being

³⁶ ISO 26262, “Road vehicles—Functional safety,” provides a comprehensive collection of standards to manage and implement road vehicle functional safety from concept phase to production and operation. The standard provides guidelines for overall risk management, individual component development, production, operation, and service. https://webstore.ansi.org/industry/automotive/electric/safety/functional-safety-iso-26262?psafe_param=1&gad_source=1&gclid=Cj0KCQjw99e4BhDiARIsAISE7P_bipjmLqkehMPUorjQ0x2h6lAVWmd0GSbo7Z7qRtwAI-Rfd40YBMUaAuMuEALw_wcB.

conflated.” NFA likewise stated that there appeared to be a discrepancy in NHTSA’s statements about the relevance of SCTR and thermal event warnings.

Many comments disagreed with the parameters of the proposed test requirement. Auto Innovators said the NPRM did not provide references or otherwise explain the test parameters. They noted that battery modifications can be risky and suggested slower heating due to “concerns with the proposed test method of using a heater that abruptly achieves 600C within 30 seconds [which] could result in unstable test conditions.” NFA said that the three-minute timeframe seems arbitrary and uncorrelated with occupant hazard exposure, and suggested using the SCTR thermal propagation criteria from ECE R100. Tesla, HATCI, Honeywell, ZETA, Lucid, Nikola, and Honda all expressed similar concerns over the timing and occurrence of actual thermal runaway and propagation with the proposed test procedure. Some suggested other initiation methods or a ramp of 180 seconds as in GTR No. 20. Nissan said the temperature specification was too high. Honda recommended clarification that the temperature specification refers to the heater temperature, not the REESS temperature. Honda also requested clarification on allowable modifications to the REESS, including replacement of one or more cells with heater equipment preinstalled for accurate test results. Similarly, Bugatti requested “a clear definition of thermal runaway condition and confirmation whether instrumented cells will be allowed to recognize this event,” to ensure that manufacturers have flexibility to accommodate the test equipment if NHTSA does not allow other triggering methods.

Several vehicle and component manufacturers said that the vehicle-level test requirement is unnecessarily dangerous. MEMA said that the test would generate toxic smoke and other potentially unsafe conditions for test personnel, and contradicts other requirements to mitigate or stop thermal runaway. Ford said the heater test is “unnecessarily destructive and burdensome in that it requires the initiation of a thermal runaway to confirm the illumination of a warning light,” and recommended verification using an electronic signal instead. Prevost also expressed safety concerns, noted additional difficulty in testing heavy vehicles, and suggested a subsystem test. EMA suggested a documentation requirement or component-level test, as the full-vehicle test could destroy the vehicle and

introduce an unsafe situation. Many other commenters also recommended implementing the documentation requirement from GTR No. 20 due to issues with the proposed test requirement.

Agency Response

After consideration of the comments, the agency is not adopting the proposed performance test requirement for the thermal event warning but is implementing a corresponding documentation requirement in part 561 instead. While the agency maintains the importance of the required thermal event warning, commenters raised concerns about the proposed test method and safety of testing. The agency agrees that additional research is needed to ensure that any performance test for the thermal event warning is well-defined, appropriate for all vehicles, and does not pose an undue risk to test personnel. In turn, the documentation requirements are adopted for the final rule.

The documentation requirements for the audio-visual thermal event warning are similar to those in GTR No. 20. Manufacturers are required to provide documentation to the agency, upon request, with a detailed description of the system for triggering the warning. Specifically, the documentation requirements include parameters and associated threshold levels that are used to indicate a thermal event (e.g., temperature, temperature rise rate, SOC level, voltage drop, electrical current, etc.) to trigger the warning, as well as a system diagram and written explanation describing the sensors and operation of the vehicle controls that manage the REESS in the event of a thermal event.

The primary purpose of the adopted warning is to ensure occupants have sufficient time to exit the vehicle to minimize direct exposure to potential hazards. The warning is to be provided regardless of the cause of the thermal event. A thermal event in the REESS can lead to smoke, fire, and/or explosion, and a warning can reduce the likelihood of occupant exposure to these safety hazards. The audio-visual warning is provided to the driver, or to all front row occupants in the case of autonomous vehicles without manually operated controls, notifying of a thermal event in the REESS when the vehicle is in active driving possible mode. The agency believes this specification is appropriate to ensure the driver or the front row occupants in vehicles with automated driving systems without manually operated controls are alerted of the potential safety hazard to ensure the driver or occupants can stop and

exit the vehicle. The front row provision for vehicles with automated driving systems is aligned with other FMVSSs³⁷ and may be revised over time. The primary purpose of the adopted warning is to ensure occupants have sufficient time to exit the vehicle to minimize direct exposure to potential hazards. Activation of a warning to bystanders outside the vehicle was not proposed in the NPRM and is not in scope for this final rule. Additionally, further research needs to be conducted to determine the type and efficacy of such a warning to people outside the vehicle.

Some commenters said the discussion in the NPRM was unclear between the term of thermal event and SCTR and the corresponding warning requirements. Section 2 of the NPRM addressed thermal propagation from SCTR due to an internal short circuit within the cell; this is a specific hazard that can be minimized by risk evaluation and mitigation in design and manufacturing. Risk mitigation includes implementing strategies to prevent SCTR and to isolate a cell that is in thermal runaway to prevent thermal propagation. A warning specifically for SCTR is not required. However, any instance of thermal runaway and propagation that occurs, regardless of the cause, should trigger the thermal event warning for the vehicle occupants’ safety. To minimize confusion, the documentation requirements for the thermal event warning and for SCTR risk mitigation are adopted in separate sections of part 561.

f. Vehicle Control Malfunction Warning Proposed Requirements

The NPRM proposed a documentation requirement for a driver warning in the event of a malfunction of vehicle controls that manages the safe operation of the REESS. The warning documentation requirement is similar to GTR No. 20, with two added provisions, and is an interim measure intended to ensure that manufacturers will identify, address, and validate the effectiveness of their visual warnings that help manage safe REESS operation. This approach is intended to evolve over time as battery technologies and NHTSA’s information about the REESS safety risk mitigation strategies evolve.

Comments Received

Comments on the vehicle control malfunction warning documentation requirement were positive. Nikola

³⁷ See requirements in S9.2.2 of FMVSS No. 208 with regard to the air bag suppression telltale. The telltale is required to be visible to the front outboard passengers.

agreed with requiring a warning, stating that it already provides malfunction warnings to the driver and documents all the information in the monitoring and diagnostic documents required by the California Air Resources Board for powertrains. Tesla stated support for including the requirements in FMVSS No. 305a because they apply to all REESSs irrespective of crash conditions. HATCI and Auto Innovators also stated support for the proposed documentation requirements. Auto Innovators agreed that there is currently no practical test procedure and stated support for the documentation approach.

Agency Response

The agency is adopting the proposed requirements for a driver warning in the event of a malfunction of vehicle controls that manage the safe operation of the REESS. Commenters agreed that the warning and documentation requirement are appropriate and indicated that they may already maintain and produce such documentation as required by other regulations. For the final rule, the vehicle control malfunction warning requirements are adopted in FMVSS No. 305a and part 561.

g. Protection Against Water Exposure

Proposed Requirements

The NPRM proposed water exposure test requirements, where a vehicle shall maintain electrical isolation resistance after the vehicle is exposed to water under normal vehicle operation, such as in a car wash or while driving through a pool of standing water. As in GTR No. 20, the proposed test procedures specify the use of freshwater. The proposed physical test requirements comprised of two tests. The proposed washing test was similar to that in GTR No. 20, with the addition of exposing the vehicle underbody to the water stream to make the test more representative of vehicle washing. The proposed driving through standing water test was also similar to that in GTR No. 20, but with the maximum test duration reduced from 10 minutes to 5 minutes. Electrical isolation was proposed to be determined at the conclusion of each test, and once again after 24 hours.

The NPRM did not propose to allow the documentation or isolation loss warning compliance options from GTR No. 20 for the water exposure tests. The NPRM requested comment on the proposed test specifications, including water pressure for the washing test. The NPRM also requested comment on water salinity levels for the tests as well as

potential test procedures for submersion.

Comments Received

There were a variety of comments on the water exposure requirements. Some commenters agreed with the proposed test procedures, while others requested additional compliance options or changes to the test specifications. For the washing test, Tesla stated support for the proposed test method and recommended keeping the freshwater specification from GTR No. 20. Auto Innovators suggested establishing a maximum test duration and changing the timing of the isolation checks to 12 hours to reduce the time burden. Auto Innovators said the test parameters should not include salinity because it is unnecessary and because a large amount of water will be needed, and the reproducibility of salinity levels is challenging. Nissan also said that using saline in the proposed tests would not significantly impact the evaluation and is unnecessary.

Hyundai requested clarification for the underbody spray distance and angle for the proposed test procedure to ensure the test is clear and repeatable. For water pressure, Eaton agreed with adopting IPX5 for normal driving conditions. NEMA also agreed that IPX5 matches normal conditions but suggested using IPX7 to address submersion concerns. Nikola said, “Increasing the pressure does seem prudent as it will be the standard practice to use a pressure washer to clean the vehicles,” and suggested IPX6.

Eaton stated support for the inclusion of the driving through standing water test. Tesla also agreed with the proposed procedure and suggested keeping the long rectangular pool for ease of defining driving and test evaluation methodologies. As with the washing test, Auto Innovators said there should not be a salinity requirement and requested changing the timing of the isolation checks to 12 hours. Prevost and EMA opposed the driving through standing water test for heavy vehicles. Prevost said, “Since NHTSA suggests improving vehicle washing test by adding the underside of the vehicle to the scope of the test, the driving through standing water tests does not seem to add value to the safety of the vehicle, as the washing test with the underbody included will be a harsher requirement than driving through 10cm of water at 20kph Since facilities providing the infrastructures to perform the driving through standing water test will be scarce, this test would add significant costs while not improving vehicle safety.” EMA likewise stated that the

washing test is more aggressive, test facilities for heavy vehicles do not currently exist, and NHTSA should remove the redundant and expensive driving through standing water test for heavy vehicles.

Auto Innovators, Hyundai, Nissan, and NFA requested inclusion of compliance options from GTR No. 20. Hyundai recommended harmonizing with GTR No. 20 and UNECE R100, in which the electrical isolation loss warning system is allowed as a compliance option. Nissan similarly requested a compliance option to harmonize with the UNECE. Auto Innovators asked that NHTSA allow a component-level test compliance option, and transit bus manufacturer NFA specifically requested component-level water exposure safety tests instead of full vehicle tests for heavy buses and motor coaches. NFA asserted that spraying the battery pack directly would constitute a more rigorous test than the proposed full-vehicle tests and said it is open to component-level testing at the IPX6 level.

With regard to submersion concerns, commenters generally agreed that further research is necessary, and some urged NHTSA to commit to a technical amendment. Auto Innovators said that more analysis is needed before determining whether additional test requirements should be implemented and recommended harmonizing with UNECE R100. EDTA recommended that NHTSA commit to a technical amendment and collaborate with stakeholders in collecting data to establish a test requirement addressing real-world flooding scenarios. MEMA, NEMA, and Eaton provided similar comments. Eaton also stated that rigorous test standards would enable the United States to maintain a position of technological leadership and prevent lower-quality imports from entering the market. NEMA said that testing documentation requirements should include water ingress and egress risks. Nikola said that submersion in saline should be compared to the salt spray test in UL2580. Tesla also recommended additional research on salinity. MEMA, NEMA, EDTA, and Eaton further recommended adding a leak check requirement for battery packs at the time of manufacture. MEMA and Eaton specified that the leak checks should include all sealing surfaces and be implemented as a documentation requirement; Eaton said the sealing surfaces between vent valves and the battery housing are often missed in current leak testing practices.

Agency Response

After consideration of the comments, the agency believes the proposed test procedures remains practicable and the requirements mitigate the risk of short circuit or loss of electrical isolation due to water ingress under normal operating scenarios such as driving through standing water on the road or vehicle washing. NHTSA is adopting the proposed requirements with minor changes, including an increase of the standing water test maximum duration from 5 minutes to 10 minutes due to recent NHTSA testing. For the vehicle washing test, the NPRM included a figure from GTR No. 20 to specify the dimensions of the water nozzle and stated that the “nozzle specifications are from IEC 60529 for IPX5 water jet nozzle.” However, the provided figure depicted the nozzle dimensions from IEC 60034, wherein one internal dimension of the nozzle deviates from IEC 60529 by 2 mm. As IEC 60034 is specific to rotating electrical machines, it is more appropriate to use the nozzle specifications from IEC 60529, which was the standard referenced in the text of the NPRM. For these reasons, this final rule contains a corrected figure specifying water nozzle dimensions consistent with IEC 60529.

The NPRM proposed a maximum test duration of 5 minutes for the driving through standing water test instead of GTR No. 20’s 10 minutes but also sought comment on the maximum duration. NHTSA conducted the driving through standing water test in August 2024 using a 30-meter length water pool with a 15-meter approach ramp on both ends of the pool.³⁸ To accumulate 500 meters of driving through 10 cm of standing water, the vehicle needed to be driven 17 times through the 30-meter water pool. Based on the testing, the agency determined that a test duration of 5 minutes may not be sufficient when the test is conducted using a short water pool. Traversing the entry and exit ramps and turning around between each pass of the water pool adds to the total time necessary to complete the test. NHTSA estimates that 7.5 minutes is sufficient for a water pool length of 30 meters. More time would be needed to complete the test using water pools shorter than 30 meters. The maximum test duration time for conducting the driving through standing water test is 10 minutes in GTR No. 20, which NHTSA agrees is appropriate. Therefore, this final rule adopts a 10-minute time limit

for the driving through standing water test.

Some comments addressed other parameters of the vehicle washing test, specifically test time, spray angle, and spray distance. The maximum test time is not stated because the test procedure specifies “washing test duration per square meter of the vehicle surface area is 60 to 75 seconds.” The maximum test time depends on the surface area of the vehicle, which can be measured in square meters and multiplied by 75 seconds per square meter to obtain the maximum test duration for the vehicle. The spray angle provision ensures that all directions are considered for water resistance and is consistent with the IPX5 standard and GTR No. 20. The test procedure states, “The vehicle is sprayed from any direction,” which means the vehicle must be able to meet the test requirements regardless of the angles used. With regard to the spray distance, the proposed requirement said, “the distance from the nozzle to the vehicle surface is 3.0 to 3.2 meters [and] may be reduced, if necessary, to ensure the surface is wet when spraying upwards.” The test procedure includes some adjustment to the nozzle distance because the water stream may not be capable of hitting a vehicle’s lower side and bottom (underbody) unless the nozzle is pointed upwards and positioned closer than 3.0 to 3.2 meters from these vehicle surface areas. These provisions are consistent with GTR No. 20. Further, NHTSA believes the proposed testing parameters provide sufficient specification and flexibility for a repeatable test, thus, the agency is adopting the proposed specification.

Regarding the time interval between isolation measurements, Auto Innovators did not provide any supporting data for the request to reduce the minimum wait time to 12 hours. The isolation measurements are conducted immediately after water exposure and after a minimum of 24 hours, which is identical to the GTR No. 20 and ECE R.100 specifications. The agency believes that the 24-hour wait time is appropriate and consistent with observed electric vehicle fires initiating a day or longer after water exposure/submersion.³⁹ In the absence of information demonstrating that reducing the time interval between isolation measurements would not significantly alter the test results, the

agency is adopting the requirements as proposed.

Some commenters supported the addition of a warning option. Although visual warning indicators triggered from an isolation monitoring system could help mitigate safety concerns, NHTSA believes that this approach is not sufficient to solely mitigate a shock or fire hazard caused by the effects of water exposure. Consequently, the agency is not adopting the loss of isolation warning compliance option because warning signals alone are not sufficient for addressing loss of electrical isolation concerns.

Some commenters also requested component-level testing, particularly for heavy vehicles. The agency believes that component-level testing is not as representative of actual conditions as full-vehicle testing. Furthermore, the vehicle washing test does not pose an undue burden.

The agency also disagrees with EMA and Prevost’s requests that heavy vehicles be excluded from the driving through standing water test. In support of their position, the two commenters said that test facilities do not accommodate heavy vehicles, it would be very expensive to conduct the test, and the test is redundant. The agency notes that FMVSSs establish minimum safety requirements and the FMVSS test procedures establish how the agency would verify compliance. The Safety Act requires manufacturers to ensure their vehicles comply with all applicable FMVSSs and to certify compliance of their vehicles with all applicable FMVSSs. The Safety Act specifies that manufacturers may not certify compliance if, in exercising reasonable care, the manufacturer has reason to know the certificate is false or misleading. A manufacturer may use component-level tests to certify its vehicles if they exercise reasonable care in doing so. Additionally, while NHTSA agrees that the driving through standing water test may not be as stringent as vehicle washing for certain heavy vehicle configurations with greater ground clearance and/or with the REESS located higher on the vehicle (e.g., on the roof), vehicle configuration is not prescribed by the FMVSS and is left to the discretion of the manufacturer. Both water exposure tests represent reasonable scenarios for normal vehicle operations and establish minimum levels of safety for water exposure of electric vehicles. With the flexibilities afforded to manufacturers to certify compliance, NHTSA disagrees that the cost burden may be excessive for heavy vehicles. Some vehicle manufacturers suggested use of the IPX6

³⁸ The testing is described in more detail in a separate document being placed in the docket for this rulemaking.

³⁹ Overview of NHTSA EV Safety Activities, SAE Government Industry Meeting, January 2023, https://www.nhtsa.gov/sites/nhtsa.gov/files/2023-03/15874-NHTSA%20SAE%20GIM%202023_final_032223-tag.pdf.

or IPX7 standard instead of IPX5. NHTSA agrees that other standards such as IPX6 or IPX7 may be appropriate for evaluating the water resistance of electric vehicles. However, the corresponding IPX6 or IPX7 test procedures were not proposed in the NPRM and are out of scope for this final rule. While the final rule adopts the proposed requirements corresponding to IPX5, manufacturers are not prohibited from additional test methods beyond the FMVSS specifications and may choose to use the IPX6 or IPX7 standard to evaluate the water resistance of their vehicles.

The commenters agreed that saline should not be specified for the test procedures because it would not significantly affect the results and the salinity level would be difficult to maintain. The commenters also observed that the test procedures of using fresh water would harmonize with international standards. At this time, the agency agrees that generally, water exposure under normal vehicle operation occurs with freshwater; thus, keeping the freshwater specification is appropriate for these tests.

With regard to the battery leak check requirements suggested by some commenters, such requirements were not proposed in the NPRM and are also out of scope for this final rule. Typical leak check procedures require access via one of the vent valves; a requirement to check all sealing surfaces would necessitate a different test method that does not use an opening in the pack. Additionally, research on flood-damaged vehicles has shown that water ingress occurs for a variety of reasons and does not necessarily lead to catastrophic failure.⁴⁰

NHTSA recognizes that further research is needed on the field incidences of electric vehicle fires following water exposure, particularly saltwater exposure, in order to establish additional requirements. NHTSA is taking the first step by adopting the proposed water exposure requirements for normal vehicle operations and continues to research salinity, immersion, and test procedures to support the development of future safety requirements and inform potential updates to the FMVSS.

h. Miscellaneous GTR No. 20 Provisions Not Proposed

The NPRM did not propose to require some provisions from GTR No. 20 for vibration, thermal shock and cycling, fire resistance, and low state of charge (SOC) of the REESS during normal vehicle operations. The NPRM requested comment on these exclusions.

j. Vibration and Thermal Shock and Cycling

NPRM Discussion

As stated in the NPRM, GTR No. 20 contains a vibration requirement and test procedure that applies a generic vertical vibration profile to the tested vehicle. NHTSA believes that this test is not representative of real-world conditions. In addition, vehicle manufacturers routinely perform vibration testing to ensure customer satisfaction and reliability. At the component level, electric vehicle batteries are currently subject to vibration test requirements for transportation under the United States Hazardous Materials Regulations (HMR), along all three orthogonal axes and for frequencies up to 200 Hz. With these current tests, NHTSA does not believe that the GTR No. 20 vibration test would address an additional safety need.

Similarly, at the component level, REESSs are already subject to thermal cycling test requirements for transportation under the HMR. 49 CFR 173.185 requires lithium-ion cells and batteries to comply with the test requirements in UN 38.3, including Test T2: Thermal test, which is the basis of the GTR No. 20 thermal shock and cycling test and includes a larger temperature range. NHTSA believes that incorporating the GTR No. 20 test would not address an additional safety need.

Comments Received

Comments from Auto Innovators and HATCI stated agreement with the agency's rationale and exclusion of these requirements. Regarding the vibration and thermal shock and cycling requirements of GTR No. 20, HATCI agreed with NHTSA's rationale for not including the tests given the more stringent U.S. regulations. Auto Innovators also agreed that introduction of new vibration profiles is unnecessary, as the test may not be representative of real-world conditions and industry uses other means to assess durability. For thermal shock and cycling, Auto Innovators said the test requirements in UN 38.3 T2 are sufficient. However, Nikola disagreed with the agency's decision not to add the thermal shock

and cycling test. Nikola said that the HMR requirements are insufficient because UN 38.3 does not require testing of the assembled battery pack, and that relying on the shipping requirements for the cells or modules is a low bar to set for safety.

Agency Response

After reviewing the comments, the agency is not adopting additional requirements for vibration and thermal shock and cycling. Commenters agreed with the agency's rationale for excluding the vibration test requirements. Nikola said the thermal shock and cycling test requirements in GTR No. 20 should be included because testing of cells or modules is not equivalent to testing of the full battery pack; UN 38.3 does not require pack level testing if the cells and modules were tested. However, Nikola did not provide any data demonstrating that the existing requirements may be insufficient. For the final rule, the agency does not believe there is a safety need for additional thermal shock and cycling test requirements. In the absence of new supporting information, NHTSA maintains that UN 38.3 and the HMR appropriately address resistance to thermal shock and cycling for lithium cells and batteries.

2. Fire Resistance

NPRM Discussion

The GTR No. 20 fire resistance requirement applies to REESSs with flammable electrolyte installed in a vehicle at a height less than 1.5 m above the ground and is based on a UN Regulation for liquid fueled vehicles with plastic tanks. During the test, the REESS is exposed to a flame directly for 70 seconds and indirectly for 60 seconds. As stated in the NPRM, vehicle testing by Transport Canada indicated that the short duration of the external fire test would not result in explosion. Consequently, during Phase 1 of the GTR No. 20 discussions, the United States and Canada noted that the short duration component level test would not address a safety need and recommended removing it from GTR No. 20.

Comments Received

As with the vibration and thermal shock and cycling tests, HATCI expressed agreement with NHTSA's decision not to include the fire resistance test. Auto Innovators also agreed, stating that a test duration of under 10 minutes is insufficient to induce significant internal heating. Again, Nikola disagreed, stating that the vehicle testing by Transport Canada

⁴⁰ A Teardown Study of Flood Damaged Electric Vehicles—EV Battery Safety, Part 2, SAE Government Industry Meeting, January 2024, <https://www.nhtsa.gov/document/teardown-study-flood-damaged-electric-vehicles-ev-battery-safety-part-2>.

does not support the exclusion because industry designed its vehicles to be able to withstand the test. As a result, Nikola said excluding the requirement from the FMVSS could lead to less safe EV designs.

Agency Response

After reviewing the comments, the agency is not adopting the short duration fire resistance test. One commenter said that manufacturers design for the test and the exclusion could reduce safety. However, the agency does not believe that excluding the test requirement will lead manufacturers to redesign U.S. vehicles or REESSs in a manner that reduces the resistance to flame from below. The comments did not provide any new and supporting data on fire exposure or design. In the absence of further information demonstrating a safety need, the agency is not adopting the fire resistance test requirement at this time.

3. Low State of Charge (SOC) Telltale

NPRM Discussion

GTR No. 20 requires a telltale to the driver in the event of low REESS SOC. The NPRM did not propose the low SOC telltale because NHTSA believes this requirement is unnecessary because there is no corresponding low fuel warning requirement for conventional internal combustion engine vehicles. The NPRM requested comment on whether NHTSA should adopt the GTR No. 20's low SOC telltale requirement, and if yes, what the telltale should look like.

Comments Received

All of the comments on the low SOC telltale requirement agreed with NHTSA's proposal not to require a low SOC telltale. Nissan and Auto Innovators both stated that regulation is unnecessary because manufacturers already provide SOC information. HATCI likewise agreed with the stated rationale. Nikola also agreed with the exclusion, as "a requirement for low SOC would require standardizing when the light was to come on [and] it should be left up to the OEM."

Agency Response

After reviewing the comments, the agency is not adding a low SOC telltale requirement. The agency believes that all electric-powered vehicles already provide low SOC telltales due to consumer demand. Regulation is unnecessary and excluding the low SOC telltale requirement is appropriate and consistent with not having a low fuel warning regulatory requirement for

conventional internal combustion engine vehicles.

j. Low-Speed Vehicles

NPRM Discussion

The NPRM requested comments on applying aspects of FMVSS No. 305a to electric low-speed vehicles that travel under 40 km/h (25 mph) (as defined in 49 CFR 571.3).⁴¹ particularly for normal vehicle operations and safe operation of the REESS. The agency requested comment on the possible applicability of FMVSS No. 305a to low-speed vehicles and its relevant safety needs, including any supporting research on low-speed vehicles.

Comments Received

A few commenters addressed the inclusion of low-speed electric vehicles (LSEVs). NTSB said that LSEVs should be included, as the risks and potential hazards are well established and because NHTSA's proposed operational requirements involve appropriate safety planning and no performance measure or tests, and cited the collision of an autonomous electric shuttle that occurred in 2017. On the other hand, MEMA said the standard should not apply to LSEVs. Honeywell stated support specifically for application of the thermal event warning requirement, because low-speed vehicles often use the same battery cell types as cars and are likewise at risk for thermal events.

Agency Response

After reviewing the comments, the agency is not adopting additional requirements for LSEVs at this time. In general, low-speed vehicles such as golf carts are not subject to the same requirements as higher-speed motor vehicles. LSEVs are subject to FMVSS No. 500, "Low-speed vehicles," which specifies required safety requirements for low-speed vehicles. While thermal events and other hazards are a concern for any rechargeable battery system, LSEVs generally have smaller batteries than higher-speed motor vehicles and are not subject to the same use conditions. The comments did not provide any supporting research on low-speed vehicles demonstrating a safety need for additional requirements. The autonomous shuttle crash cited by NTSB occurred at a very low speed and did not exhibit any safety hazards from the REESS. NHTSA will continue to assess electric vehicle safety and the need to establish additional requirements for LSEVs in the future when additional data is available.

⁴¹ See FMVSS No. 500, "Low speed vehicles," 49 CFR 500.

j. Emergency Response Information

Proposed Requirements

The NPRM proposed to require manufacturers to submit standardized emergency response information for each vehicle model and model year to NHTSA's website for public access. The emergency response information would include the rescue sheet and the emergency response guide (ERG). The rescue sheets must follow the layout and format in ISO-17840-1:2022I (for vehicles with a GVWR less than or equal to 4,536 kg (10,000 lb)) and the format in ISO-17840-2:2019(E) (for vehicles with a GVWR greater than 4,536 kg (10,000 lb)). The ERGs must follow the template layout and format of ISO-17840-3:2019(E) and provide in-depth information linked and aligned to the corresponding rescue sheet to support the quick and safe action of emergency responders. The NPRM proposed that electronic versions of the rescue sheets and ERGs for all vehicles to which FMVSS No. 305a applies must be submitted prior to certification of the vehicle.

Comments Received

Many commenters expressed support for NHTSA's collection of standardized emergency response information. Consumer Reports, DTNA, EMA, Lucid, Nikola, Tesla, Volkswagen, ZETA, CAS, and EV Rescue App were among the commenters that stated agreement with the proposed requirements. Firefighter and ISO project leader Kurt Vollmacher also expressed support for the use of ISO 17840 and for the establishment of a central database. Some commenters asked for clarification of the requirements, suggested additional provisions, or requested modification to the submission timeline.

NTSB expressed strong support for all aspects of the proposed ERG and rescue sheet submission requirements, stating that NHTSA's proposal is a better approach than incorporating the information as part of the New Car Assessment Program, as NTSB originally recommended. NTSB agreed with hosting the standardized documents on a NHTSA website and suggested that NHTSA work with NFPA to redirect users to the new source of information. NTSB also stated that it is important to include the legacy information from the NFPA website because responders interact with vehicles from previous model years. Lucid likewise said NHTSA should include the ERGs from the NFPA site.

HATCI, Auto Innovators, and NFA expressed general support for the proposed requirements but requested

clarification. HATCI said, “it is unclear the method by which the Agency plans to have manufacturers submit these documents and how the Agency intends to process the submissions,” and inquired whether NHTSA’s proposal intends to replace the NFPA’s housing of information or if manufacturers will need to submit the ERGs to multiple locations. Auto Innovators likewise said NHTSA should provide clear information and guidance for uploading the information to the NHTSA website to ensure timeliness and accuracy, and should “clarify its interpretation of ISO 17840 as the current standard on which all rescue sheets and ERGs should be based.” NFA asked “whether it would be permissible to consolidate the Rescue Sheet and ERG into a single document.”

With regard to the submission timeline, Auto Innovators requested “that NHTSA establish a process to ensure that ERGs are made available starting on the date when the subject vehicle is first introduced for sale in the United States . . . to protect final design information.” Volkswagen also requested submission just prior to market introduction, to allow the manufacturer to reserve its final design pictures or plans for press and social media release. Volkswagen said there would be no added risk to this timeline because the vehicle would not be available for sale or on public roads during this time.

Other suggestions from Auto Innovators were for NHTSA to establish a website with a distinct URL for ease of access, increase first responder awareness of the new resource through safety marketing, and consider partnerships for mobile and desktop applications as seen with Euro NCAP. Lucid suggested an additional requirement for ERGs to provide high-voltage warnings and identify proper personal protective equipment for dealing with high-voltage systems. Nikola said NHTSA should have the standardized ERGs submitted to NFPA, because the first responder industry knows to go to the NFPA website for information.

Agency Response

After reviewing the comments, the agency is adopting the proposed emergency response information requirements in part 561. Comments were largely in favor of the requirements, including standardization and submission of the documentation. The required documents must be vehicle-specific and conform to the ISO-17840’s layout and format, which are incorporated by reference in part 561. Adoption of the existing

standardization means that vehicle manufacturers, as well as first and second responders, are already accustomed to the content and formatting of the ERGs and rescue sheets, and that the documents are consistent. The standardized color-coded sections in a specific order will help first and second responders quickly identify pertinent vehicle-specific rescue information. Both the ERG and the rescue sheet are required, as the ERG provides relevant, in-depth information for a variety of potential incidents, while the rescue sheet is a shorter, simpler document for quick reference. The headings/contents of the rescue sheet and the ERG information from ISO are aligned with each other, *i.e.*, the ERG information works as an extension of the related rescue sheet. Consequently, due to the varying emergent situations that could occur, the ERG and rescue sheet should be provided as separate documents for the relevant safety need, consistency, and ease of access without confusion.

With regard to document submission and processing, the manufacturer will upload the emergency response documentation to the designated NHTSA website, <https://www.NHTSA.gov/ERG>.⁴² The files will be publicly available and searchable by vehicle make, model, and model year, as provided at the time of upload. The documents should be submitted as PDF files per the guidelines provided on the website. NHTSA will not modify the contents of the documents submitted by the manufacturer. The manufacturer is responsible for submitting the correct ERG and rescue sheet files for each vehicle model and model year, including any subsequent updates or corrections that are needed. Secure user login will be provided for manufacturers to upload and manage documents. The ERGs and rescue sheets will be available to the public for viewing and to download without a login.

Some commenters requested later submission of the emergency response documents to protect final design information prior to market introduction without affecting safety. NHTSA agrees that a later submission date than the proposed certification date is appropriate and has revised the timeline accordingly. This final rule requires manufacturers to submit the emergency response guides and rescue sheets prior to first sale or lease of the subject vehicle model in the United States.

⁴² The website is expected to go online in February 2025. Instructions for manufacturers regarding login credentials and file uploads will be provided on the website at a later date.

Commenters requested clarification on the legacy ERGs that are currently housed in the NFPA website⁴³ and whether manufacturers should be submitting ERGs to multiple locations. NHTSA is coordinating with NFPA on ERGs currently housed with NFPA to migrate these legacy documents to the NHTSA specific website. Manufacturers will only need to submit the ERGs and rescue sheets to the NHTSA specified website prior to first vehicle sale or lease on the specified compliance date. NHTSA will socialize the location of the NHTSA website to first and second responders.

k. Documentation Requirements

NPRM Discussion

The NPRM requested comments on whether the proposed emergency response information requirements would be better placed in a general agency regulation than in FMVSS No. 305a, given that the documentation specifications are more akin to a disclosure requirement (disclosing information to NHTSA and the public) than a performance test or a consumer safety information requirement. The NPRM also sought comments on whether the proposed risk mitigation documentation requirements would be better placed in a general agency regulation. The mechanisms for enforcing a failure to meet a documentation requirement could differ depending on whether the requirement is in an FMVSS or not.

Comments Received

Comments on the documentation provisions were mixed. For the emergency response information, NTSB said that the emergency responder information requirements are straightforward enough to be included in this proposed rulemaking and should not be delayed for a separate regulation. MEMA stated that it agrees with NHTSA’s proposed documentation provisions, with due regard for the protection of confidential business information that may be contained therein. Auto Innovators requested that NHTSA consider initiating rulemaking to add a Class Determination to 49 CFR part 512 for the technical documentation submissions to be presumptively confidential.

Most manufacturers and manufacturer associations that commented on this

⁴³ [https://www.nfpa.org/education-and-research/emergency-response/emergency-response-guides#aq=%40culture%3D%22en%22&cq=%40taglistingpage%3D%3D\(%22EV%20Guides%22\)%20%20&numberOfResults=12&sortCriteria=%40title%20ascending](https://www.nfpa.org/education-and-research/emergency-response/emergency-response-guides#aq=%40culture%3D%22en%22&cq=%40taglistingpage%3D%3D(%22EV%20Guides%22)%20%20&numberOfResults=12&sortCriteria=%40title%20ascending).

topic argued that the documentation should not be included in FMVSS No. 305a. Auto Innovators asserted that the documentation requirements are not objective standards and that reporting requirements should not be subject to the same recall and remedy obligations for FMVSS compliance. They reasoned that documentation does not directly affect safety and may be subject to change over time. Comments from DTNA, HATCI, EMA, NFA, and Nikola were similar. DTNA said the documentation requirements should be moved because the documentation is not associated with the vehicle meeting the performance requirements or information necessary to carry out the test procedure. HATCI said, “Minor or subjective, yet remediable, inquiries or revision requests and other inconsequential errors could be inordinately difficult to resolve within the framework of an FMVSS.”

Agency Response

After reviewing the comments, the agency agrees that the documentation requirements are better suited to a separate regulation than inclusion in FMVSS No. 305a. NHTSA regulates motor vehicle safety under many grants of authority. For example, one such authority is that NHTSA is authorized by the Vehicle Safety Act to issue FMVSS; a typical FMVSS specifies minimum performance requirements and may also include provisions requiring manufacturers to provide consumers safety information on properly using a safety system or item of equipment. Another is that the Vehicle Safety Act authorizes NHTSA to require manufacturers to retain certain records and/or make information available to NHTSA. Section 30166 of the Vehicle Safety Act provides NHTSA the ability to request and inspect manufacturer records that are necessary to enforce the prescribed regulations. NHTSA is also authorized by delegation to issue regulations to carry out the agency’s duties of ensuring vehicle safety.⁴⁴ Documentation requirements would be authorized under these authorities.

NHTSA is also mindful that the mechanisms for enforcing a failure to meet a documentation requirement could differ depending on whether the requirement is in an FMVSS or not. Section 30118 of the Vehicle Safety Act (49 U.S.C. 30118) provides that whenever the Secretary of

Transportation (NHTSA by delegation) determines that a vehicle does not comply with an FMVSS, NHTSA (by delegation) must require the vehicle’s manufacturer to notify the owners, purchasers and dealers of the vehicle or equipment of the noncompliance and remedy the noncompliance. An exception to the recall requirement in section 30120(h) authorizes NHTSA to exempt noncompliances from recall provisions based on a demonstration that the noncompliance is inconsequential to safety. In the case of a violation of a disclosure requirement in a regulation other than an FMVSS, the manufacturer could be subject to injunctive remedies and/or civil penalties,⁴⁵ but would not be subject to a recall notification and remedy provision described above.

After consideration of the nature of the documentation specifications and corresponding enforcement mechanisms, this final rule establishes the technical documentation and emergency response documentation requirements in part 561, without additional delay. As proposed, submission of the emergency response information is required for all subject vehicles, while submission of the other documentation specified in part 561 is upon request. Requested documentation may be submitted as Confidential Business Information (CBI) under 49 CFR part 512. NHTSA will follow 49 CFR part 512 confidential submissions procedures.

Aligned with NHTSA’s average record keeping requirements for regulations, the corresponding documentation requirements are required to be retained for five years.⁴⁶

1. Compliance Dates

Proposed Requirements

The NPRM proposed a compliance date of two years after the publication of the final rule for the proposed requirements other than the emergency response information. The NPRM proposed a compliance date of one year after the final rule’s publication for the proposed emergency response information submission to NHTSA to assist first and second responders. The NPRM further proposed that small-volume manufacturers, final-stage manufacturers, and alterers would be provided an additional year to comply

with each of the requirements. Optional early compliance would be permitted.

Comments Received

MEMA agreed with the proposed compliance dates, while several other commenters requested additional time for the technical requirements. HATCI agreed with the compliance dates for the emergency response information but requested an additional year for the other requirements because some proposed provisions deviate from GTR No. 20 and heavy vehicle manufacturers will be newly subject to electric system integrity requirements. Auto Innovators also agreed with the one-year lead time for manufacturers to submit the required emergency response guides and rescue sheets but requested an additional two years beyond the proposed compliance date for the other requirements. In other words, they requested a lead time of 4 years, because substantive design changes might be required. They supported allowing an additional year for small-volume manufacturers, final-stage manufacturers, and alterers. EMA requested a 5-year lead time for heavy vehicles because heavy duty vehicle manufacturers will need to perform validation testing and make the appropriate design and production changes.

Bugatti requested a longer lead time for small-volume manufacturers because “the proposed lead periods do not allow sufficient time for the necessary assessments and validation to be conducted properly for small volume manufacturers and including final-stage manufacturers.” Bugatti stated that the dates should be aligned with FMVSS No. 127, “Automatic Emergency Braking Systems for Light Vehicles,” which has compliance dates of September 2029 and September 2030, so that multiple high impact regulations start simultaneously. For FMVSS No. 305a, these dates would result in lead times of approximately 5 years for large volume manufacturers and 6 years for small volume and final-stage manufacturers.

Agency Response

After reviewing the comments, the agency is adopting the proposed compliance date for the emergency response information requirements in part 561. The compliance date is one year after publication of this final rule for all applicable vehicles. NHTSA believes the 1-year compliance date for this proposed requirement is long enough for manufacturers to provide the information to NHTSA in the required format. They are already providing the information voluntarily to the NHTSA. In

⁴⁴ 49 U.S.C. 322(a). This provision states that the Secretary of Transportation may prescribe regulations to carry out the duties and powers of the Secretary. The authority to implement the Vehicle Safety Act has been delegated to NHTSA.

⁴⁵ See, e.g., 49 U.S.C. 30165.

⁴⁶ For example, prior to the final rule published on August 16, 2024 (89 FR 66629), NHTSA’s record retention period, under 49 CFR 576, for motor vehicles, child restraint systems, and tires concerning malfunctions that may be related to motor vehicle safety under the Safety Act was 5 years.

the interest of public safety, the agency would like to provide the information on NHTSA's website as soon as possible. If manufacturers provide the information in a year, NHTSA can begin the process of posting the information shortly thereafter. Commenters agreed with the proposed compliance date for submission of the emergency response information to support first and second responders.

In response to the concern raised about proprietary information of new vehicle designs being made public before first sale or lease, the final rule submission timeline requires manufacturers to submit the emergency response guides and rescue sheets prior to first sale or lease of the subject vehicle model in the United States. In the first year that compliance with this requirement becomes mandatory, the compliance date may not coincide with the first sale or lease of a vehicle model for that year. In this case, the first sale or lease of the vehicle model on or after the mandatory compliance date is the time before which the emergency response information for the vehicle model must be submitted.

This final rule modifies the proposed compliance date of two years after publication of the final rule for light vehicle requirements, other than the emergency response information, such that the compliance date starts on the first September 1 that is at least 2 years after the final rule publication date to correspond to when a vehicle model year typically begins, instead of the originally proposed two years after the final rule publication.

HATCI requested an additional year and Auto Innovators requested an additional two years to meet the proposed requirements for light vehicles because some proposed provisions deviated from GTR No. 20. While the final rule generally adopts the proposed requirements, changes to the final rule largely align with GTR No. 20, such as the adoption of documentation for the thermal event warning requirement instead of a corresponding testing procedure and clarification of the definition of SOC. These final rule changes reduce the burden for additional lead time for compliance because of widespread voluntary compliance with GTR No. 20. Therefore, we believe a compliance date of the first September 1 that is at least 2 years after the publication of this final rule is sufficient for manufacturers of light vehicles to ensure compliance with the final rule.

On the other hand, the agency is extending the compliance date for heavy vehicle requirements by an additional

year from the originally proposed one year after the publication of the final rule. NHTSA recognizes that heavy vehicles are not subject to the current FMVSS No. 305, and additional lead time is needed because design changes may be needed for heavy vehicles. As noted earlier, the changes made in the final rule better align with GTR No. 20 requirements. However, the final rule requires vehicle level testing that is optional in GTR No. 20 and requires overcurrent protection of the REESS for heavy vehicles that is not required in GTR No. 20. NHTSA acknowledges that heavy vehicle manufacturers may need time to assess fleet performance, review their risk management procedures, and document their mitigation strategies since they are newly subject to electric system integrity requirements. The agency believes a compliance date of the first September 1 that is at least 3 years after publication of the final rule is sufficient for applicable heavy vehicles to comply with FMVSS No. 305a.

Under 49 U.S.C. 30111(d), a standard may not become effective before the 180th day after the standard is prescribed or later than one year after it is prescribed, unless NHTSA finds, for good cause shown, that a different effective date is in the public interest and publishes a reason for the finding. A phased-in compliance period of two to four years that also aligns with the normal vehicle design cycle (model year) is in the public interest because most vehicles will require upgrades of hardware or software to meet the requirements of this final rule. To require compliance with this standard outside of the normal development cycle would significantly increase the cost of the rule because vehicles cannot easily be made compliant with the requirements of this final rule outside of the normal vehicle design cycle.

Note that as discussed in the Regulatory Flexibility Act section of this document, NHTSA is giving small-volume manufacturers, final-stage manufacturers, and alters an additional year to comply.⁴⁷ Optional early compliance is permitted. Additionally, in the interest of public safety, the effective date of this final rule is 60 days after its publication to establish the new requirements in the Code of Federal Regulations and to allow for optional early compliance.

V. Response to Comments on Issues Not Discussed in the NPRM

a. Future Battery Chemistries

Comments Received

MEMA suggested limiting the application of FMVSS No. 305a to lithium battery vehicles, to better align with GTR No. 20 and avoid misconceptions regarding other future battery chemistries. Using Environmental Protection Agency (EPA)'s 40 CFR 86.1840–01 "Special test procedures" as an example, Rivian suggested that NHTSA incorporate a similar provision into the regulatory text to address new chemistries, allowing manufacturers to submit alternative test procedures for NHTSA's review and advanced approval.

Agency Response

The agency believes that limiting the scope of FMVSS No. 305a to only lithium-ion batteries would not be beneficial to safety. There are safety risks with any type of propulsion system and any battery chemistry. While the FMVSS requirements are based on the current state of technology, they are intentionally chemistry neutral to allow for future developments. This neutral approach would not limit adoption of future battery chemistries and not be design restrictive. The emissions requirements cited by Rivian include additional provisions because vehicle manufacturers are required to obtain a certificate of conformity from the EPA. NHTSA's authority and regulation requirements are different from EPA's. NHTSA is authorized to issue FMVSSs that set performance requirements for new motor vehicles and items of motor vehicle equipment (see 49 U.S.C. Chapter 301). NHTSA does not provide approval of motor vehicles or motor vehicle equipment, and NHTSA does not determine compliance of a vehicle or item of motor vehicle equipment outside the context of an actual enforcement proceeding. Instead, manufacturers are required to self-certify that their products conform to all applicable safety standards that are in effect on the date of manufacture. FMVSS No. 305a does not specify or prohibit certain battery chemistries. Overall, NHTSA will continue to monitor the state of REESS technology and associated safety risks, and FMVSS requirements may be added or modified over time as REESS technology evolves.

b. Marking and Labeling

Comments Received

The Center for Auto Safety suggested NHTSA to establish and require

⁴⁷ 49 CFR 571.8(b).

distinctive marking in REESS-equipped vehicles to identify REESS-associated electrical shock hazards, electrical isolation points and mechanisms, and related design features by means of standardized, permanently affixed labels for reference by emergency personnel and consumers. Similarly, Consumer Reports suggested adding requirements for hazard warning labels aimed at consumers and maintenance technicians.

Agency Response

The NPRM did not propose additional requirements for specific, standardized markings or labeling of electric vehicles, and they are not in scope for this final rule. FMVSS No. 305, S5.4.1.1 currently requires high voltage cables to have an orange-colored outer covering and electric energy storage devices and electrical protection barriers to have a specific black and yellow high voltage marking. This final rule adopts these same high voltage identification requirements into FMVSS No. 305a, S6.1.1. In general, major maintenance and repair of electric vehicles is conducted by trained personnel at a manufacturer approved dealership; consumers are advised not to attempt modification or repair of high voltage systems. Emergency response personnel use vehicle documentation to help locate specific components, avoid electric shock hazards, and handle the vehicles safely. This final rule requires manufacturers to provide standardized ERGs and rescue sheets to NHTSA to create a centralized location for public access. In addition, some states already require specific license plates or other markings on the exterior of alternative fuel vehicles. NHTSA will continue to evaluate the type, location, and effectiveness of exterior markings that would further aid first and second responders and support general emergency mitigation.

c. Test Laboratories

Comment Received

A2LA suggested adopting conformity assessment activities such as requiring manufacturers to use ISO/IEC 17025 accredited testing laboratories.

Agency Response

As discussed above, NHTSA does not specify manufacturer development methods or test facility certifications. NHTSA does not provide approval of motor vehicles or motor vehicle equipment, and NHTSA does not determine compliance of a vehicle or item of motor vehicle equipment outside the context of an actual

enforcement proceeding. Instead, manufacturers are required to self-certify that their products conform to all applicable safety standards that are in effect on the date of manufacture.

d. Other Electrical Specifications

Comments Received

EMA suggested adding definitions to S4 for “Tested-Device,” “Nominal voltage,” and “Suitable Lamp.” EMA also requested changing “working voltage” to “nominal voltage” in S7.1.2. For the loss of electrical isolation warning in S6.4, EMA suggested adding a 1-minute time limit for activation of the visual warning. EMA also requested removing the minimum voltage supply for the optional lamp in the physical barrier tests, as most vehicles have a standard voltage of 12 or 24 volts. EMA also said that S7.1 specified the voltmeter internal resistance be at least 10 MW and that it should be changed to 10 MΩ, and that “chamber” should be corrected to “chamfer” in figure 7b. For high voltage sources excluded from electrical isolation requirements, MEMA recommended harmonization with UNECE R100 to clarify that the 60VDC threshold also applies to pulsating DC voltages less than 60VDC in cases where there is no change in polarity.

Agency Response

NHTSA appreciates the commenters’ review of the regulatory text and recommended updates. NHTSA’s response to each issue raised is as follows:

1. *Definition of Tested-Device:* EMA requested allowing component-level testing and defining “Tested-Device.” This final rule does not use the term “Tested-Device,” because all tests are conducted at the full vehicle level and there are no component level tests in FMVSS No. 305a. The April 2024 NPRM used the definition for SOC that is in GTR No. 20, which refers to the charge of the “tested device.” However, in response to comments received, the SOC definition has been revised and now refers to the “REESS” instead of the “tested device.”

2. *Definition of Suitable Lamp:* S7.3.1 of FMVSS No. 305a describes the test procedure for evaluating protection from direct contact with high voltage sources. S7.3.1(c) specifies that a “suitable lamp” in series with a low voltage supply of 40–50 volts may be connected between the access probe (IPXXB or IPXXD) and any high voltage live parts inside the electrical protection barrier to indicate whether high voltage live parts were contacted. EMA recommended defining “suitable lamp”

to mean “a circuit tester with an input voltage range of 50 VDC minimum, that is one of the following types: an incandescent lamp, LED indicator, buzzer, or Voltmeter.” EMA stated that the specification for the voltage supply should be changed such that the vehicle’s own voltage of 12 or 24 volts could be used for the indicator lamp. The commenter’s definition does not specify an upper limit for the voltage and seemingly contradicts its request to allow use of the vehicle’s own power supply. The voltage range of 40–50 volts is specified in S7.3.1(c) to ensure sufficient current in the circuit that can be detected by the lamp, while also ensuring the current is not sufficiently high to pose a safety risk to testing personnel. The purpose of the lamp is merely to provide a quick visual indication of contact with high voltage sources. The agency believes that as long as a lamp compatible with the voltage supply of 40–50 volts is used, there is no need to specify the type of lamp. The regulatory text in FMVSS No. 305a S7.3 was adopted from S9 in FMVSS No. 305, which has been effective since 2017, and is the same as that in GTR No. 20 and UNECE R100. The agency will further assess EMA’s recommendations regarding the test procedure for direct contact protection and will consider updates to the regulatory text later, if warranted. At this time, NHTSA is adopting the test procedure for direct contact protection currently in FMVSS No. 305 and proposed in the NPRM for inclusion in FMVSS No. 305a.

3. *Definition and Use of Nominal Voltage:* EMA requested defining and using the term “nominal voltage,” instead of “working voltage,” for determining voltage in S7.1.2 of FMVSS No. 305a. EMA provided a definition of “nominal voltage” to mean a value that represents the typical or midpoint of a battery’s maximum operating voltage and the minimum operating voltage over its charge and discharge cycle. NHTSA is not making this requested change in the final rule. The agency notes that the term “working voltage” and method of determining voltage are adopted from FMVSS No. 305 and have been effective since 2010. We believe the term “working voltage” is appropriate because it evaluates whether a component in the electric power train is a high voltage source when the vehicle is fully charged. Additionally, the singular instance of “nominal voltage” in S12.2 of the NPRM regulatory text has been changed to “working voltage” for consistency.

4. *Time limit for activating warning alerting driver to loss of electrical*

isolation: For the loss of electrical isolation warning in S6.4, EMA suggested adding a time limit: “The maximum time allowed to activate visual warning lamp shall be [less than] 1 minute when tested per S7.4.” NHTSA did not include a time limit for the warning to activate when there is a loss in electrical isolation, which is consistent with other warning requirements in FMVSSs, *e.g.*, the seat belt warning in FMVSS No. 208, “Occupant crash protection.” Activation of the warning is assessed visually by test personnel when loss in electrical isolation is simulated in accordance with S7.4.

5. *Typographical Error in figure 7b*: EMA requested changing the phrase, “chamber all edges,” to “chamfer all edges,” in figure 7b. Jointed Test Finger IPXXB, of the regulatory text. This final rule corrects the typographical error in figure 7b.

6. *Voltmeter resistance in S7.1 of FMVSS No. 305a*: EMA noted that the proposed S7.1 of FMVSS No. 305a specifies the voltmeter internal resistance be at least 10 MW and that it should be changed to 10 MΩ. The regulatory text in the April 2024 NPRM correctly specifies the voltmeter resistance in MΩ and so no change is made in the final rule regulatory text.

7. *Exclusion of certain high voltage sources from electrical isolation requirements*: MEMA requested clarifying that the exclusion in S6.3.2 also applies to pulsating DC voltages of less than 60 VDC in cases where there is no change in polarity. The September 2017 final rule⁴⁸ updating FMVSS No. 305 excluded 48 V systems that are connected to the electrical chassis from electrical isolation requirements. In 48 V systems, the AC–DC inverter converts the DC current from the 48 V battery into AC for the 3-phase AC motor. The voltage between the electrical chassis and each of the phases of the AC electric motor is switched DC voltage (voltage between 0 and 48 volts). Because that voltage is less than 60 volts, it is considered low DC voltage under FMVSS No. 305. However, the voltage between two phases of the AC motor is AC, and may be slightly greater than 30 VAC under certain circumstances, which can be considered a high voltage AC source under the standard. However, the physical barrier protection (both direct and indirect contact protection) around the AC motor, and around cables from the inverter to the motor, would mitigate human contact with these AC high voltage sources, and thereby mitigate the likelihood of electric shock.

In the 21st meeting of the working group developing GTR No. 20 Phase 2, the European Association of Automotive Suppliers (CLEPA) provided a rationale⁴⁹ for also excluding pulsating DC high voltage sources with working voltage of 60 VDC or less where there is no change in polarity from electrical isolation requirements so as to accommodate 48 V air-cooled motor generators in the electric power train. NHTSA agrees with this rationale for this exclusion of pulsating DC high voltage sources with no change in polarity and with working voltage of 60 VDC or less from the electrical isolation requirements of S6.3.1 of FMVSS No. 305a.⁵⁰ The regulatory text has been modified to provide this clarification.

e. Static Rollover

Comments Received

Tesla requested that NHTSA reconsider the static rollover test requirement, given the current state of EV batteries compared to older lead-acid batteries.

Agency Response

The agency believes that there is merit in the static rollover test requirement, consistent with other FMVSS requirements. In addition, the agency is retaining requirements pertaining to electrolyte leakage for REESS with liquid electrolyte.

VI. Rulemaking Analyses and Notices

Executive Order 12866, Executive Order 14094, Executive Order 13563, and DOT Order Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under Executive Orders 12866, 14094, and 13563, DOT Order 2100.6A and the Department of Transportation’s regulatory policies and procedures. The final rule is not considered to be significant under the Department of Transportation’s regulatory policies and procedures. 44 FR 11034 (Feb. 26, 1979). This action was not reviewed by the Office of

⁴⁹ See <https://wiki.unece.org/download/attachments/117508721/EVS21-K01%20%5BCLEPA%5DR100-3%2048V%20Issue.pptx?api=v2>.

⁵⁰ Section 5.3.4.1 of IEC TS 60479–2, “Effects of current on human beings and livestock—Part 2,” available at <https://webstore.iec.ch/publication/63392>, states that for combination of DC and AC voltage sources where there is no change in polarity, half the peak voltage can be used for determining electric shock risk. Because the risk of electric shock for 30 VAC is the same as 60 VDC, pulsating DC voltages less than or equal to 60 VDC pose no additional risk and can also be excluded from the electrical isolation requirement. The direct and indirect contact protection requirements further mitigate the risk of electric shock.

Management and Budget under E.O. 12866.

This final rule issues FMVSS No. 305a and Part 561 to update and expand the requirements that are in FMVSS No. 305. Most of GTR No. 20 has already been adopted into FMVSS No. 305; this final rule completes the process by expanding FMVSS No. 305’s applicability to heavy vehicles and by adopting the GTR’s requirements for the REESS. Because there is widespread conformance with the requirements that would apply to existing vehicles, we anticipate no costs or benefits associated with this rulemaking.

This final rule also requires that electric vehicle manufacturers submit standardized emergency response information to a NHTSA central depository, to assist first and second responders. A comprehensive list of pertinent vehicle-specific rescue information at a central location will enable first and second responders to respond to emergencies as quickly and safely as possible. Currently, electric vehicle manufacturers voluntarily upload emergency response information to the National Fire Protection Association’s training site, so manufacturers are already providing vehicle-specific emergency response information. Under Part 561, manufacturers will submit ERGs and rescue sheets to NHTSA instead. We anticipate no additional costs by the manufacturers.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) (“the Act”) requires agencies to evaluate the potential effects of their proposed and final rules on small businesses, small organizations, and small Government jurisdictions. The Small Business Administration’s regulations at 13 CFR part 121 define a small business, in part, as a business entity “which operates primarily within the United States.” (13 CFR 121.105(a)).

The Act requires agencies to prepare and make available an initial and final regulatory flexibility analysis (RFA) describing the impact of proposed and final rules on small entities. An RFA is not required if the head of the agency certifies that the proposed or final rule will not have a significant impact on a substantial number of small entities. The head of the agency has made such a certification with regard to this final rule.

The factual basis for the certification (5 U.S.C. 605(b)) is set forth below. Although the agency is not required to issue an initial regulatory flexibility analysis, this section discusses many of

⁴⁸ 82 FR 44945 (Sept. 27, 2017).

the issues that an initial regulatory flexibility analysis would address.

Section 603(b) of the Act specifies the content of an RFA. Each RFA must contain:

1. A description of the reasons why action by the agency is being considered;
2. A succinct statement of the objectives of, and legal basis for, a final rule;
3. A description of and, where feasible, an estimate of the number of small entities to which the final rule will apply;
4. A description of the projected reporting, recording keeping and other compliance requirements of a final rule, including an estimate of the classes of small entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record;
5. An identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap or conflict with the final rule;
6. Each final regulatory flexibility analysis shall also contain a description of any significant alternatives to the final rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the final rule on small entities.

A description of the reason why action by the agency is being considered and the objectives of, and legal basis for, the final rule are discussed at length earlier in this document.

This final rule will directly affect manufacturers subject to FMVSS No. 305a and Part 561. The Small Business Administration's size standard regulation at 13 CFR part 121, "Small business size regulations," prescribes small business size standards by North American Industry Classification System (NAICS) codes. NAICS code 336211, Motor Vehicle Body Manufacturing, prescribes a small business size standard of 1,000 or fewer employees. NAICS code 336390, Other Motor Vehicle Parts Manufacturing, prescribes a small business size standard of 1,000 or fewer employees. Most motor vehicle manufacturers would not qualify as a small business.

NHTSA is aware of 3 small manufacturers of light and heavy electric vehicles. NHTSA believes that this rule will not have a significant economic impact on these manufacturers for the following reasons. First, small manufacturers of light electric vehicles are already subject to the electric vehicle safety requirements of FMVSS No. 305 and have been certifying compliance to the standard

for years. They are familiar with FMVSS requirements for electric vehicle safety, know how to assess the conformance of their vehicles with the requirements, and know how to certify their vehicles to the FMVSS. The new requirements for the REESS are manageable because the overcharge, over-discharge, over-current, over-temperature, and external short-circuit tests are non-destructive tests and can be conducted in serial order. The documentation requirements for safety risk mitigation associated with charging and discharging during cold temperature, safety risk mitigation associated with an internal short circuit in a single cell of a REESS, warning for a thermal event, and warning in the event of a malfunction of the vehicle controls that manage REESS safe operation are not design restrictive and add minimal cost. The documentation requirements simply ask manufacturers to describe to NHTSA how they have assessed certain safety risks and mitigated them.

Second, there already is widespread voluntary compliance by the manufacturers with GTR No. 20, which is also aligned with industry standards. Therefore, there will be only a minor economic impact.

Finally, although the final certification would be made by the manufacturer, this final rule allows one additional year for small volume manufacturers, final-stage manufacturers, and alterers to comply. This approach is similar to the approach NHTSA has taken in other rulemakings in recognition of manufacturing differences between larger and smaller manufacturers. NHTSA anticipates that EV components meeting FMVSS No. 305a will be developed by vehicle designers and suppliers and integrated into the fleets of larger vehicle manufacturers first, before small manufacturers. This final rule provides smaller manufacturers flexibility, so they have time to obtain the equipment and work with the suppliers after the demands of the larger manufacturers are met.

This final rule applies to heavy vehicles, so this NPRM would also affect manufacturers of vehicles of over 4,536 kg (10,000 lb) GVWR, some of which may be final-stage manufacturers.⁵¹ According to the U.S.

⁵¹ Final-stage manufacturers produce vehicles by obtaining an incomplete vehicle (comprising the chassis and other associated parts) manufactured by an incomplete vehicle manufacturer, which is typically a large manufacturer. The final-stage manufacturer produces a vehicle by installing the vehicle body on the incomplete vehicle. The final-stage manufacturer typically certifies a complete vehicle by staying within manufacturing

Census, there are 570 small businesses in body manufacturing for light, medium, and heavy-duty classes. However, it is NHTSA's understanding that these small entities rarely make modifications to a vehicle's REESS system and instead rely upon the pass-through certification provided by the first-stage manufacturer, which is not typically a small business. The same is true for alterers, which are manufacturers that obtain and alter a complete vehicle prior to the vehicle's first sale to a consumer.⁵² Furthermore, even if the final-stage manufacturer or alterer must make the certification independently, as explained above this certification responsibility is manageable. The requirements do not involve crash testing (except for heavy school buses, as discussed below), and conformance with the requirements can be assessed relatively simply in a laboratory setting. And finally, this rule further accommodates final-stage manufacturers and alterers by providing them an additional year before compliance is required.⁵³ For the reasons above, NHTSA does not believe that the economic impacts on small entities will be significant.

With regard to the crash test requirement for small manufacturers of heavy school buses, the additional requirement is for heavy school buses with high voltage electric propulsion systems to meet post-crash electrical safety requirements when impacted by the moving contoured barrier specified in FMVSS No. 301. This requirement does not require additional crash testing and aligns the applicability of FMVSS No. 305a with those of FMVSS Nos. 301 and 303. Per FMVSS No. 301 and FMVSS No. 303, heavy school buses (school buses with a GVWR greater than 4,536 kg) using conventional fuel or compressed natural gas for propulsion are required to maintain fuel system integrity in a crash test where the moving contoured barrier specified in FMVSS No. 301 traveling at any speed up to 48 km/h impacts the school bus at any point and angle. These requirements ensure post-crash safety to maintain the current high safety standards for school buses. Finally, this rule accommodates small manufacturers and final stage manufacturers of heavy school buses by providing them an additional year before compliance is required. For the reasons above, NHTSA

instructions provided by the incomplete vehicle manufacturer.

⁵² Alterers certify that the vehicle was altered by them and as altered conforms to all applicable FMVSS, bumper, and theft prevention standards affected by the alteration.

⁵³ See 49 CFR 571.8(b).

does not believe that the economic impacts of this rule on small entities will be significant.

National Environmental Policy Act

NHTSA has analyzed this rule for the purposes of the National Environmental Policy Act. In accordance with 49 CFR 1.81, 42 U.S.C. 4336, and DOT NEPA Order 5610.1C, NHTSA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4) (planning and administrative activities, such as promulgation of rules, that do not involve or lead directly to construction). This rulemaking, which establishes Federal Motor Vehicle Safety Standard (FMVSS) No. 305a, "Electric-powered vehicles: Electrolyte spillage and electrical shock protection," to update and replace FMVSS No. 305 and to include performance requirements for propulsion batteries for light and heavy vehicles, and which establishes a new regulation, Part 561, "Documentation for Electric-powered Vehicles," that requires manufacturers to compile risk mitigation documentation and submit standardized emergency response information to assist first and second responders handling electric vehicles, is not anticipated to result in any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

Executive Order 13132 (Federalism)

NHTSA has examined this rule pursuant to Executive Order 13132 (64 FR 43255; Aug. 10, 1999) and concluded that no additional consultation with States, local governments, or their representatives is mandated beyond the rulemaking process. The agency has concluded that the rule does not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The rule does 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."

NHTSA rules can have preemptive effect in two ways. First, the National Traffic and Motor Vehicle Safety Act contains an express preemption provision: When a motor vehicle safety standard is in effect under this chapter, a State or a political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. 49 U.S.C.

30103(b)(1). It is this statutory command that preempts any non-identical State legislative and administrative law address the same aspect of performance. The express preemption provision described above is subject to a savings clause under which "[c]ompliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law." 49 U.S.C. 30103(e). Pursuant to this provision, State common law tort causes of action against motor vehicle manufacturers that might otherwise be preempted by the express preemption provision are generally preserved.

NHTSA rules can also preempt State law if complying with the FMVSS would render the motor vehicle manufacturers liable under State tort law. Because most NHTSA standards established by an FMVSS are minimum standards, a State common law tort cause of action that seeks to impose a higher standard on motor vehicle manufacturers will generally not be preempted. However, if and when such a conflict does exist—for example, when the standard at issue is both a minimum and a maximum standard—the State common law tort cause of action is impliedly preempted. *See Geier v. American Honda Motor Co.*, 529 U.S. 861 (2000).

Pursuant to Executive Order 13132, NHTSA has considered whether this rule could or should preempt State common law causes of action. The agency's ability to announce its conclusion regarding the preemptive effect of one of its rules reduces the likelihood that preemption will be an issue in any subsequent tort litigation. To this end, the agency has examined the nature (*e.g.*, the language and structure of the regulatory text) and objectives of this rule and finds this rule, like many NHTSA rules, would prescribe only a minimum safety standard. As such, NHTSA does not intend that this rule preempt state tort law that would effectively impose a higher standard on motor vehicle manufacturers than that established by this rule. Establishment of a higher standard by means of State tort law would not conflict with the standards in this final rule. Without any conflict, there could not be any implied preemption of a State common law tort cause of action.

Executive Order 12988 (Civil Justice Reform)

With respect to the review of the promulgation of a new regulation, section 3(b) of Executive Order 12988, "Civil Justice Reform" (61 FR 4729, Feb.

7, 1996), requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect; (2) clearly specifies the effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct, while promoting simplification and burden reduction; (4) clearly specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. This document is consistent with that requirement.

Pursuant to this Order, NHTSA notes as follows. The issue of preemption is discussed above. NHTSA notes further that there is no requirement that individuals submit a petition for reconsideration or pursue other administrative proceedings before they may file suit in court.

Executive Order 13045 (Protection of Children From Environmental Health and Safety Risk)

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental, health, or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

This final rule is not subject to the Executive order because it is not economically significant as defined in E.O. 12866.

Privacy Act

Please note that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or online at <http://www.dot.gov/privacy.html>.

Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et. seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, 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. NHTSA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule does not meet the criteria in 5 U.S.C. 804(2) to be considered a major rule. The rule will be effective sixty days after the date of publication in the **Federal Register**.

Paperwork Reduction Act

Under the procedures established by the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, et. seq.), Federal agencies must obtain approval from the OMB for each collection of information they conduct, sponsor, or require through regulations. A person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. The Information Collection Request (ICR) for the new information collection described below has been forwarded to OMB for review and comment.

The final rule has two types of new collection of information that are part of the Part 561 requirements: (1) Electric Vehicles: Rescue Sheets and Emergency Response Guides and (2) Electric Vehicles: REESS Thermal Propagation Safety Risk Analysis and Mitigation Documentation. NHTSA sought comment on the new information collection requirements in the NPRM published on April 15, 2024.⁵⁴ There were no PRA-specific comments provided. NHTSA's response to the comments and the final rule's information collection requirements are discussed in sections IV.j–l above. As discussed, NHTSA is largely adopting the proposal with some changes. In accordance with the requirements of the PRA, NHTSA is resubmitting the ICR for this final rule. In the final rule, the emergency response information and four documentation requirements are added to the general regulation Part 561 rather than in the proposed FMVSS No. 305a, given that the documentation specifications are more akin to a disclosure requirement than a performance test. The estimated total burden of this collection is modified to account for the final rule's addition of the audio-visual warning for a thermal event in the REESS to be part of the documentation requirements that was

not initially proposed in the NPRM. For each vehicle model, vehicle manufacturers will need an estimated 84 hours to complete the four documentation requirements (17 hours to complete the documentation for low temperature operation safety, 17 hours for the documentation about warning in the event of operational failure of REESS vehicle controls, 17 hours for the documentation for thermal event warning, and 33 hours for the documentation covering thermal runaway due to internal short in a single cell of the REESS). After this rule's effective date, all 205 vehicle models are expected to compile the necessary information to meet the four documentation requirements. The total estimated annual burden hours for the four documentation requirements is 17,220 hours (205 vehicle models x 84 hours). The previous total estimated burden hours for the three documentation requirements in the NPRM was 13,735 hours (205 vehicle models x 67 hours).

The estimated total annual burden hours for the emergency response information was slightly decreased to approximately 2,335 hours from the original estimation of 2,506 burden hours. Because rescue sheets and emergency response guides often cover several model years, the percentage of models that would need new or updates to existing or previously submitted rescue sheets and ERGs is likely to decrease after the second year of the effective date. With additional documentation requirements from the final rule, the total estimated annual burden hours for the two new types of information collection is estimated to be 19,565 burden hours.

In the NPRM, NHTSA originally included labor costs under the burden cost calculation. NHTSA now estimates that there will be no costs to respondents other than the labor costs from the corresponding burden hours of compiling the information. Therefore, the total annual burden cost has now been corrected to be \$0.

The OMB control numbers for NHTSA regulations are displayed at 49 CFR part 509. When OMB approves this ICR, the agency will announce that approval in the **Federal Register** and, as appropriate, display the OMB control number on the applicable collection instruments and publish a technical amendment to 49 CFR part 509 to display the OMB control number for the approved information collection activities contained in this final rule.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, as amended by Public Law 107–107 (15 U.S.C. 272), directs the agency to evaluate and use voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law or is otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies, such as the Society of Automotive Engineers (SAE). The NTTAA directs us to provide Congress (through OMB) with explanations when the agency decides not to use available and potentially applicable voluntary consensus standards.

This final rule is consistent with the goals of the NTTAA. This rule adopts a global consensus standard. The GTR was developed by a global regulatory body and is designed to increase global harmonization of differing vehicle standards. The GTR leverages the expertise of governments in developing a vehicle standard to increase electric vehicle safety, including the performance of the REESS. NHTSA's consideration of GTR No. 20 accords with the principles of NTTAA as NHTSA's consideration of an established, proven global technical regulation has reduced the need for NHTSA to expend significant agency resources on the same safety need addressed by GTR No. 20.

In addition, the following voluntary consensus standards have been used in developing this final rule:

- ISO-6469-1: Amendment 1 2022-11.
- ISO-26262:2018.
- ISO 17840-1:2022(E), “Road vehicles—Information for first and second responders—Part 1: Rescue sheet for passenger cars and light commercial vehicles,” Second Edition, February 2022.
- ISO 17840-2:2019(E), “Road vehicles—Information for first and second responders—Part 2: Rescue sheet for buses, coaches and heavy commercial vehicles,” First edition, April 201.
- ISO 17840-3:2019(E), “Road vehicles—Information for first and second responders—Part 3: Emergency response guide template,” First Edition, April 2019.

⁵⁴ 89 FR 26704.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, requires Federal agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or Tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually (adjusted for inflation with base year of 1995). Adjusting this amount by the implicit gross domestic product price deflator for the year 2022 results in \$177 million (111.416/75.324 = 1.48). This rule will not result in a cost of \$177 million or more to State, local, or Tribal governments, in the aggregate, or the private sector. Thus, this rule is not subject to the requirements of sections 202 of the UMRA.

Executive Order 13609 (Promoting Regulatory Cooperation)

The policy statement in section 1 of Executive Order 13609 provides, in part: The regulatory approaches taken by foreign governments may differ from those taken by U.S. regulatory agencies to address similar issues. In some cases, the differences between the regulatory approaches of U.S. agencies and those of their foreign counterparts might not be necessary and might impair the ability of American businesses to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

The agency participated in the development of GTR No. 20 to harmonize the standards of electric vehicles. As a signatory member, NHTSA is incorporating electrical safety requirements and options specified in GTR No. 20 with modifications into FMVSS No. 305a and Part 561.

Incorporation by Reference

Under regulations issued by the Office of the Federal Register (1 CFR 51.5(a)), an agency must summarize in the preamble of a proposed or final rule the material it incorporates by reference and discuss the ways the material is reasonably available to interested parties or how the agency worked to

make materials available to interested parties.

In this final rule, NHTSA incorporates by reference three documents into the Code of Federal Regulations. The first document is ISO 17840–1:2022(E), “Road vehicles—Information for first and second responders—Part 1: Rescue sheet for passenger cars and light commercial vehicles.” ISO 17840–1:2022(E) standardizes the content and layout of rescue sheets for passenger cars and light commercial vehicles.

The second document is ISO 17840–2:2019(E), “Road vehicles—Information for first and second responders—Part 2: Rescue sheet for buses, coaches and heavy commercial vehicles.” ISO 17840–2:2019(E) standardizes the rescue sheets for buses, coaches, and heavy commercial vehicles.

The third document is ISO 17840–3:2019(E), “Road vehicles—Information for first and second responders—Part 3: Emergency response guide template.” ISO 17840–3:2019(E) establishes a template and defines the general content for manufacturers’ emergency response guides for all vehicle types.

All three documents are incorporated by reference solely to specify the layout and format of the rescue sheets and emergency response guides. The ISO material is available for review at NHTSA and is available for purchase from ISO.⁵⁵

Severability

The issue of severability of FMVSSs is addressed in 49 CFR 571.9. It provides that if any FMVSS or its application to any person or circumstance is held invalid, the remainder of the part and the application of that standard to other persons or circumstances is unaffected.

Regulation Identifier Number

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

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

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found in the Abstract section of the Department’s Unified Agenda entry for this rulemaking at <https://www.reginfo.gov/>

⁵⁵ ISO standards may be purchased from the ANSI webstore <https://webstore.ansi.org/>.

public/do/eAgendaViewRule?pubId=202304&RIN=2127-AM43.

Plain Language

Executive Order 12866 requires each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

- Have we organized the material to suit the public’s needs?
- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that isn’t clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?

If you have any responses to these questions, please write to us with your views.

Submission of Confidential Information

You should submit a redacted “public version” of your comment (including redacted versions of any additional documents or attachments). This “public version” of your comment should contain only the portions for which no claim of confidential treatment is made and from which those portions for which confidential treatment is claimed has been redacted. See below for further instructions on how to do this.

You also need to submit a request for confidential treatment directly to the Office of Chief Counsel. Requests for confidential treatment are governed by 49 CFR part 512. Your request must set forth the information specified in part 512. This information includes the materials for which confidentiality is being requested (as explained in more detail below); supporting information, pursuant to § 512.8; and a certificate, pursuant to § 512.4(b) and part 512, appendix A.

You are required to submit to the Office of Chief Counsel one unredacted “confidential version” of the information for which you are seeking confidential treatment. Pursuant to § 512.6, the words “ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION” or “CONFIDENTIAL BUSINESS INFORMATION CONTAINED WITHIN BRACKETS” (as applicable) must appear at the top of each page containing information claimed to be confidential. In the latter

situation, where not all information on the page is claimed to be confidential, identify each item of information for which confidentiality is requested within brackets: “[.]”

You are also required to submit to the Office of Chief Counsel one redacted “public version” of the information for which you are seeking confidential treatment. Pursuant to § 512.5(a)(2), the redacted “public version” should include redactions of any information for which you are seeking confidential treatment (*i.e.*, the only information that should be unredacted is information for which you are not seeking confidential treatment).

NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under part 512. Please do not send a hardcopy of a request for confidential treatment to NHTSA’s headquarters. The request should be sent to Dan Rabinovitz in the Office of the Chief Counsel at Daniel.Rabinovitz@dot.gov. You may either submit your request via email or request a secure file transfer link. If you are submitting the request via email, please also email a courtesy copy of the request to K. Helena Sung at Helena.Sung@dot.gov.

List of Subjects

49 CFR Part 561

Imports, Incorporation by reference, Motor vehicles, Motor vehicle safety.

49 CFR Part 571

Imports, Motor vehicles, Motor vehicle safety.

In consideration of the foregoing, NHTSA amends 49 CFR chapter V as set forth below.

■ 1. Add part 561 to read as follows:

PART 561—DOCUMENTATION FOR ELECTRIC-POWERED VEHICLES.

Sec.

- 561.1 Scope.
- 561.2 Purpose.
- 561.3 Application.
- 561.4 Matter incorporated by reference.
- 561.5 Definitions.
- 561.6 Rescue sheets and emergency response guides.
- 561.7 Documentation for low temperature operation safety.
- 561.8 Documentation of a visual warning for malfunction of vehicle controls that manage REESS operation.
- 561.9 Documentation of an audio-visual warning for a thermal event in the REESS.
- 561.10 Documentation for single cell thermal runaway and propagation safety risk mitigation.
- 561.11 Record retention.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.95.

§ 561.1 Scope.

This part specifies requirements for the submission of standardized emergency response guides (ERGs) and rescue sheets for electric-powered vehicles. It also specifies requirements for other documentation, to be submitted to NHTSA upon request, addressing low temperature operation safety, warning in the event of malfunction of vehicle controls managing Rechargeable Electrical Energy Storage System (REESS) operations, warning in the case of a thermal event in the REESS, and safety risk mitigation for thermal runaway and propagation.

§ 561.2 Purpose.

The purpose of this part is to ensure emergency response information is readily available for first and second responders regarding the safe handling of electric-powered vehicles and to ensure vehicle occupants are alerted to potentially hazardous conditions. The other documentation requirements are to ensure vehicle manufacturers identify and address safety risks associated with the electric propulsion system in addition to the requirements of part 571 of this chapter.

§ 561.3 Application.

This part applies to passenger cars, multipurpose passenger vehicles, trucks, and buses that use electrical propulsion components with working voltages greater than 60 volts direct current (VDC) or 30 volts alternating current (VAC), and whose speed attainable over a distance of 1.6 km on a paved level surface is more than 40 km/h.

(a) *Rescue sheets and emergency response guides requirements.* Vehicles manufactured on or after December 22, 2025, are subject to § 561.6.

(b) *Documentation requirements.* (1) Vehicles with a gross vehicle weight rating of 4,536 kilograms (kg) or less manufactured on or after September 1, 2027, are subject to §§ 561.7 through 561.10.

(2) Vehicles with a gross vehicle weight rating over 4,536 kilograms (kg) manufactured on or after September 1, 2028, are subject to §§ 561.7 through 561.10.

(3) The requirements §§ 561.7 through 561.10 do not apply to small-volume manufacturers, final-stage manufacturers, and alterers of vehicles with a gross vehicle weight rating under 4,536 kilograms (kg) until one year after

the date specified in paragraph (b)(1) of this section.

(4) The requirements §§ 561.7 through 561.10 do not apply to small-volume manufacturers, final-stage manufacturers, and alterers of vehicles with a gross vehicle weight rating over 4,536 kilograms (kg) until one year after the date specified in paragraph (b)(2) of this section.

§ 561.4 Matter incorporated by reference.

The material listed in this section is incorporated by reference into this section with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 522(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the National Highway Traffic Safety Administration (NHTSA) or at the National Archives and Records Administration (NARA). Contact NHTSA at: 1200 New Jersey Avenue SE, Washington, DC 20590; (202) 366–2588; www.nhtsa.gov/about-nhtsa/electronic-reading-room. For information on the availability of this material at NARA, visit www.archives.gov/contact. The material may be obtained from the following paragraphs of this section.

(a) International Organization for Standardization (ISO), 1, ch. de la Voie-Creuse, CP 56, CH–1211 Geneva 20, Switzerland; phone: + 41 22 749 01 11; fax: + 41 22 733 34 30; website: www.iso.org.

(1) ISO 17840–1:2022(E), *Road vehicles—Information for first and second responders—Part 1: Rescue sheet for passenger cars and light commercial vehicles*, Second Edition, February 2022, into § 561.6.

(2) ISO 17840–2:2019(E), *Road vehicles—Information for first and second responders—Part 2: Rescue sheet for buses, coaches and heavy commercial vehicles*, First edition, April 2019, into § 561.6.

(3) ISO 17840–3:2019(E), *Road vehicles—Information for first and second responders—Part 3: Emergency response guide template*, First Edition, April 2019, into § 561.6.

(b) [Reserved]

§ 561.5 Definitions.

(a) *Statutory definitions.* All terms defined in section 30102 of the National Traffic and Motor Vehicle Safety Act (49 U.S.C. chapter 301, *et seq.*) are used in their statutory meaning.

(b) *Motor vehicle safety standard definitions.* All terms defined in 49 CFR part 571 are used as defined therein.

(c) *Other definitions—*

Emergency response guide means a document containing in-depth vehicle-specific information related to fire,

submersion, leakage of fluids, towing, and storage of vehicles for first and second responders.

First responder means a person with specialized training such as a law enforcement officer, paramedic, emergency medical technician, and/or firefighter.

Rescue sheet means an abbreviated version of an emergency response guide that gives quick information about a vehicle's construction, intended for use by first and second responders at the scene of a crash.

Second responder means a worker who supports first responders by cleaning up a site, towing vehicles, and/or supporting services after an event requiring first responders.

§ 561.6 Rescue sheets and emergency response guides.

(a) *Rescue sheets.* Prior to first vehicle sale or lease, vehicle manufacturers shall submit rescue sheets to NHTSA.

(1) For vehicles with a GVWR less than or equal to 4,536 kg to which the requirement applies, submitted rescue sheets shall follow the layout and format in ISO-17840-1:2022(E) (incorporated by reference; see § 561.4).

(2) For vehicles with a GVWR greater than 4,536 kg to which the standard applies, the submitted rescue sheets shall follow the layout and format in ISO-17840-2:2019(E) (incorporated by reference; see § 561.4).

(3) The rescue sheets shall provide information for first responders to extricate occupants.

(b) *Emergency response guides (ERGs).* Prior to first vehicle sale or lease, vehicle manufacturers shall submit emergency response guides to NHTSA in accordance with the template layout and format in ISO-17840-3:2019(E) (incorporated by reference; see § 561.4). vehicles to which this requirement applies.

(1) The ERGs shall provide in-depth information linked and aligned to the corresponding rescue sheet to support the quick and safe action of first responders and second responders.

(2) The ERGs shall provide in-depth information related to electric vehicle fire, submersion, leakage of fluids, towing, transportation, and storage.

(3) The ERGs shall provide information to assist first responders in extricating occupants.

§ 561.7 Documentation for low temperature operation safety.

At NHTSA's request, each manufacturer shall submit documentation that includes the following:

(a) The make, model, model year, and production dates of the vehicles to

which the submitted documentation applies.

(b) The lower temperature boundary for safe REESS operation in all vehicle operating modes.

(c) A description and explanation of charge and discharge rates at the manufacturer specified lower temperature boundary for safe REESS operation.

(d) A description of the method used to detect REESS temperature.

(e) A system diagram with key components and subsystems involved in maintaining safe REESS charging and discharging operation for temperatures at or below the manufacturer specified lower temperature boundary for safe REESS operation.

(f) A description of how the vehicle controls, ancillary equipment, and design features were validated and verified for maintaining safe REESS operations at or below the manufacturer specified lower temperature boundary for safe REESS operation.

(g) *Overall evaluation:* A description of the final manufacturer review/audit process and results of any final review or audit evaluating the technical content and the completeness and verity of paragraphs (a) through (f) of this section.

§ 561.8 Documentation of a visual warning for malfunction of vehicle controls that manage REESS operation.

At NHTSA's request, each manufacturer shall submit documentation that includes the following:

(a) The make, model, model year, and production dates of the vehicles to which the submitted documentation applies.

(b) A system diagram that identifies all the vehicle controls that manage REESS operation. The diagram must identify what components are used to generate a visual warning indicating malfunction of vehicle controls to conduct one or more basic REESS operations.

(c) A written explanation describing the basic operation of the vehicle controls that manage REESS operation. The explanation must identify the components of the vehicle control system, provide description of their functions and capability to manage the REESS, and provide a logic diagram and description of conditions that would lead to triggering the telltale activation.

(d) Validation results from tests to confirm the display of a visual warning in the presence of a malfunction of the vehicle controls which manage safe operation of the REESS.

(e) *Overall evaluation:* A description of the final manufacturer review/audit

process and results of the final review or audit which evaluated the technical content and the completeness and verity of paragraphs (a) through (d) of this section.

§ 561.9 Documentation of an audio-visual warning for a thermal event in the REESS.

At NHTSA's request, each manufacturer shall submit documentation that includes the following:

(a) The make, model, model year, and production dates of the vehicles to which the submitted documentation applies.

(b) A system diagram of the thermal event warning system.

(c) A written explanation describing the basic operation of the thermal event warning system. The explanation must identify the components of the thermal event warning system, provide descriptions of their functions and capability, and provide a logic diagram and description of conditions that would lead to triggering the warning activation.

(d) Validation results from tests to confirm the activation of an audio-visual warning in the case of a thermal event in the REESS.

(e) *Overall evaluation:* A description of the final manufacturer review/audit process and results of the final review or audit which evaluated the technical content and the completeness and verity of paragraphs (a) through (d) of this section.

§ 561.10 Documentation for single cell thermal runaway and propagation safety risk mitigation.

The vehicle manufacturer shall make available to NHTSA, upon request, documentation demonstrating how the vehicle and its REESS are designed to mitigate the safety risks associated with thermal propagation resulting from a single cell thermal runaway due to an internal short within the cell. The documentation shall demonstrate thermal propagation safety risk mitigation for the vehicle in external charging mode, active driving possible mode, and parking mode. The documentation shall include the following:

(a) *Vehicle information.* This part of the documentation shall identify the make, model, model year, and production dates of the vehicles to which the submitted documentation applies.

(b) *Part I: System analysis.* This part of the documentation shall identify the conditions which could lead to single-cell thermal runaway due to an internal short-circuit in different vehicle

operational modes and allocate applicable functional units, components, and subsystems to each identified condition. This part shall include:

(1) A system diagram and a description of all relevant physical systems and components of the REESS, including information about the cell type and electrical configuration, cell chemistry, electrical capacity, voltage, current limits during charging and discharging, and thermal limits of the components that are critical for thermal propagation safety.

(2) A system diagram, operational description of sensors, components, functional units relevant to single-cell thermal runaway due to internal short-circuit and thermal propagation, and the interrelationship among the identified sensors, components, and functional units;

(3) A description of conditions under which a single-cell thermal runaway and propagation event due to an internal short-circuit could occur;

(4) A description of how the identified conditions were allocated to each identified component, functional unit, and subsystem;

(5) A description of the process used to review the identified conditions and their allocation to the identified sensors, components, and functional units, for completeness and validity; and

(6) A description of the warning or notification system before the thermal runaway occurs, including a description of the detection technology and mitigation strategies, if any.

(c) *Part II: Safety risk assessment and mitigation process.* This part of the documentation shall identify thermal propagation safety risk mitigation strategies for identified conditions leading to single cell thermal runaway in Part I and include:

(1) A description of the safety risks and safety risk mitigation strategies, and how these were identified, and

(2) A description of how each risk mitigation strategy manages, mitigates, or prevents the identified safety risks.

(3) Safety risk mitigation strategies identified should include those that mitigate the risk of single cell thermal runaway due to an internal short and mitigate the occurrence of thermal propagation due to single-cell thermal runaway resulting from an internal short-circuit within the cell.

(d) *Part III: Verification and validation of risk mitigation strategies.* This part of the documentation pertains to verification that the manufacturer identified safety risks and considered safety risk mitigation strategies and shall include:

(1) A description of how each risk mitigation strategy was verified and validated for effectiveness,

(2) A description of the verification and validation results for each risk mitigation strategy, and

(3) A description of and results from the vehicle level assessment.

(e) *Part IV: Overall evaluation of risk mitigation.* This part of the documentation summarizes the vehicle design and manufacturing strategies and their validation to mitigate the safety risks associated with thermal propagation due to single cell thermal runaway resulting from internal short within a cell. This part shall include a description of the final manufacturer review/audit process and results of the final review or audit evaluating the technical content and the completeness and verity of paragraphs (a) through (d) of this section.

§ 561.11 Record retention.

Each applicable manufacturer shall maintain the information specified in §§ 561.7 through 561.10 for the documentation requirements for a period of five years from the date of manufacture.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ 2. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.95.

■ 3. Section 571.305 is amended by revising the section heading and S3 to read as follows:

§ 571.305 Standard No. 305; electric-powered vehicles: electrolyte spillage and electrical shock protection; applicable unless a vehicle is certified to § 571.305a.

* * * * *

S3. *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses with a gross vehicle weight rating (GVWR) of 4,536 kilograms (kg) or less, that use electrical propulsion components with working voltages greater than 60 volts direct current (VDC) or 30 volts alternating current (VAC), and whose speed attainable over a distance of 1.6 km on a paved level surface is more than 40 km/h, that are manufactured before September 1, 2027.

* * * * *

■ 4. Section 571.305a is added to read as follows:

§ 571.305a Standard No. 305a; electric-powered vehicles: Electric powertrain integrity; mandatory applicability begins on September 1, 2027.

S1. *Scope.* This standard specifies requirements for protection from harmful electric shock, fire, explosion, and gas venting during normal vehicle operation and during and after a crash.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries during normal vehicle operations and during and after a crash that occur because of electrolyte leakage, intrusion of electric energy storage/conversion devices into the occupant compartment, electric shock, fire, explosion, and gas venting, including deaths and injuries due to driver error.

S3. *Application.* (a) This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses that use electrical propulsion components with working voltages greater than 60 volts direct current (VDC) or 30 volts alternating current (VAC), and whose speed attainable over a distance of 1.6 km on a paved level surface is more than 40 km/h.

(b) Mandatory applicability begins September 1, 2027, for vehicles with a gross vehicle weight rating of 4,536 kilograms (kg) or less and September 1, 2028, for vehicles with a gross vehicle weight rating over 4,536 kg. Small-volume manufacturers, final-stage manufacturers, and alterers are provided an additional year to comply with the requirements beyond the dates identified in this paragraph (b).

S4. Definitions.

Active driving possible mode means the vehicle mode when application of pressure to the accelerator pedal (or activation of an equivalent control) or release of the brake system causes the electric power train to move the vehicle.

Automatic disconnect means a device that when triggered, conductively separates a high voltage source from the electric power train or the rest of the electric power train.

Breakout harness means connector wires that are connected for testing purposes to the REESS on the traction side of the automatic disconnect.

Capacitor means a device used to store electrical energy, consisting of one or more pairs of conductors separated by an insulator: x-capacitors are connected between electrical mains or neutral and y-capacitors are connected between a main to ground.

Charge connector is a conductive device that, by insertion into a vehicle charge inlet, establishes an electrical connection of the vehicle to an external electric power supply for the purpose of transferring energy.

Chassis dynamometer means a mechanical device that uses one or more fixed roller assemblies to simulate different road conditions within a controlled environment and is used for a wide variety of vehicle testing.

Connector means a device providing mechanical connection and disconnection of high voltage electrical conductors to a suitable mating component, including its housing.

n C Rate means the constant current of the REESS, which takes 1/n hours to charge or discharge the REESS between 0 and 100 percent state of charge.

Direct contact is the contact of any person or persons with high voltage live parts.

Electric energy storage device means a high voltage source that stores energy for vehicle propulsion. This includes, but is not limited to, a high voltage battery or battery pack, rechargeable energy storage device, and capacitor module.

Electric energy storage/conversion device means a high voltage source that stores or converts energy for vehicle propulsion. This includes, but is not limited to, a high voltage battery or battery pack, fuel cell stack, rechargeable energy storage device, and capacitor module.

Electric energy storage/conversion system means an assembly of electrical components that stores or converts electrical energy for vehicle propulsion. This includes, but is not limited to, high voltage batteries or battery packs, fuel cell stacks, rechargeable energy storage systems, capacitor modules, inverters, interconnects, and venting systems.

Electric power train means an assembly of electrically connected components which includes, but is not limited to, electric energy storage/conversion systems and propulsion systems.

Electrical chassis means conductive parts of the vehicle whose electrical potential is taken as reference and which are:

- (1) Conductively linked together, and
- (2) Not high voltage sources during normal vehicle operation.

Electrical isolation of a high voltage source in the vehicle means the electrical resistance between the high voltage source and any of the vehicle's electrical chassis divided by the working voltage of the high voltage source.

Electrical protection barrier is the part providing protection against direct contact with high voltage live parts from any direction of access.

Electrolyte leakage means the escape of liquid electrolyte from the REESS.

Exposed conductive part is a conductive part that can be touched under the provisions of the IPXXB protection degree and that is not normally energized, but that can become electrically energized under isolation fault conditions. This includes parts under a cover if the cover can be removed without using tools.

External charging mode means the vehicle mode when the REESS is charging with external electric power supply connected through the charge connector to the vehicle charge inlet.

External electric power supply is a power supply external to the vehicle that provides electric power to charge the electric energy storage device in the vehicle through the charge connector.

Fuel cell system is a system containing the fuel cell stack(s), air processing system, fuel flow control system, exhaust system, thermal management system, and water management system.

High voltage live part means a live part of a high voltage source.

High voltage source means any electric component which is contained in the electric power train or conductively connected to the electric power train and has a working voltage greater than 30 VAC or 60 VDC.

Indirect contact is the contact of any person or persons with exposed conductive parts.

Live part is a conductive part of the vehicle that is electrically energized under normal vehicle operation.

Luggage compartment is the space in the vehicle for luggage accommodation, separated from the passenger compartment by the front or rear bulkhead and bounded by a roof, hood or trunk lid, floor, and side walls, as well as by electrical protection barriers provided for protecting the occupants from direct contact with high voltage live parts.

Normal vehicle operation includes operating modes and conditions that can reasonably be encountered during typical operation of the vehicle, such as driving, parking, and standing in traffic, as well as charging using chargers that are compatible with the specific charging ports installed on the vehicle. It does not include conditions where the vehicle is damaged, either by a crash or road debris, subjected to fire or water submersion, or in a state where service and/or maintenance is needed or being performed.

Parking mode is the vehicle mode in which the vehicle power is turned off, the vehicle propulsion system and ancillary equipment such as the radio are not operational, and the vehicle is stationary.

Passenger compartment is the space for occupant accommodation that is bounded by the roof, floor, side walls, doors, outside glazing, front bulkhead and rear bulkhead or rear gate, as well as electrical protection barriers provided for protecting the occupants from direct contact with high voltage live parts.

Propulsion system means an assembly of electric or electro-mechanical components or circuits that propel the vehicle using the energy that is supplied by a high voltage source. This includes, but is not limited to, electric motors, inverters/converters, and electronic controllers.

Protection degree IPXXB is protection from contact with high voltage live parts. It is tested by probing electrical protection barriers with the jointed test finger probe, IPXXB, in figure 7b to this standard.

Protection degree IPXXD is protection from contact with high voltage live parts. It is tested by probing electrical protection barriers with the test wire probe, IPXXD, in figure 7a to this standard.

Rechargeable Electrical Energy Storage System (REESS) means the rechargeable electric energy storage system that provides electric energy for electrical propulsion.

Rupture means an opening through the casing of the REESS that would permit the IPXXB test probe to penetrate and contact live parts.

Service disconnect is the device for deactivation of an electrical circuit when conducting checks and services of the vehicle electrical propulsion system.

State of charge (SOC) means the available electrical charge in a REESS expressed as a percentage of the normal operating capacity specified by the vehicle manufacturer.

Thermal event means the condition when the temperature within the REESS is significantly higher than the maximum operating temperature.

Thermal runaway means an uncontrolled increase of cell temperature caused by exothermic reactions inside the cell.

Thermal propagation means the sequential occurrence of thermal runaway within a REESS triggered by thermal runaway of a cell in the REESS.

VAC means volts of alternating current (AC) expressed using the root mean square value.

VDC means volts of direct current (DC).

Vehicle charge inlet is the device on the electric vehicle into which the charge connector is inserted for the purpose of transferring energy and exchanging information from an external electric power supply.

Venting means the release of excessive internal pressure from cell or battery in a manner intended by design to preclude rupture or explosion.

Working voltage means the highest root mean square voltage of the voltage source, which may occur across its terminals or between its terminals and any conductive parts in open circuit conditions or under normal operating conditions.

S5. General requirements.

S5.1 Vehicles of GVWR of 4,536 kilograms (kg) or less (light vehicles). Each vehicle with a GVWR of 4,536 kg or less shall meet the requirements set forth in S6 (normal vehicle operation safety), S8 (post-crash safety), S11 (vehicle controls managing REESS safe operations), S13 (warning in the case of thermal event in REESS), and S14 (water exposure safety) of this standard.

S5.2 Vehicles with a GVWR greater than 4,536 kg other than school buses (heavy vehicles other than school buses). Each heavy vehicle with a GVWR greater than 4,536 kg, other than school buses, shall meet the requirements set forth in S6 (normal vehicle operation safety), S11 (vehicle controls managing REESS safe operations), S13 (warning in the case of thermal event in REESS), and S14 (water exposure safety) of this standard.

S5.3 School buses with a GVWR greater than 4,536 kg. Each school bus with a GVWR greater than 4,536 kg shall meet the requirements set forth in S6 (normal vehicle operation safety), S8 (post-crash safety), S11 (vehicle controls managing REESS safe operations), S13 (warning in the case of thermal event in REESS), and S14 (water exposure safety) of this standard.

S6. Normal vehicle operation safety. Each vehicle to which this standard applies must meet the requirements in S6.1 to S6.6 of this standard, when tested according to the relevant provisions in S7 of this standard.

S6.1 Protection against direct contact.

S6.1.1 Marking. The symbol shown in figure 6 to this standard shall be present on or near electric energy storage devices. The symbol in figure 6 shall also be visible on electrical protection barriers which, when removed, expose live parts of high voltage sources. The symbol shall be yellow and the bordering and the arrow shall be black.

S6.1.1.1 The marking is not required for electrical protection barriers that cannot be physically accessed, opened, or removed without the use of tools. Markings are not required for electrical connectors or the vehicle charge inlet.

S6.1.2 High voltage cables. Cables for high voltage sources which are not located within electrical protection barriers shall be identified by having an outer covering with the color orange.

S6.1.3 Service disconnect. For a service disconnect which can be opened, disassembled, or removed without tools, protection degree IPXXB shall be provided when tested under procedures specified in S7.3.1 of this standard using the IPXXB test probe shown in figures 7a and 7b to this standard.

S6.1.4 Protection degree of high voltage live parts. (a) Protection degree IPXXD shall be provided for high voltage live parts inside the passenger or luggage compartment when tested according to the procedures specified in S7.3.1 of this standard using the IPXXD test probe shown in figure 7a to this standard.

(b) Protection degree IPXXB shall be provided for high voltage live parts in areas other than the passenger or luggage compartment when tested according to the procedures specified in S7.3.1 of this standard using the IPXXB test probe shown in figures 7a and 7b to this standard. High voltage live parts that are not energized except during charging of the REESS are excluded from protection degree IPXXB if they are located on the vehicle roof such that the wrap around distance from the instep of the vehicle, or the lowest step (if multiple steps are present) of the vehicle, to the high voltage source is at least 3 meters.

S6.1.5 Connectors. All connectors shall provide direct contact protection by:

(a) Meeting the requirements specified in S6.1.4 when the connector is connected to its corresponding mating component; and,

(b) If a connector can be separated from its mating component without the use of a tool, meeting at least one of the following conditions from S6.1.5(b)(1), (2), or (3):

(1) The connector meets the requirements of S6.1.4 when separated from its mating component;

(2) The voltage of the live parts becomes less than or equal to 60 VDC or 30 VAC within one second after the connector is separated from its mating component; or

(3) The connector requires at least two distinct actions to separate from its mating component and there are other components that must be removed in order to separate the connector from its mating component and these other components cannot be removed without the use of tools.

S6.1.6 Vehicle charge inlet. Direct contact protection for a vehicle charge inlet shall be provided by meeting the requirements specified in S6.1.4 when the charge connector is connected to the vehicle inlet and by meeting at least one of the requirements of S6.1.6(a) or (b).

(a) The vehicle charge inlet meets the requirements of S6.1.4 when the charge connector is not connected to it; or

(b) The voltage of the high voltage live parts becomes equal to or less than 60 VDC or equal to or less than 30 VAC within 1 second after the charge connector is separated from the vehicle charge inlet.

S6.2 Protection against indirect contact.

S6.2.1 The resistance between all exposed conductive parts of electrical protection barriers and the electrical chassis shall be less than 0.1 ohms when tested according to the procedures specified in S7.3.2 of this standard.

S6.2.2 The resistance between any two simultaneously reachable exposed conductive parts of the electrical protection barriers that are less than 2.5 meters from each other shall be less than 0.2 ohms when tested according to the procedures specified in S7.3.2 of this standard.

S6.3 Electrical isolation.

S6.3.1 Electrical isolation of AC and DC high voltage sources. The electrical isolation of a high voltage source, determined in accordance with the procedure specified in S7.2 of this standard, must be greater than or equal to one of the following:

(a) 500 ohms/volt for an AC high voltage source;

(b) 100 ohms/volt for an AC high voltage source if it is conductively connected to a DC high voltage source, but only if the AC high voltage source meets the requirements for protection against direct contact in S6.1.4 and the protection from indirect contact in S6.2; or

(c) 100 ohms/volt for a DC high voltage source.

S6.3.2 Exclusion of high voltage sources from electrical isolation requirements. A high voltage source that is conductively connected to an electric component which is conductively connected to the electrical chassis and has a working voltage less than or equal to 60 VDC, including a pulsating DC voltage source without a change in polarity, is not required to meet the electrical isolation requirements in S6.3.1 if the voltage between the high voltage source and the electrical chassis is less than or equal to 30 VAC or 60 VDC.

S6.3.3 Electrical isolation of high voltage sources for charging the electric

energy storage device. For the vehicle charge inlet intended to be conductively connected to the AC external electric power supply, the electric isolation between the electrical chassis and the high voltage sources that are conductively connected to the vehicle charge inlet during charging of the electric energy storage device shall be greater than or equal to 500 ohms/volt when the charge connector is disconnected. The electrical isolation is measured at the high voltage live parts of the vehicle charge inlet and determined in accordance with the procedure specified in S7.2 of this standard. During the measurement, the electric energy storage device may be disconnected.

S6.4 Electrical isolation monitoring. DC high voltage sources of vehicles with a fuel cell system shall be monitored by an electrical isolation monitoring system that displays a warning for loss of isolation when tested according to S7.4 of this standard. The system must monitor its own readiness and the visual warning display must be provided to the driver. For a vehicle with automated driving systems and without manually operated driving controls, the visual warning must be provided to all the front row occupants.

S6.5 Electric shock protection during charging. For motor vehicles with an electric energy storage device that can be charged through a conductive connection with a grounded external electric power supply, a device to enable conductive connection of the electrical chassis to the earth ground shall be provided. This device shall enable connection to the earth ground before exterior voltage is applied to the vehicle and retain the connection until after the exterior voltage is removed from the vehicle.

S6.6 Mitigating driver error.

S6.6.1 Indicator of active driving possible mode. At least a momentary indication shall be given to the driver each time the vehicle is first placed in active driving possible mode after manual activation of the propulsion system. This requirement does not apply under conditions where an internal combustion engine directly or indirectly provides the vehicle's propulsion power when the vehicle is first placed in the active driving possible mode after manual activation of the propulsion system.

S6.6.2 Indicator of active driving possible mode when leaving the vehicle. When leaving the vehicle, the driver shall be informed by an auditory or visual signal if the vehicle is still in the active driving possible mode.

S6.6.3 Prevent drive-away. If the on-board electric energy storage device can be externally charged, vehicle movement of more than 150 mm by its own propulsion system shall not be possible as long as the charge connector of the external electric power supply is physically connected to the vehicle charge inlet in a manner that would permit charging of the electric energy storage device.

S7. Electrical safety test procedures for normal vehicle operation safety. The following provisions specify the test procedures associated with the requirements of S6 of this standard.

S7.1 Voltage measurements. For the purpose of determining the voltage level of the high voltage source, voltage is measured as shown in figure 1 to this standard using a voltmeter that has an internal resistance of at least 10 MΩ. All post-crash voltage measurements for determining electrical isolation of high voltage sources specified in S8.2(a) of this standard are made at least 10 seconds after impact. All post-crash voltage measurements for determining the voltage levels specified in S8.2(b) of this standard and the energy in capacitors specified in S8.2(d) of this standard are made between 10 to 60 seconds after impact.

S7.1.1 For a high voltage source that has an automatic disconnect that is physically contained within itself, the voltage measurement after the test is made from the side of the automatic disconnect connected to the electric power train or to the rest of the electric power train if the high voltage source is a component contained in the power train. For a high voltage source that has an automatic disconnect that is not physically contained within itself, the voltage measurement after the test is made from both the high voltage source side of the automatic disconnect and from the side of the automatic disconnect connected to the electric power train or to the rest of the electric power train if the high voltage source is a component contained in the power train.

S7.1.2 Voltage Vb is measured across the two terminals of the voltage source. Before a vehicle crash test, Vb is equal to or greater than the working voltage as specified by the vehicle manufacturer.

S7.1.3 Voltage V1 is measured between the negative side of the high voltage source and the electrical chassis as shown in figure 2 to this standard. Voltage V2 is measured between the positive side of the high voltage source and the electrical chassis as shown in figure 3 to this standard.

S7.2 Test method for determining electrical isolation. Measure the voltages V1, V2, and Vb as shown in figure 1 to this standard in accordance with S7.1.

S7.2.1 If V1 is greater than or equal to V2, insert a known resistance (Ro) between the negative side of the high voltage source and the electrical chassis. With the Ro installed, measure the voltage (V1') as shown in figure 4 to this standard between the negative side of the high voltage source and the electrical chassis. Calculate the electrical isolation resistance (Ri) according to the formula shown. Divide Ri (in ohms) by the working voltage of the high voltage source (in volts) to obtain the electrical isolation (in ohms/volt).

S7.2.2 If V2 is greater than V1, insert a known resistance (Ro) between the positive side of the high voltage source and the electrical chassis. With the Ro installed, measure the voltage (V2') as shown in figure 5 to this standard between the positive side of the high voltage source and the electrical chassis. Calculate the electrical isolation resistance (Ri) according to the formula shown. Divide Ri (in ohms) by the working voltage of the high voltage source (in volts) to obtain the electrical isolation (in ohms/volt).

S7.3 Test methods for evaluating physical barrier protection.

S7.3.1 Test method to evaluate protection from direct contact with high voltage sources. (a) Any parts surrounding the high voltage components are opened, disassembled, or removed without the use of tools.

(b) The selected access probe is inserted into any gaps or openings of the electrical protection barrier with a test force between 9 Newton to 11 Newton with the IPXXB probe or 1 Newton to 2 Newton with the IPXXD probe. If the probe partly or fully penetrates into the electrical protection barrier, it is placed in every possible position to evaluate contact with high voltage live parts. If partial or full penetration into the electrical protection barrier occurs with the IPXXB probe, the IPXXB probe shall be placed as follows: starting from the straight position, both joints of the test finger are rotated progressively through an angle of up to 90 degrees with respect to the axis of the adjoining section of the test finger and are placed in every possible position.

(c) A low voltage supply (of not less than 40 V and not more than 50 V) in series with a suitable lamp may be connected between the access probe and any high voltage live parts inside the electrical protection barrier to indicate whether high voltage live parts were contacted.

(d) A mirror or fiberscope may be used to inspect whether the access probe touches high voltage live parts inside the electrical protection barrier.

(e) Protection degree IPXXD or IPXXB is verified when the following conditions are met:

(1) The access probe does not touch high voltage live parts. The IPXXB access probe may be manipulated as specified in S7.3.1(b) for evaluating contact with high voltage live parts. The methods specified in S7.3.1(c) or S7.3.1(d) may be used to aid the evaluation. If method S7.3.1(c) is used for verifying protection degree IPXXB or IPXXD, the lamp shall not light up.

(2) The stop face of the access probe does not fully penetrate into the electrical protection barrier.

S7.3.2 Test method to evaluate protection against indirect contact with high voltage sources. Any parts surrounding the high voltage components are opened, disassembled, or removed without the use of tools. At the option of the manufacturer, protection against indirect contact with high voltage sources shall be determined using the test method in S7.3.2(a) or (b).

(a) *Test method using a resistance tester.* The resistance tester is connected to the measuring points (the electrical chassis and any exposed conductive part of electrical protection barriers or any two simultaneously reachable exposed conductive parts of electrical protection barriers that are less than 2.5 meters from each other), and the resistance is measured using a resistance tester that can supply current levels of at least 0.2 Amperes with a resolution of 0.01 ohms or less. The resistance between two exposed conductive parts of electrical protection barriers that are less than 2.5 meters from each other may be calculated using the separately measured resistances of the relevant parts of the electric path.

(b) *Test method using a DC power supply, voltmeter, and ammeter.* (1) Connect the DC power supply, voltmeter, and ammeter to the measuring points (the electrical chassis and any exposed conductive part or any two simultaneously reachable exposed conductive parts that are less than 2.5 meters from each other) as shown in figure 8 to this standard.

(2) Adjust the voltage of the DC power supply so that the current flow becomes more than 0.2 Amperes.

(3) Measure the current I and the voltage V shown in figure 8 to this standard.

(4) Calculate the resistance R according to the formula, $R = V/I$.

(5) The resistance between two simultaneously reachable exposed conductive parts of electrical protection barriers that are less than 2.5 meters from each other may be calculated using the separately measured resistances of the relevant parts of the electric path.

S7.3.3 Test method to determine voltage between exposed conductive parts of electrical protection barriers and the electrical chassis and between exposed conductive parts of electrical protection barriers. (a) Any parts surrounding the high voltage components are opened, disassembled, or removed without the use of tools.

(b) Connect the voltmeter to the measuring points (exposed conductive part of an electrical protection barrier and the electrical chassis or any two simultaneously reachable exposed conductive parts of electrical protection barriers that are less than 2.5 meters from each other).

(c) Measure the voltage.

(d) The voltage between two simultaneously reachable exposed conductive parts of electrical protection barriers that are less than 2.5 meters from each other may be calculated using the separately measured voltages between the relevant electrical protection barriers and the electrical chassis.

S7.4 Test method for evaluating on-board electrical isolation monitoring system. Prior to any impact test, the requirements of S6.4 of this standard for the on-board electrical isolation monitoring system shall be tested using the following procedure.

(a) The electric energy storage device is at the state of charge specified in S7.1.

(b) The switch or device that provides power from the electric energy storage/conversion system to the propulsion system is in the activated position or the ready-to-drive position.

(c) Determine the isolation resistance, R_i , of the high voltage source with the electrical isolation monitoring system using the procedure outlined in S7.2.

(d) Insert a resistor with resistance R_o equal to or greater than $1/(1/(95 \text{ times the working voltage of the high voltage source}) - 1/R_i)$ and less than $1/(1/(100 \text{ times the working voltage of the high voltage source}) - 1/R_i)$ between the positive terminal of the high voltage source and the electrical chassis.

(e) The electrical isolation monitoring system indicator shall provide a visual warning to the driver. For a vehicle with automated driving systems and without manually operated driving controls, the visual warning must be provided to all the front row occupants.

S7.5 Test method for determining post-crash energy in capacitors. (a) Prior

to the crash tests, the vehicle manufacturer must identify the capacitors, type of capacitors (x-capacitors and y-capacitors) and their respective capacitance (C_x and C_{y1} and C_{y2}) in the electric power train for which the low energy compliance option for post-crash electrical safety in S8.2(d) of this standard is applied.

(b) Voltages V_b , V_1 , and V_2 are measured across the capacitors in accordance with S7.1.

(c) The total energy in a x-capacitor is equal to $0.5 \times C_x \times V_b^2$.

(d) The total energy in the y-capacitor C_{y1} is equal to $0.5 \times C_{y1} \times V_1^2$ and the total energy in the y-capacitor C_{y2} is equal to $0.5 \times C_{y2} \times V_2^2$.

S8. Post-crash safety. Each vehicle with a GVWR of 4,536 kg or less to which this standard applies must meet the requirements in S8.1, S8.2, S8.3, and S8.4 when tested according to S10 of this standard under the conditions of S10 of this standard. Each school bus with a GVWR greater than 4,536 kg to which this standard applies must meet the requirements in S8.1, S8.2, S8.3, and S8.4 when tested according to S9.5 of this standard under the conditions of S10.

S8.1 Fire safety. Starting from the time of impact and continuing until one hour after the completion of the sequence of tests specified in S9 of this standard, there shall be no evidence of fire or explosion in any part of the vehicle. The assessment of fire or explosion is verified by visual inspection without disassembly of the REESS or vehicle.

S8.2 Electrical safety. After each test specified in S9 of this standard, each high voltage source in a vehicle must meet one of the following electrical safety requirements: electrical isolation requirements of S8.2(a), the voltage level requirements of S8.2 (b), or the physical barrier protection requirements of S8.2(c); or the high voltage capacitors in the electric power train must meet the low-energy requirements of S8.2(d).

(a) The electrical isolation of the high voltage source, determined in accordance with the procedure specified in S7.2 of this standard, must be greater than or equal to one of the following:

(1) 500 ohms/volt for an AC high voltage source;

(2) 100 ohms/volt for an AC high voltage source if it is conductively connected to a DC high voltage source, but only if the AC high voltage source meets the physical barrier protection requirements specified in S8.2(c)(1) and (2); or

(3) 100 ohms/volt for a DC high voltage source.

(b) The voltages V1, V2, and Vb of the high voltage source, measured according to the procedure specified in S7.1 of this standard, must be less than or equal to 30 VAC for AC components or 60 VDC for DC components.

(c) Protection against electric shock by direct and indirect contact (physical barrier protection) shall be demonstrated by meeting the following three conditions:

(1) The high voltage source (AC or DC) meets the protection degree IPXXB when tested according to the procedure specified in S7.3.1 of this standard using the IPXXB test probe shown in figures 7a and 7b to this standard;

(2) The resistance between exposed conductive parts of the electrical protection barrier of the high voltage source and the electrical chassis is less than 0.1 ohms when tested according to the procedures specified in S7.3.2 of this standard. In addition, the resistance between an exposed conductive part of the electrical protection barrier of the high voltage source and any other simultaneously reachable exposed conductive parts of electrical protection barriers within 2.5 meters of it must be less than 0.2 ohms when tested using the test procedures specified in S7.3.2 of this standard; and

(3) The voltage between exposed conductive parts of the electrical protection barrier of the high voltage source and the electrical chassis is less than or equal to 30 VAC or 60 VDC as measured in accordance with S7.3.3 of this standard. In addition, the voltage between an exposed conductive part of the electrical protection barrier of the high voltage source and any other simultaneously reachable exposed conductive parts of electrical protection barriers within 2.5 meters of it must be less than or equal to 30 VAC or 60 VDC as measured in accordance with S7.3.3 of this standard.

(d) The total energy of unidirectional single impulse currents from capacitors shall be less than 0.2 Joules when determined in accordance with the procedure specified in S7.5 of this standard.

S8.3 Electric energy storage/conversion device retention. During and after each test specified in S9 of this standard:

(a) Electric energy storage/conversion devices shall remain attached to the vehicle by at least one component anchorage, bracket, or any structure that transfers loads from the device to the vehicle structure, and

(b) Electric energy storage/conversion devices located outside the occupant compartment shall not enter the occupant compartment.

S8.4 Electrolyte leakage from electric energy storage devices. Not more than 5.0 liters of electrolyte shall leak from electric energy storage devices, and no visible trace of electrolyte shall leak into the passenger compartment. Leakage is measured from the time of the impact until 30 minutes thereafter, and throughout any static rollover after a barrier impact test, specified in S9 of this standard.

S9. Crash test specifications. A test vehicle with a GVWR less than or equal to 4,536 kg, under the conditions of S10 of this standard, is subject to any one single barrier crash test of S9.1, S9.2, or S9.3, followed by the static rollover test of S9.4. A school bus with a GVWR greater than 4,536 kg, under the conditions of S10, is subject to the contoured barrier crash test of S9.5. A particular vehicle need not meet further test requirements after having been subjected to a single barrier crash/static rollover test sequence.

S9.1 Frontal barrier crash. The test vehicle, with test dummies in accordance with S6.1 of § 571.301, traveling longitudinally forward at any speed up to and including 48 km/h, impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, or at an angle up to 30 degrees in either direction from the perpendicular to the line of travel of the vehicle.

S9.2 Rear moving barrier impact. The test vehicle, with test dummies in accordance with S6.1 of § 571.301, is impacted from the rear by a barrier that conforms to S7.3(b) of § 571.301 and that is moving at any speed between 79 and 81 km/h.

S9.3 Side moving deformable barrier impact. The test vehicle, with the appropriate 49 CFR part 572 test dummies specified in § 571.214 at positions required for testing by S7.1.1, S7.2.1, or S7.2.2 of Standard 214 (§ 571.214), is impacted laterally on either side by a moving deformable barrier moving at any speed between 52.0 km/h and 54.0 km/h.

S9.4 Post-impact test static rollover. After each crash test specified in S9.1, S9.2, and S9.3, without any alteration of the vehicle, the vehicle is rotated on its longitudinal axis to each successive increment of 90 degrees under the test conditions of S10.3 of this standard.

S9.5 Moving contoured barrier crash. The test vehicle, under the conditions of S10.1 and S10.2 of this standard, is impacted at any point and at any angle by the moving contoured barrier assembly, specified in S7.5 and S7.6 in § 571.301, traveling longitudinally forward at any speed up to and including 48 km/h.

S10. Crash test conditions.

S10.1 State of charge. The electric energy storage device(s) shall be at the state of charge specified in either S10.1(a), (b), or (c):

(a) At the maximum state of charge in accordance with the vehicle manufacturer's recommended charging procedures, as stated in the vehicle owner's manual or on a label that is permanently affixed to the vehicle; or

(b) If the manufacturer has made no recommendation for charging procedures in the owner's manual or on a label permanently affixed to the vehicle, at a state of charge of not less than 95 percent of the maximum capacity of the electric energy storage device(s); or

(c) If the electric energy storage device(s) is/are rechargeable only by an energy source on the vehicle, at any state of charge within the normal operating voltage defined by the vehicle manufacturer.

S10.2 Vehicle conditions. The switch or device that provides power from the electric energy storage/conversion system to the propulsion system is in the activated position or the ready-to-drive position. Bypass any devices or systems that do not allow the propulsion system to be energized at the time of impact when the vehicle ignition is on and the vehicle is in neutral.

S10.2.1 The parking brake is disengaged and the vehicle drive system is in the neutral position. In a test conducted under S9.3 of this standard, the parking brake is set.

S10.2.2 Tires are inflated to the manufacturer's specifications.

S10.2.3 The vehicle, including test devices and instrumentation, is loaded as follows:

(a) A passenger car is loaded to its unloaded vehicle weight plus its rated cargo and luggage capacity weight, secured in the luggage compartment, plus the necessary test dummies as specified in S9 of this standard, restrained only by means that are installed in the vehicle for protection at its seating position.

(b) A multipurpose passenger vehicle, truck, or bus, with a GVWR of 4,536 kg (10,000 lb) or less, is loaded to its unloaded vehicle weight plus the necessary dummies, as specified in S9 of this standard, plus 136 kg or its rated GVWR, whichever is less, secured in the load carrying area and distributed as nearly as possible in proportion to its GVWR. For the purpose of this standard, unloaded vehicle weight does not include the weight of work-performing accessories. Each dummy is restrained only by means that are installed in the

vehicle for protection at its seating position.

(c) A school bus with a GVWR greater than 4,536 kg is loaded to its unloaded vehicle weight, plus 54 kg of unsecured mass at each designated seating position.

S10.3 Static rollover test conditions. The vehicle is rotated about its longitudinal axis, with the axis kept horizontal, to each successive increment of 90°, 180°, and 270° at a uniform rate, with 90° of rotation taking place in any time interval from 1 to 3 minutes. After reaching each 90° increment the vehicle is held in that position for 5 minutes.

S10.4 Rear moving barrier impact test conditions. The conditions of S7.3(b) and S7.6 of § 571.301 apply to the conducting of the rear moving deformable barrier impact test specified in S9.2 of this standard.

S10.5 Side moving deformable barrier impact test conditions. The conditions of S8.9, S8.10, and S8.11 of § 571.214 apply to the conduct of the side moving deformable barrier impact test specified in S9.3 of this standard.

S11. Vehicle controls managing REESS safe operations. Each vehicle to which the standard applies shall meet the requirements in S11.1, when tested according to S12 of this standard and the requirements in S11.2.

S11.1 When tested in accordance with the overcharge test in S12.1, the over-discharge test in S12.2, the overcurrent test in S12.3, the high-temperature test in S12.4, and the short circuit test in accordance with S12.5 of this standard, each vehicle shall meet the following:

(a) During the test, there shall be no evidence of electrolyte leakage, rupture, venting, fire, or explosion of the REESS as verified by visual inspection without disassembly of the vehicle.

(b) The isolation resistance of the high voltage sources measured after the test shall not be less than 100 ohms/volt when determined in accordance with S7.2 of this standard.

S11.2 In the event of operational failure of the vehicle controls that manage safe operation of the REESS, the vehicle must provide a visual warning while in active driving possible mode. The warning system shall monitor its own readiness and the visual warning must be provided to the driver. For a vehicle with automated driving systems and without manually operated driving controls, the visual warning must be provided to all the front row occupants.

S12. Test methods for evaluating vehicle controls managing REESS safe operations.

S12.1 Overcharge test. The overcharge test is conducted at ambient

temperatures between 10 °C and 30 °C, with the vehicle REESS initially set between 90 to 95 percent SOC. The following steps are conducted to evaluate the vehicle's overcharge protection controls:

(a) A breakout harness is connected to the traction side of the REESS. The manufacturer must specify an appropriate location(s) and attachment point(s) to connect the breakout harness.

(b) Temperature probes are connected to the REESS outer casing to monitor changes in REESS temperature. Temperature measurements may also be obtained through communication with the REESS control module.

(c) The external charge/discharge equipment, with maximum voltage and current set at least 10 percent higher than the REESS voltage and current limits, is connected to the breakout harness.

(d) The vehicle switch or device that provides power to the vehicle controls that manage REESS operations is set to the activated position.

(e) The REESS is charged with the external charge/discharge equipment with the maximum charge current specified by the manufacturer. If the manufacturer does not specify an appropriate charge current, then a charge rate of $\frac{1}{3}C$ is used.

(f) Charging is continued until one of the following occurs:

(1) The overcharge protection control terminates the charge current;

(2) The REESS temperature is 10 °C above the manufacturer-specified maximum operating temperature of the REESS; or

(3) 12 hours have passed since the start of charging the vehicle.

(g) After the charge current is terminated, if charge and discharge are permitted by the vehicle controls, a standard cycle is performed in accordance with S12.6.

(h) After the completion of the standard cycle, or if the standard cycle was not performed, after charging is terminated, the vehicle is observed for 1 hour for evidence of electrolyte leakage, rupture, venting, fire, or explosion of the REESS.

(i) At the conclusion of the test, electrical isolation of the REESS is determined in accordance with S7.2 of this standard.

S12.2 Over-discharge test. The over-discharge test is conducted at ambient temperatures between 10 °C and 30 °C, with the vehicle REESS initially set between 10 and 15 percent SOC. For a vehicle with on-board energy conversion systems such as an internal combustion engine or a fuel cell, the fuel supply is set to the minimum level

where active driving possible mode is permitted. The following steps are conducted to evaluate the vehicle's over-discharge protection controls:

(a) A breakout harness is connected to the traction side of the REESS. The manufacturer must specify an appropriate location(s) and attachment point(s) to connect the breakout harness.

(b) Temperature probes are connected to the REESS outer casing to monitor changes in REESS temperature. Temperature measurements may also be obtained through communication with the REESS control module.

(c) The external charge/discharge equipment, with maximum voltage and current set at least 10 percent higher than the REESS voltage and current limits, is connected to the breakout harness.

(d) The vehicle switch or device that provides power from the REESS to the electric power train is set to the activated position or the active driving possible mode.

(e) The REESS is discharged with the external charge/discharge equipment with the maximum discharge rate under normal operating conditions specified by the manufacturer. If the manufacturer does not specify an appropriate discharge rate, a power load of 1kW is used.

(f) Discharging is continued until one of the following occurs:

(1) The over-discharge protection control terminates the discharge current;

(2) The temperature gradient of the REESS is less than 4°C through 2 hours from the start of discharge; or

(3) The vehicle is discharged to 25 percent of its working voltage level.

(g) After the discharge current is terminated, a standard cycle is performed in accordance with S12.6, if charge and discharge are permitted by the vehicle controls.

(h) After the completion of the standard cycle, or if the standard cycle was not performed, after discharging is terminated, the vehicle is observed for 1 hour for evidence of electrolyte leakage, rupture, venting, fire, or explosion of the REESS.

(i) At the conclusion of the test, electrical isolation of the REESS is determined in accordance with S7.2 of this standard.

S12.3 Overcurrent test. The overcurrent test is only conducted on vehicles that have the capability of charging by DC external electricity supply. The test is conducted at ambient temperatures between 10 °C and 30 °C, with the vehicle REESS initially set between 40 to 50 percent SOC. The following steps are conducted to

evaluate the vehicle's over-current protection controls:

(a) A breakout harness is connected to the traction side of the REESS. The manufacturer must specify an appropriate location(s) and attachment point(s) to connect the breakout harness.

(b) Temperature probes are connected to the REESS outer casing to monitor changes in REESS temperature. Temperature measurements may also be obtained through communication with the REESS control module.

(c) The external charge/discharge equipment, with maximum voltage and current set at least 10 percent higher than the REESS voltage and current limits, is connected to the breakout harness.

(d) The vehicle switch or device that provides power to the vehicle controls that manage REESS operations is set to the activated position.

(e) The REESS is charged with the external charge/discharge equipment with the maximum charge current specified by the manufacturer. If the manufacturer does not specify an appropriate charge current, then a charge rate of $\frac{1}{3}C$ is used.

(f) After charging is initiated, the overcurrent specified by the manufacturer is supplied over the course of 5 seconds from the maximum charge current level to the over-current level. If the vehicle manufacturer does not supply an overcurrent level, a 10 Ampere over-current is supplied over 5 seconds. If charging is not terminated, the over-current supply is increased in steps of 10 Amperes.

(g) Charging at the over-current level is continued until one of the following occurs:

(1) The over-current protection control terminates the charge current; or
(2) The temperature gradient of the REESS is less than 4 °C through 2 hours from the first overcurrent input.

(h) After the charge current is terminated, if charge and discharge are permitted by the vehicle controls, a standard cycle is performed in accordance with §12.6.

(i) After the completion of the standard cycle or if the standard cycle was not performed, after charging is terminated, the vehicle is observed for 1 hour for evidence of electrolyte leakage, rupture, venting, fire, or explosion of the REESS.

(j) At the conclusion of the test, electrical isolation of the REESS is determined in accordance with S7.2 of this standard.

S12.4 Over-temperature test. The overtemperature test is conducted at ambient temperatures between 10 °C and 30 °C on a chassis-dynamometer

with the vehicle REESS initially set between 90 to 95 percent SOC. For a vehicle with on-board energy conversion systems such as an internal combustion engine or a fuel cell, the fuel supply is set to allow operation for about one hour of driving. The following steps are conducted to evaluate the vehicle's high temperature protection controls:

(a) The cooling system of the REESS is disabled using manufacturer supplied information. For an REESS that will not operate if the cooling system is disabled, the cooling operation is significantly reduced. If manufacturer does not supply information to disable or significantly reduce the cooling system, methods such as crimping the liquid cooling hose, removing refrigerant fluid, or blocking cabin air intakes for air cooled REESS are applied.

(b) Temperature probes are connected to the REESS outer casing to monitor changes in REESS temperature. Temperature measurements may also be obtained through communication with the REESS control module.

(c) The vehicle is installed on a chassis dynamometer and the vehicle switch or device that provides power from the REESS to the electric power train is set to the activated position or the active driving possible mode.

(d) The vehicle is driven on the dynamometer using an appropriate vehicle manufacturer supplied drive profile and charging information for discharge and charge of the REESS to raise the REESS temperature to its upper boundary safe operating temperature within one hour. If an appropriate manufacturer-supplied drive profile is not available, the vehicle is repeatedly accelerated to 80 mph and then decelerated to 15 mph within 40 seconds. If the manufacturer does not supply a charge profile, then a charge rate greater than $\frac{1}{3}C$ current is used.

(e) The discharge/charge procedure on the chassis-dynamometer is continued until one of the following occurs:

(1) The vehicle terminates the discharge/charge cycle;
(2) The temperature gradient of the REESS is less than 4 °C through 2 hours from the start of the discharge/charge cycle; or
(3) Three (3) hours have passed since the start of discharge/charge cycles.

(f) After the discharge and charge procedure is terminated, if charge and discharge are permitted by the vehicle controls, a standard cycle is performed in accordance with S12.6.

(g) After the completion of the standard cycle, or if the standard cycle is not performed, after the discharge and charge procedure is terminated, the

vehicle is observed for 1 hour for evidence of electrolyte leakage, rupture, venting, fire, or explosion of the REESS.

(h) At the conclusion of the test, electrical isolation of the REESS is determined in accordance with S7.2 of this standard.

S12.5 External short circuit test. The short circuit test is conducted at ambient conditions with the vehicle REESS initially set between 90 to 95 percent SOC. The following steps are conducted to evaluate the vehicle's external short circuit protection controls:

(a) A breakout harness is connected to the REESS. The manufacturer must specify an appropriate location(s) and attachment point(s) to connect the breakout harness.

(b) Temperature probes are connected to the REESS outer casing to monitor changes in REESS temperature. Temperature measurements may also be obtained through communication with the REESS control module.

(c) The vehicle switch or device that provides power to the vehicle controls that manage REESS operations is set to the activated position.

(d) The short circuit contactor (with the contactors in open position) is connected to the breakout harnesses. The total resistance of the equipment to create the external short circuit (short circuit contactor and breakout harnesses) is verified to be between 2 to 5 milliohms.

(e) The short circuit contactor is closed to initiate the short circuit.

(f) The short circuit condition is continued until one of the following occurs:

(1) Short circuit current is terminated; or
(2) The temperature gradient of the REESS is less than 4 °C through 2 hours from the start of initiating the short circuit condition.

(g) After the short circuit current is terminated, if charge and discharge are permitted by the vehicle controls, a standard cycle is performed in accordance with S12.6.

(h) After the completion of the standard cycle, or if the standard cycle was not performed, after short circuit current is terminated, the vehicle is observed for 1 hour for evidence of electrolyte leakage, rupture, venting, fire, or explosion of the REESS.

(i) At the conclusion of the test, electrical isolation of the REESS is determined in accordance with S7.2 of this standard.

S12.6 Standard cycle. The standard cycle is conducted at ambient temperatures between 10 °C and 30 °C and starts with a standard discharge

followed by a standard charge. The discharge and charge procedures would follow manufacturer supplied information. The charge procedure is initiated 15 minutes after discharge is terminated.

(a) If the manufacturer does not provide a discharge procedure, the vehicle is discharged with 1C current until discharge is terminated by vehicle controls.

(b) If the manufacturer does not provide a charge procedure, the vehicle is charged with $\frac{1}{3}$ C current until terminated by vehicle controls.

S13. Warning in the case of thermal event in REESS. The vehicle shall provide a warning to the driver in the case of a thermal event in the REESS when the vehicle is in active driving possible mode. The thermal event warning system must monitor its own readiness. The warning shall activate within three minutes of the onset of the thermal event. The warning shall consist of auditory and visual signals that remain active for at least 5 minutes. For a vehicle with automated driving systems and without manually operated driving controls, the visual warning must be provided to all the front row occupants.

S14. Water exposure safety. Each vehicle to which the standard applies shall maintain electrical isolation as specified in S6.3.1 and S6.3.2 of this standard at these times:

(a) Just after exposure to water in each of the two tests specified below and with the vehicle still wet; and

(b) After a minimum of 24 hours after completing each of the tests specified in S14.1 and S14.2.

S14.1 Vehicle washing test. The vehicle is sprayed from any direction with a stream of freshwater from a standard test nozzle shown in figure 9 to this standard that has a nozzle internal diameter of 6.3 millimeters, delivery rate of 11.9 to 13.2 liters/minute, and water pressure at the nozzle between 30 kPa to 35 kPa.

(a) During the washing, the distance from the nozzle to the vehicle surface is 3.0 to 3.2 meters. The distance of the nozzle from the vehicle surface may be reduced, if necessary, to ensure the surface is wet when spraying upwards. The washing test duration per square meter of the vehicle surface area is 60 to 75 seconds, with a minimum total test duration of 3 minutes.

(b) The vehicle external surface, including the vehicle sides, front, rear,

top, and bottom is exposed to the water stream. Border lines on the vehicle such as glass seals, outline of opening parts (doors, windows, vehicle inlet cover), outline of front grille, and seals of vehicle lamps are exposed to the water stream from any direction.

(c) At the conclusion of the normal washing test, with the vehicle still wet, electrical isolation is determined in accordance with S7.2 of this standard.

S14.2 Driving through standing water test. The vehicle is driven through a wade pool of at least 10 centimeters but not more than 15 centimeters depth of freshwater for a distance of 500 meters at a minimum speed of 12 mph (20 km/h) but not more than 15 mph (24 km/h).

(a) If the wade pool is less than 500 m in length, then the vehicle shall be driven through it several times for a total distance of 500 m. The total time, including the period outside of the wade pool, shall be less than 10 minutes.

(b) At the conclusion of the standing water test, with the vehicle still wet, electrical isolation is determined in accordance with S7.2 of this standard.

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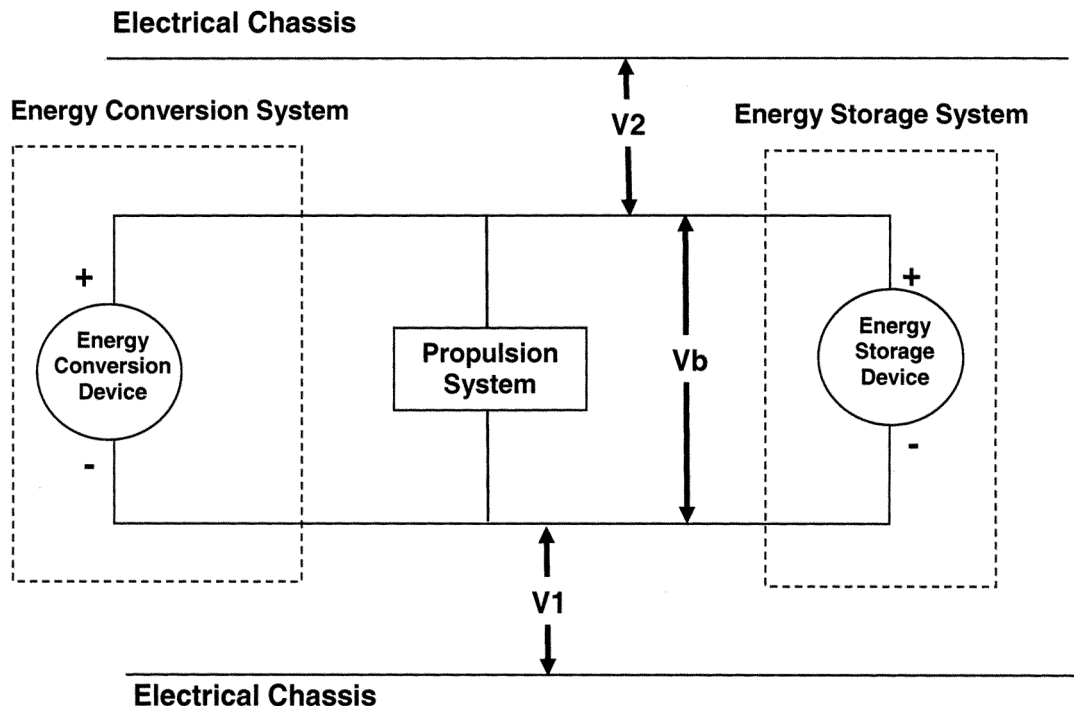


Figure 1. Voltage Measurements of the High Voltage Source

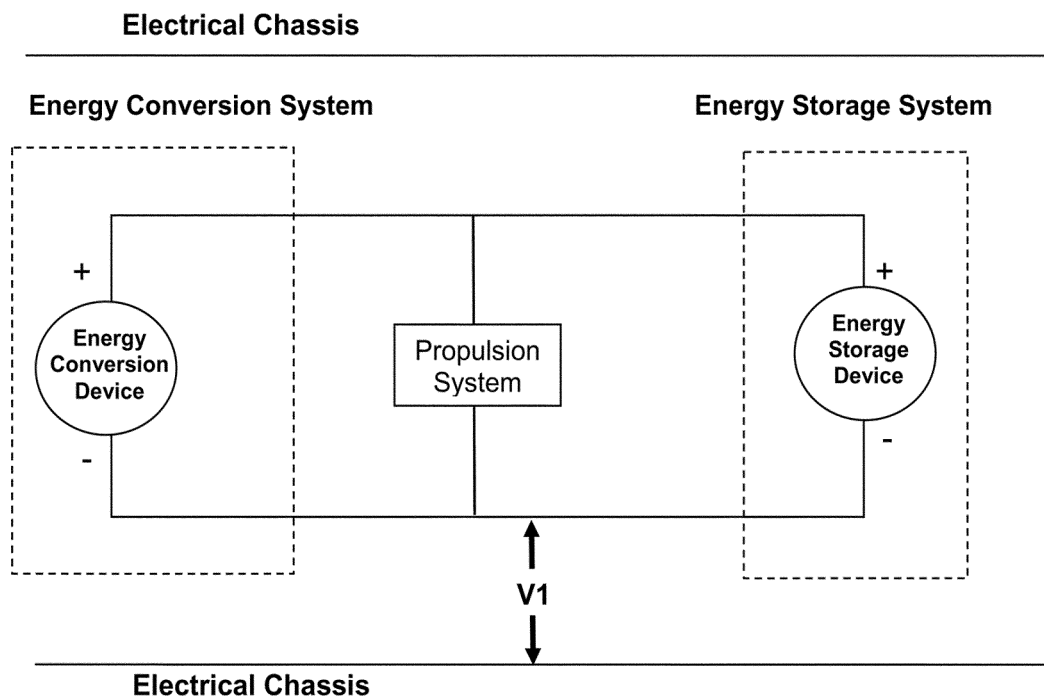


Figure 2. Measurement for V1 Voltage Between the Negative Side of the High Voltage Source and the Electrical Chassis

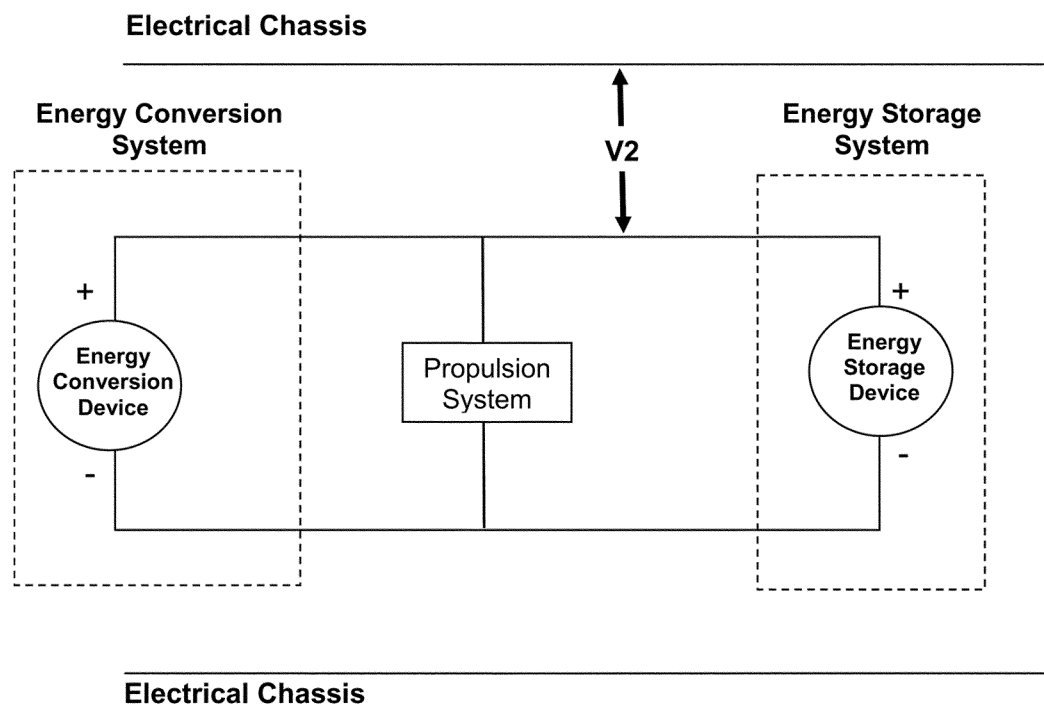


Figure 3. Measurement for V2 Voltage Between the Positive Side of the High Voltage Source and the Electrical Chassis

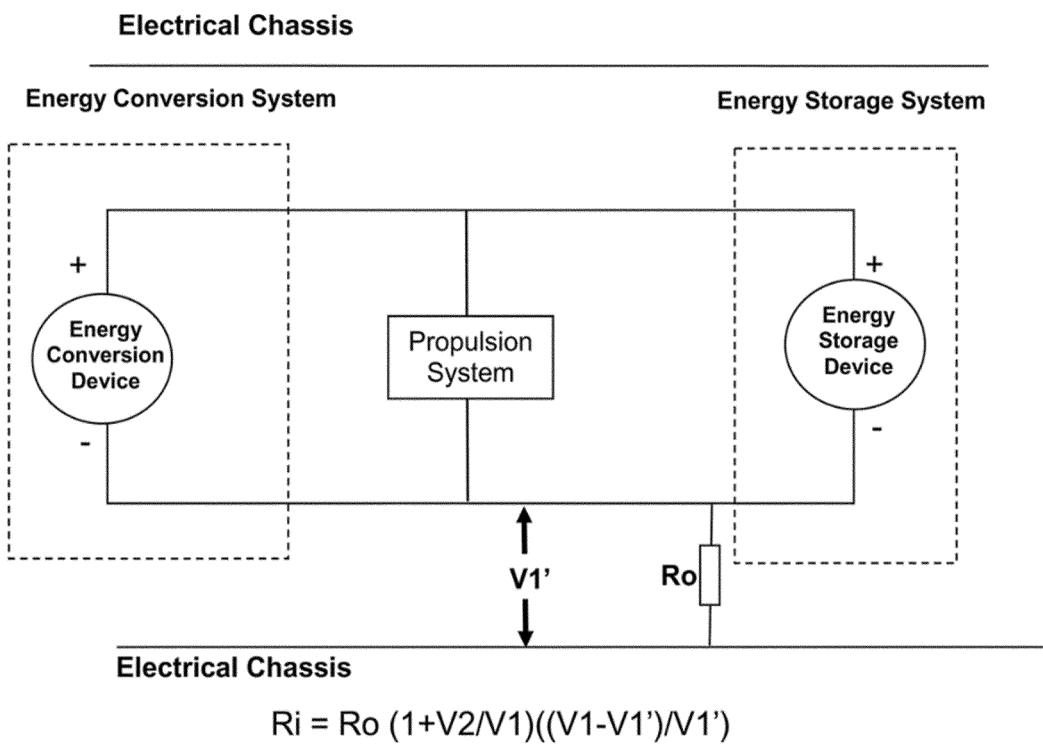


Figure 5. Measurement for V2' Voltage Across Resistor Between Positive Side of the High Voltage Source and Electrical Chassis

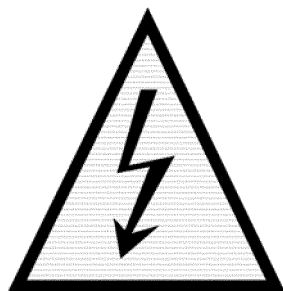


Figure 6. Marking of High Voltage Sources

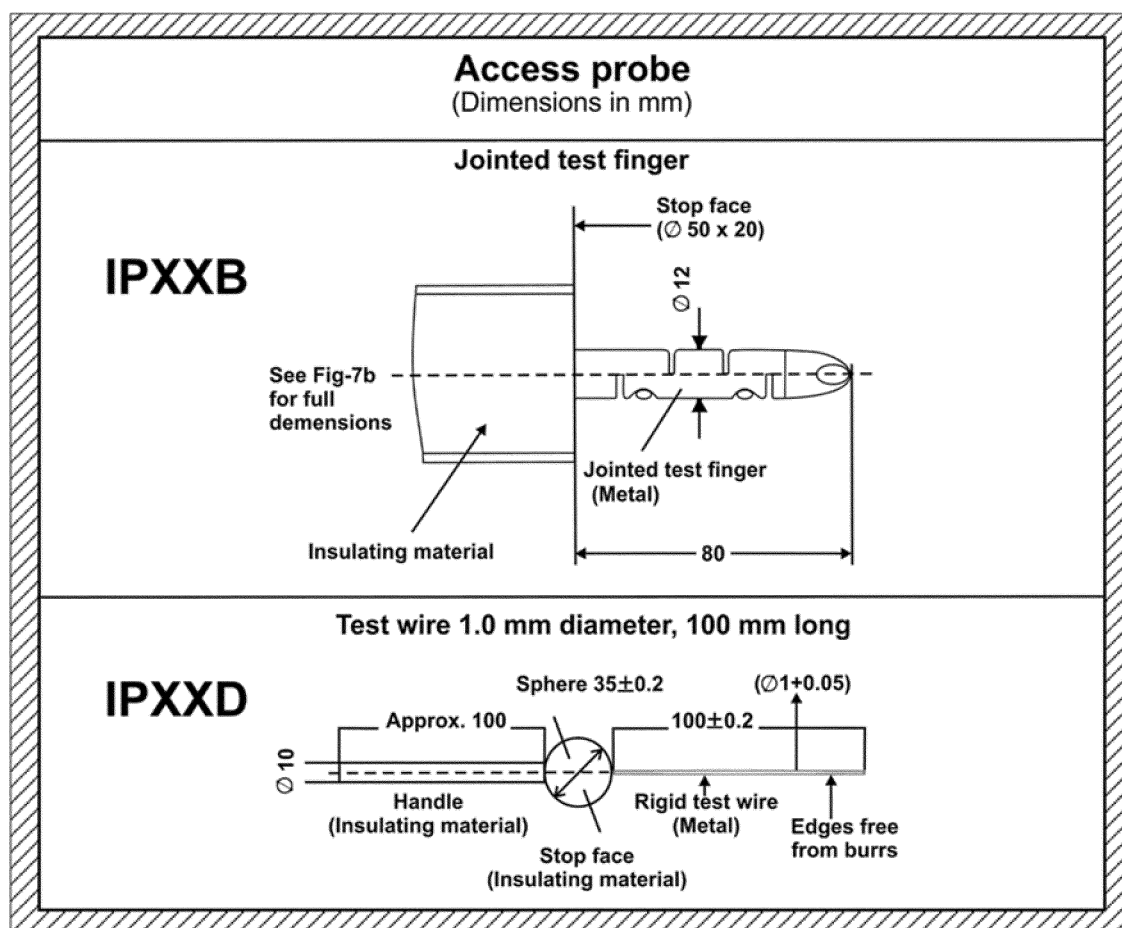
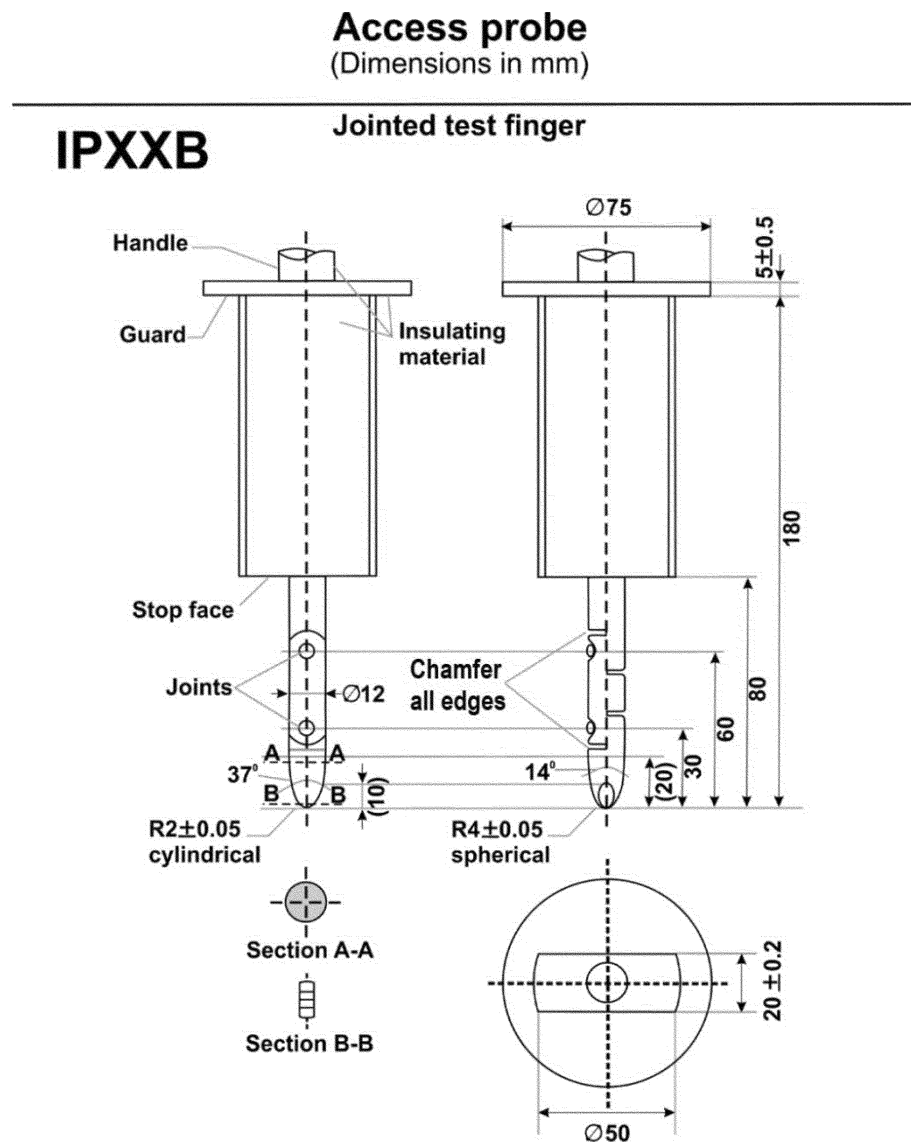


Figure 7a. Access Probes for the Tests of Direct Contact Protection. Access Probe IPXXB (Top) and Access Probe IPXXD (Bottom)



Material: metal, except where otherwise specified

Linear dimensions in millimeters

Tolerances on dimensions without specific tolerance:

on angles, 0/10 degrees

on linear dimensions:

up to 25 mm: 0/-0.05 mm

over 25 mm: ±0.2 mm

Both joints shall permit movement in the same plane and the same direction through an angle of 90° with a 0° to +10° tolerance.

Figure 7b. Jointed Test Finger IPXXB

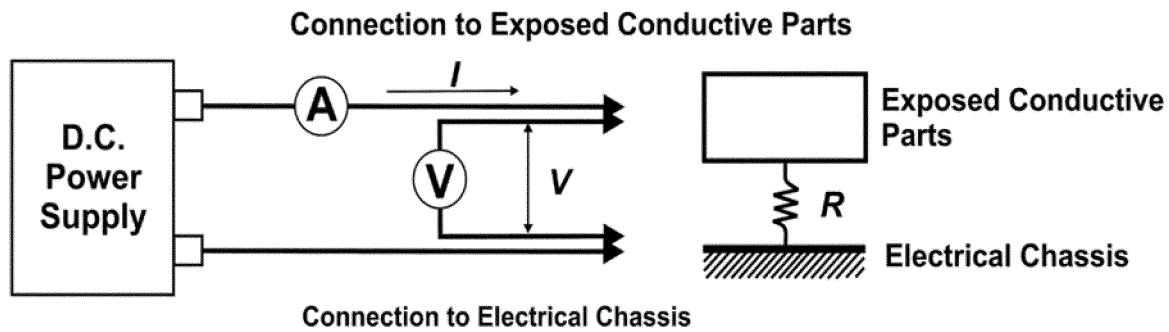


Figure 8. Connection To Determine Resistance Between Exposed Conductive Parts of Electrical Protection Barrier and Electrical Chassis

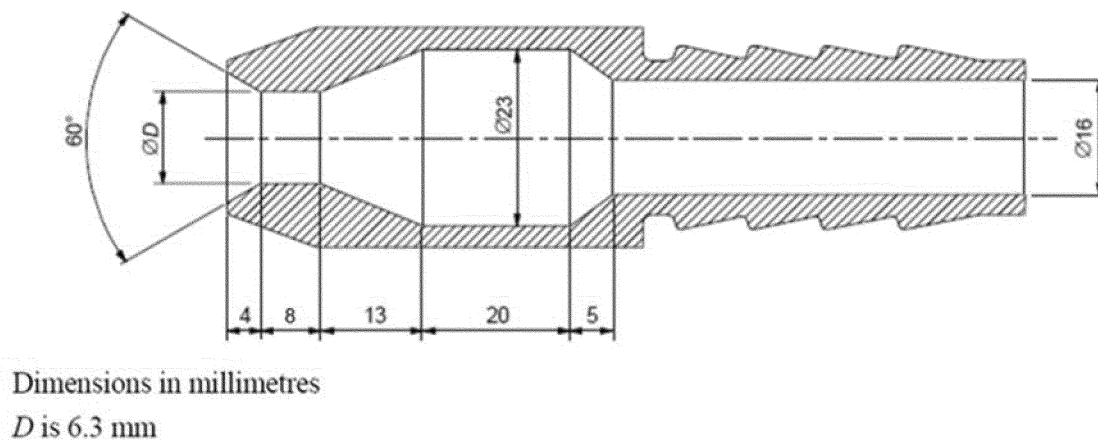


Figure 9. Standard Nozzle for IPX5 Water Exposure Test

Issued in Washington, DC, under authority delegated in 49 CFR 1.95 and 501.

Adam Raviv,
Chief Counsel.

[FR Doc. 2024-28707 Filed 12-19-24; 8:45 am]

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